

**NSC/5/7
July 2014**

**THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK CLASSIFIED
ROAD)
SIDE ROADS ORDER 2013**

**THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK)
COMPULSORY PURCHASE ORDER 2013**

**THE NORTH SOMERSET COUNCIL (SOUTH BRISTOL LINK)
COMPULSORY PURCHASE ORDER (No 2) 2014**

**EXCHANGE LAND CERTIFICATES IN RESPECT OF SPECIAL CATEGORY
LAND**

**ADDENDUM TO REBUTTAL EVIDENCE OF
NICHOLAS JOHN ROWSON
BSc(Hons)Hort, BLD, CMLI, MIOH**

**On behalf of
North Somerset Council**

**In respect of
OBJ10 – LONG ASHTON PARISH COUNCIL**

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1. OBJ10 – LONG ASHTON PARISH COUNCIL - ADDENDUM

INTRODUCTION

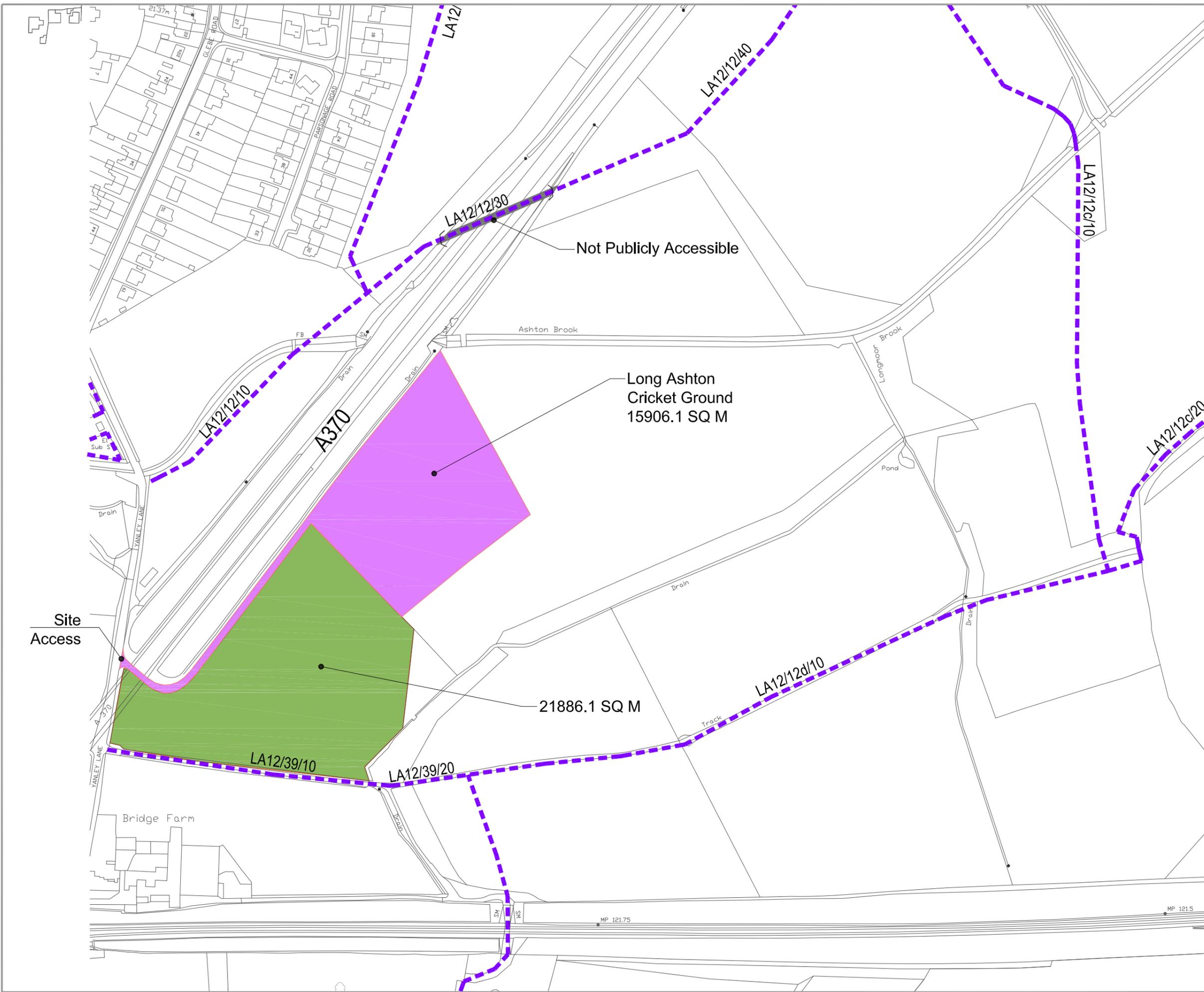
- 1.1 On 8 July 2014 the programme officer forwarded an e-mail from Mr Rod Sterland, Chair of Long Ashton Parish Council (LAPC) in which it was claimed that **Appendix 3 NSC/5/4** did not correctly represent the area they intended proposing for exchange land as set out in **OBJ10**.
- 1.2 Following an exchange of correspondence **Appendix 1 NSC/5/7** was agreed as showing the LAPC intended Exchange Land.
- 1.3 Subsequently, on 10 July 2014, Mr Sterland advised by e-mail (**Appendix 4**) that potentially the cricket club might object to their site being included in the exchange land. He requested a plan excluding the club land as an alternative. This was produced and agreed (**Appendix 2**). Subsequently the Long Ashton Cricket Club have confirmed (**CO-OBJ01/1**) that they do not support the designation of their ground as exchange land for open space.
- 1.4 The revised LAPC exchange land location does not alter the rebuttals set out in NSC/5/4 in respect of the open space and exchange land that is the subject of the s19(1)(a) application.
- 1.5 In respect of the revised LAPC areas I would make the following further comment.
- 1.6 The area meets the first test for suitability in so far as both options are slightly larger than the area in the order. **Appendix 1** area is slightly larger than that proposed in the s19(1)(a) application as there is a logic in extending the area to existing boundaries.
- 1.7 Both options abut public footpath LA12/39/10 so that, so long as land ownership would allow a formal connection to be made, there would be public access.
- 1.8 There is no footpath on Yanley lane between La12/39/10 and the opposite side of the lane to LA12/12/10. The road is narrow with little safe refuge for pedestrians. This is a disadvantage of the LAPC proposal.
- 1.9 The substantive element of the submitted exchange land, the horseshoe by the park and ride, has the benefit of closer proximity to the land being lost through the order, is contiguous with open space being created by AVTM and sits closer to the flood compensation area. It sits in a better relationship with the areas either

side of the Brookgate junction and is more equitable in respect of access from the two communities, Long Ashton and Ashton Vale/Bedminster.

- 1.10 Use of open space in the area is linear. In respect of the submitted exchange land, with the exception of the land next to the railway where access would be from the public right of way to the west (LA12/11/10), the three other areas lie on public rights of way that allow a number of circular walks in the area to pass through the exchange land.
- 1.11 For the **Appendix 1** option, the land already has a degree of public open space use through the cricket facilities for club members and for the general public when the grounds are open, for example on match days. This is an impediment to it meeting the tests of being equally advantageous.
- 1.12 For the **Appendix 2** option, there are only low fences around the cricket ground. With no adjacent public access to land around and with the cricket club in private ownership this could be considered appropriate security. However, with public open space abutting the cricket ground it would not be unreasonable to expect the cricket club and owners of the land to request enhanced security at the Scheme's cost. This security could in itself be visually intrusive within the wider landscape.
- 1.13 Taking the above into account and considering the second test of being equally advantageous, I do not consider the LAPC proposed exchange land options are capable of meeting the s19(1)(a) tests, in particular because of their remoteness from the existing open space and limited public access.
- 1.14 Both the **Appendix 1** and **Appendix 2** exchange land currently straddle two ownerships. Negotiations with one owner over the NSC proposed exchange land and other matters are well advanced but no approach has been made to them in respect of this land nor to the second owner. This and the need for a new s19 application could significantly delay the scheme.

APPENDIX 1

Plan Showing LAPC Proposed Exchange Land for the Scheme (with cricket club land)



KEY	
	Public Rights of Way
	Long Ashton Cricket Ground (15906.1 sq m)
	Replacement land being provided (21886.1 sq m)
(Total 37792.2 sq m)	

Note:
Please print off in colour

Rev	Modifications	By	Date	Auth

Purpose of issue
PROOF OF EVIDENCE



PROJECT:
SOUTH BRISTOL LINK

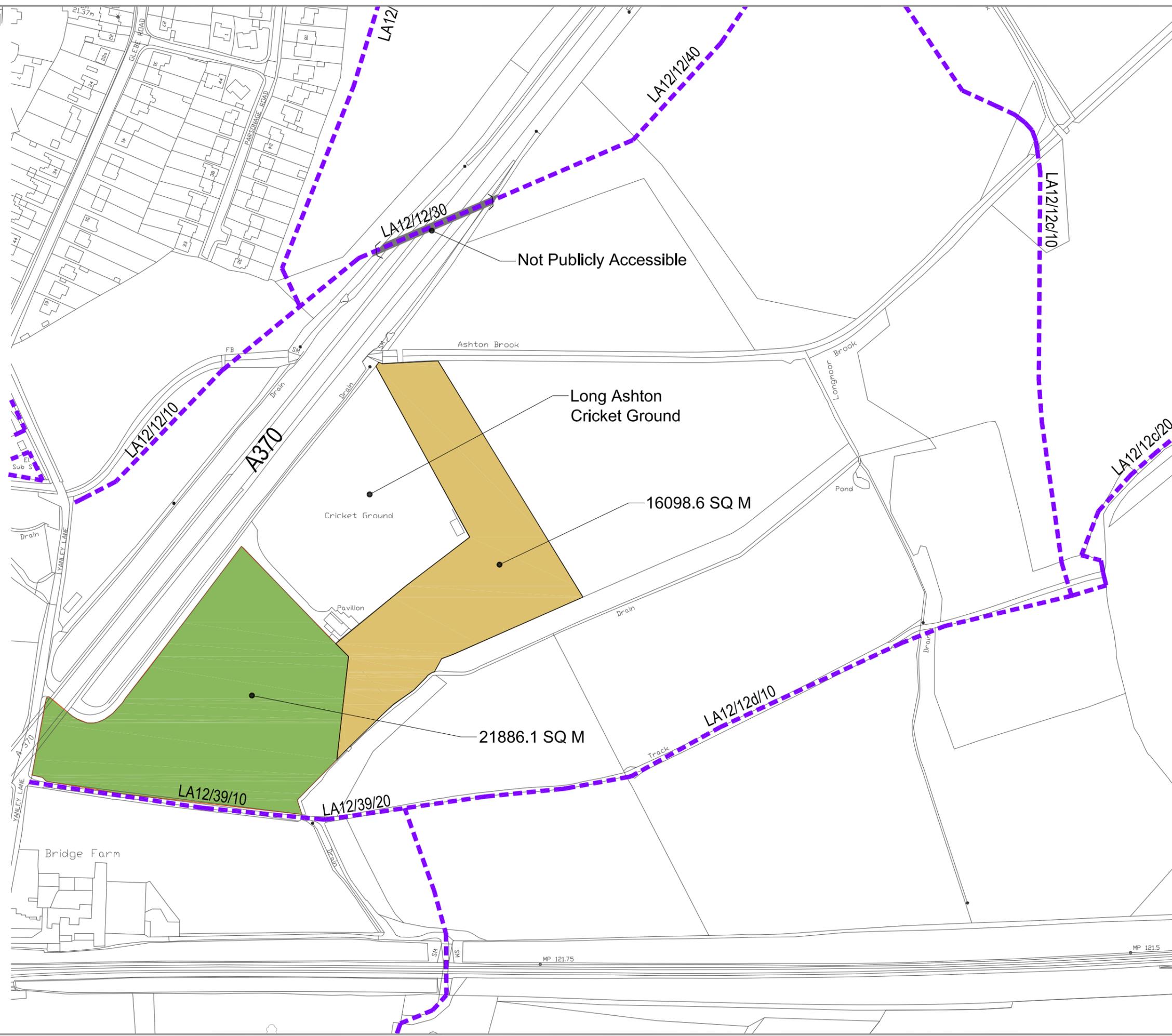
TITLE:
PLAN SHOWING LAPC PROPOSED EXCHANGE LAND

SCALE:	ORIGINAL SIZE:	DESIGNED:	DRAWN:	CHECKED:	AUTHORISED:
1:2500	A3	N/A	JM	NJR	NJR
	OFFICE:	DATE:	DATE:	DATE:	DATE:
	BRI	N/A	23/06/14	23/06/14	23/06/14

PROJECT NO: NSC/5/7 / App / 1
DISCIPLINE: TYPE: CODE: DRG NO: REV:

APPENDIX 2

Plan Showing LAPC Proposed Exchange Land for the Scheme (without cricket club land)



KEY

	Public Rights of Way	
	Replacement land being provided (16098.6 sq m)	(Total 37984.7 sq m)
	Replacement land being provided (21886.1 sq m)	

Note:
Please print off in colour

Rev	Modifications	By	Date	Auth

Purpose of issue
PROOF OF EVIDENCE



PROJECT:
SOUTH BRISTOL LINK

TITLE:
PLAN SHOWING LAPC PROPOSED EXCHANGE LAND

SCALE:	ORIGINAL SIZE:	DESIGNED:	DRAWN:	CHECKED:	AUTHORISED:
1:2500	A3	N/A	JM	NJR	NJR
	OFFICE:	DATE:	DATE:	DATE:	DATE:
	BRI	N/A	23/06/14	23/06/14	23/06/14

PROJECT NO: NSC/5/7 / App / 2 DISCIPLINE: TYPE: CODE: DRG NO: REV:

APPENDIX 3

**Appendix 3 – email from Programme Officer appending
email from Mr R Sterland of 8 July 2014**

-----Original Message-----

From: Rod Sterland <rod@proveng.co.uk>
To: lynetteljdassoc <lynetteljdassoc@aol.com>
Cc: charles.cave <charles.cave@talk21.com>; nigeljmoorcroft <nigeljmoorcroft@gmail.com>;
nigelmoorcroft <nigelmoorcroft@btinternet.com>; clerk <clerk@longashtonparishcouncil.com>
Sent: Tue, Jul 8, 2014 1:49 pm
Subject: Re: SBL PI Rebuttal evidence

Lynette,

I understood from what was said this morning that there would be an opportunity to examine the rebuttal evidence when I present the LAPC case.

The rebuttal evidence refers to an area of land which, as we suggested includes and abuts the cricket field, but was decided by NSC without consultation with the LAPC and is not where we would have chosen. The map is shown in Appendix 3 of NSC/5/4. We agree with the area of the cricket field, but rather than the land shown in darker purple, that to the south west, bordered by the A370, LA12/39/10 and the field boundary, marked as "drain". This area would extend a little way past the south corner of the cricket field. No doubt NSC have the means to establish exactly where the boundary should be.

Regards

Rod Sterland

The land we suggest for exchange is the crick
On 08/07/2014 09:47, lynetteljdassoc@aol.com wrote:
Dear Rod

I have spoken with the Inspector concerning your comments. His suggestion is that you speak with the Council representative who produced the rebuttal to sort out what you consider is misrepresented. You will of course have the opportunity to address any misrepresentation when you give your evidence. Also the Inspector suggests that in order to assist him an email outlining the issues you have to me would be helpful.

Regards

Lynette
Proramme Officer

-----Original Message-----

From: Rod Sterland <rod@proveng.co.uk>
To: lynetteljdassoc <lynetteljdassoc@aol.com>
Cc: Charles Cave <charles.cave@talk21.com>; Nigel Moorcroft <nigeljmoorcroft@gmail.com>; Nigel Moorcroft <nigelmoorcroft@btinternet.com>; Janet Turp <clerk@longashtonparishcouncil.com>
Sent: Mon, Jul 7, 2014 9:46 pm
Subject: SBL PI Rebuttal evidence

Lynette

LAPC has just recieved the rebuttal evidence to our objection. We believe this mis represents our position and I would like to know when we will get the opportunity to respond to it.

Regards

Rod Sterland

APPENDIX 4

e-mail of Mr R Sterland of 10 July 2014

From: Rod Sterland [<mailto:rod@proveng.co.uk>]
Sent: 10 July 2014 10:45
To: Cathryn Tracey
Cc: Charles Cave; Nigel Moorcroft; Nigel Moorcroft; Janet Turp
Subject: Re: FW: SBL PI Rebuttal evidence

Cathryn,

Yes this would be our interim proposal. We are in discussions with the cricket club and they may prefer not to have their land declared as public open space, in which case we would wish to see the exchange land extend over part of the area originally shown to the east of the cricket field. Until we get an answer from the Cricket Club we cannot be definitive and will have to leave this as two options. Option 1 being as shown on the new plan (areas in green and purple) and option 2, the green area extending east and excluding the cricket field.

I will be at the inquiry this afternoon.

Regards

Rod
On 09/07/2014 17:17, Cathryn Tracey wrote:

Rod

Further to our conversation earlier today attached is an amended plan. Is this what the Parish Council had in mind?

Regards

Cathryn

Cathryn Tracey

Associate

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