

Objector Reference 34/35 Raymond James
And 32/33 Phyllis James

The North Somerset Council (South Bristol Link) Compulsory Purchase Order
2013 and Side Roads Order.

Additional statement and proof of evidence by Matthew Macan, in respect of
these outstanding objections to be heard at the Public Inquiry.

To : Programme Officer
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On behalf of Raymond James and Phyllis James of
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Summary:

On behalf of Raymond James and Phyllis James, I lodge this further statement to be read alongside the original objections to the North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013 (CPO) and SRO. The details of the objections to the CPO and SRO and the reasoned justification were set out in our original objections. Despite engaging with the Council in an attempt to resolve these matters, my clients maintain their objections as confirmed below, which is supported by the updated information that is set out below and the attached appendices.

In preparing this statement, my clients have had regard to the Councils Statement of Case, March 2014, which fails to address any of the matters to their satisfaction.

Objections are maintained as set out below. Reference to land parcels to be acquired, are described on Sheet 3 of 6 of the Plans attached to the CPO.

1. Object to 03/47 footpath diversion
2. Object to 03/44
3. Object to 03/24
4. Object to 03/27 Access track

5. Object to 03/26 tree planting area
6. Object to 03/28
7. Object to 03/29-32
8. Object to 03/33-35

In respect of the SRO, objections are maintained as follows:

1. Object to the proposed stopping up of highways under this SRO as set in Schedule 2 and 3, as it fails the statutory test that there must be a reasonably convenient route for highway users.
2. Object to the stopping up of Public Right of Way LA12/15/20 Schedule 2 and new highway Ref C
3. Object to the stopping up of A38 Schedule 3 and new highway Ref A
4. Object to the stopping up of Public Right of Way LA20/15/20 Schedule 3 and new highway Ref D
5. Object to the stopping up of Public Right of Way LA20/15/10 Schedule 3 and new highway Ref D
6. Object to the stopping up of Private Means of Access Schedule 3 Ref 1S and new highway Ref 1
7. Object to the stopping up of Private Means of Access Schedule 3 Ref 2S and its new highway Ref 2 and 3
8. Object to the stopping up of Private Means of Access Schedule 3 Ref 3S and its new highway Ref 5, 7 and 9
9. Object to the stopping up of Private Means of Access Schedule 3 Ref 4S and its new highway Ref 4 and 11.

This Proof of Evidence is given on behalf of Raymond James and Phyllis James who both maintain their objections to the North Somerset Council (South Bristol Link) Compulsory Purchase Order 2013 (CPO) and to the Side Roads Order. My clients live and farm at Castle Farm, Bridgewater Road and will be directly affected by the SBL. Whilst my clients wish to make it clear that they do not object to the principle of a new road alignment along the south west edge of Bristol, together with enhanced public transport facilities, they object to the details of the scheme, its unacceptable and unnecessary impact on the farming unit and of the failure of the Council to have proper regard to the changes to the Development Plan, in particular in the light of the recent Core Strategy Inquiry in 2014.

My clients have been attempting to overcome some of these objections through detailed discussions and negotiations with the Council and although this has led to satisfactory solutions to some of the objections, that could be concluded by a settlement between the parties, at the time of submitting this statement, no settlement has been reached.

The objections can be distilled down to two broad areas, which were set out in the original objections, namely:

1. Impact on the farming unit, including closure of private accesses, which are vital to the farm and the imposition of new accesses, whose design

and use will introduce unnecessary burden on the farm and hazard to road users. Objection a –j.

2. Failure to have regard to the emerging changes to the Development Plan and the potential impact that the SBL might have on strategic housing need in North Somerset. This includes failure to consider whether the SBL might prejudice the outcome of that emerging Development Plan process and therefore be at risk of conflict with the public interest test and interfere with the human rights of my clients.

My statement will rely on the detailed reasoned justification that was set out in the original objections, however there are some additional points that I wish to draw to the attention of the Inspector and the Inquiry.

Objections Reasoned Justification f-g SRO (33/35) and h-i (32/34)

The Core Documents list 2/31 refers to the Report to Committee, North Somerset Council. The

This submission includes the additional Officer's Report to that Committee ref: 34/1/1.

The significance of that report and the subsequent Planning Consent is that despite the planning application being a detailed application, it was granted subject to planning conditions which sought to vary the detail, including the elements that resulted in 'strong objections' from my clients.

Whilst those details have been subject to detailed discussion and indeed substantive agreement with the Local Planning Authority, they remain unresolved. Any changes that may occur as a result of conditions applied to the planning consent, may indeed alter the details of the CPO Plans and SRO.

Therefore taking into account the above points and the original objections, at the present time, the land the subject of the SRO fails to pass the necessary tests due to the fact that:

1. in stopping up the highway, no other reasonably convenient route is available or will be provided before the highway is stopped up and
2. In stopping up of the private means of access required for Castle Farm no other reasonably convenient means of access to the premises is available or will be provided.

In addition, the land the subject of the CPO, fails to satisfy the following tests in that:

1. there is not a compelling case in the public interest to acquire all the land and the purpose of acquisition fails to sufficiently justify interfering with the human rights of those with an interest in the land affected and
2. the acquiring authority should have a clear idea of how it intends to use the land it is proposing to acquire.

Objections Reasoned Justifications j - l SRO (33/35) and k – n CPO (32/34).

The progress of the Core Strategy, since the submission of the SRO and the CPO, warrants further consideration. The Council's Statement of Case identifies the problems regarding the status of relevant policies in the vicinity of the SBL, namely strategic housing provision and Green Belt.

The points raised in our original objections will not be repeated in this proof, however they will be drawn upon in the Inquiry, as the Council has failed to address them.

An update of the planning status of the policies affecting this area and the SBL has been prepared on behalf of my clients, by Savills Planning Team. It is attached as document 34/1/2.

The content and the conclusions of the Savill Report will be drawn upon to support the objections and relevant reasoned justification.

Any proposals under CPO that takes land for the SBL, which could be necessary for strategic housing provision, should be subject to the closest of scrutiny.

Any proposals under CPO that, according to the Council's own evidence, may lead to preserving the Green Belt boundary on the south west side of Bristol, should also be subject to careful scrutiny, especially if the strategic delivery of necessary housing is prejudiced by this CPO.

The appendix to the Savills Report contains the Core Strategy Issues and Options Report by the Council (34/1/3) regarding provision of housing on the south west side of Bristol. That report, albeit superseded by the Council's subsequent decision to cut the housing delivery number from 26,000 to 14,000 homes, provides the most tangible evidence regarding the means of delivery of the new housing target of 25,950 homes.

The scheme clearly shows the alternative locations for housing together with the so-called 'red route', which represents part of the route of the SBL. The compatibility of this transport route with strategic housing and employment provision was recognized as part of this sustainable location. This will be referred to in evidence.

The transport testing of the SBL, or red route, having regard to the possible future scale of development on the south west side of Bristol, was undertaken within the work of GBSTS, Core Doc 3/3. The SBL and the AVTM alongside it, find their roots within the GBSTS (refer to para 8.3 of the Council's Statement of Case).

The conclusions of the GBSTS were, amongst other things, that Scenario F (15000 homes and 6500 jobs as an urban extension to the south west of Bristol) represented the most sustainable approach to delivery of growth upto 2031 and was supported by transport infrastructure, including the SBL (part thereof red route).

Consequently, the lack of any understanding by the Council, of the importance of the SBL to support a strategic housing location here on the south west side of Bristol, suggests that the Council's underlying intention is that this surrounding area should remain as far as possible into the future, as Green Belt, (see page 23 Report to Committee 2/31.)

This approach, in the context of CPO, fails to pass the necessary test. ie there is not a compelling case in the public interest to acquire all the land and the purpose of acquisition fails to sufficiently justify interfering with the human rights of those with an interest in the land affected.

