

My name is Sally Walker and I have led Charlton Kings Friends as an interest group not just in this site, but in the sustainability of the parish development overall, since 2017.

Friends of CK opening statement

Introduction

The site

The appeal site sits between two nationally listed heritage assets, one Grade II* and one Grade II. It includes a curtilage listed Ice House at its heart, which makes a significant contribution to the setting of both assets.

The open and rural land which forms the Appeal Site is designated as one of six local wildlife sites in Cheltenham borough. Having qualified for consideration based on its grassland content, it was designated for its value for learning. There is an important hedgerow running down the length of the site, a significant area of veteran and ancient tree habitat, and there is an extensive range of species present that enjoy legal protection of some form, including reptiles, red listed birds and some of Britain's rarer bats.

The school leases the site and their community has always enjoyed unrestricted use of it. Benefits range from nature trails, forest schools, beekeeping and honey production, and a county renowned cross-country course used by hundreds for Gloucestershire school championships. Charitable purposes range from the parish annual bonfire and fireworks, attended by 3000 residents, to provision of free organic hay to Riding for the Disabled.

Residents concerns around development of the site have been consistent not over 3 applications, but over 40 years; the Secretary of State for the Environment rejected the site at appeal in 1984, following three applications. Grounds for refusal included an over capacity traffic network, heritage harm, the impact on trees and local flood risk.

The site was included as an allocation for some 25 homes in the adopted local plan in July 2020, with a range of conditions stipulated to make the allocation sound.

Cheltenham Borough Council put on record at the adoption of that plan¹ that significant new information on any allocated site (and they were specifically asked in the context of local wildlife sites) would be handled as part of the application process, not through review of the plan.

The Rule 6 party

The Rule 6 Party consist of a range of interested residents with a stake in this application, with broad support from a wider on and offline community across Charlton Kings. Charlton Kings Friends also took rule 6 status at the last appeal.

¹ CBC full council July 2020, public questions and council answers, Mrs Walker on behalf of CKF

CKF opposes this appeal. It calls evidence to this inquiry on heritage, ecology and arboriculture through the written submissions of Mr Ian Monger, arboriculturalist, Mr Sam Watson, ecologist and Dr Nicholas Doggett, heritage specialist. All three consultancy practices have advised CKF from the outset of this series of applications. Due to the cost of the appeal 18 months ago, CKF are having to represent themselves.

The application

The appellants regularly state in their proofs that this application is the culmination of a considered sequence of interlinked stages in the planning process. CKF dispute this position. The reality is that the original design proposals for each application get lost in a barrage of revisions and tactical changes as each site constraint and policy hurdle is managed in isolation. Even this third application suffered more than 4 rounds of revision in some aspects post submission, leaving a disjointed and incoherent set of arguments where evidence on one issue is in complete conflict with statements made elsewhere.

The first consideration of any design process is supposed to be locally identified priorities and concerns. Yet residents commentary to inform the process over 4 years has been subject to lengthy consultants reports stating very clearly that residents are wrong, their lived experience insufficiently expert to be relevant, or their planning understanding inadequate.

But because we do know the site, most of our points have prevailed, although often at the 11th hour, and a tactical response ensues. Even at the most fundamental level, this has left the application bearing no resemblance to that originally put forward.

On layout, access and scale, the design statement for this application claims that:

- The main point of vehicular access to the site is from the end of Oakhurst Rise, in the north west corner of the site.
- The open spaces within the site comprise unkempt grass and a few trees.
- The development of the site enables a significant amount of open green space to be available to the residents.

The reality is different.

- The ONLY point of vehicular access is from the end of Oakhurst Rise.
- The site is not unkempt grass and a few trees. Bioscan put on record at the last appeal that they felt the value of the site had been grossly misrepresented, and have done so again in this application. It is a local wildlife site, the tree habitat includes veteran and ancient trees, and Gloucestershire Wildlife Trust have requested protection of grassland species in situ.
- Lastly, and critically, green space is fenced off from residents. In fact, the development of the site puts a 1.8 metre high double depth wire barrier north to south between the 'haves' of leafy Battledown and the 'have nots' of the densely populated built up areas of estate housing in Ewens Farm. There is now an explicit design statement that residents will be prevented from crossing the demarcation zone.

This application is divisive and harmful to our community – and the opposite of what is required in policy SD4 on design – that is why residents from all corners of Charlton Kings will be speaking this morning.

There are other harms too.

In the case of heritage harm, Mr Grover gives his expert opinion but occasionally in dispute with the 3 previous heritage experts previously employed by the appellant, and without having visited at least one of the assets on which he passes judgement. Those that have made that visit, from 1878 forwards, including Inspector Sims at the last appeal, have documented a different perspective. Historic England have been consistent in their support for development of the 3 acre field to the west of the site, to the tune of 25 houses, and this was the agreed policy going into the local plan consultation. In maintaining their objection to this greater scale of development and harm, they are condemned as pompous and prejudiced.

In the case of ecology, Mr Baxter has produced thirteen technical notes arguing his points without much success in the run up to the planning committee. Residents lived experience is constantly claimed to be wrong; in this application it is only the time available during lockdown that enabled a detailed rebuttal to be generated to constant misrepresentation of ecological value. Over time, CKF have been proven to be right on each point they have raised. Mr Baxter comes again with technical note 21 to this inquiry and a new landscape strategy and a new approach to ecological assessment, different yet again from that put to CBC's planning committee just 6 months ago.

In the case of trees, Mr Forbes Laird asks the inspector to rule that he is at liberty to design his own criteria for assessing trees, and to assess this application against those criteria, and then to rule himself right. He sees contradiction in others being allowed to offer opinion against different criteria, but has without irony posed his judge jury and executioner approach as a legitimate solution to protect one of the nation's most precious assets – our veteran and ancient trees.

To rehearse our position across this inquiry:

- We object to harm to the setting of heritage assets, when HD4 was explicitly allocated with the intention of no harm being necessary. Given special regard and considerable importance and weight to preserving Ashley Manor, the Ice House, and Charlton Manor, the cited public benefit, primarily the development of housing, falls well short of the harm.
- We object to the harm to veteran and ancient tree habitats, and to mature trees on the site, given national and local policy
- We dispute any prospect of the local wildlife site being protected in accordance with its designation, noting the obligation to do so before permission can be granted
- The avoid – mitigate – compensate hierarchy for biodiversity assets has not been followed; and the mitigation strategies proposed are of such complexity that the delivery of housing will be delayed significantly even after the completion of any full

- application process. The risk to the commercial viability of the site, already documented as a concern, is surely threatened by this added and unnecessary cost.
- We dispute that Oakhurst Rise can meet modern standards of pedestrian or cycle safety, not least given the explicit requirement to do so in HD4
 - We note this application tests the policy conditions of HD4, without meeting a single one. In scale it ignores the site boundaries stipulated by the local plan inspector completely by developing beyond them. Approval of this outline application lays the foundations for a full application based on quantum and unconstrained developable area over 10 acres at some later date, rather than the more nuanced position of 2 years of local plan consultation and Inspector Sim's carefully considered refusal of 69 homes.
 - The constant revision of evidence within and between applications has generated a range of flaws in the evidence base for this application, but none so basic as the denial that springs exist on the site, despite residents who depend on them for water supplies stating that they do indeed exist. The photographic evidence of a spring bore hole in the north eastern corner of the site from the 2017 application once again demonstrates that residents are basing their position on expertise, not opinion.

CKF have an encyclopaedic knowledge of this site, based on generations of first hand experience. One could say we epitomise the value for learning it has been designated for – and it keeps teaching us, all of us, under 8 to 80 +, something new, every day. Our objections are based on concerns about the errors being made in the application and the harm it will cause if permitted.

We recognise the housing constraints of our local communities, not least because of the 450 volunteers the wider Friends of Charlton Kings group has, working to feed and support those in need during lockdown.

We also recognised there was no credible policy objection to the original local plan policy for 25 homes on the western field, during that consultation process.

We have not and do not take a position in principle against sustainable development, despite any claims to the contrary.

But we have worked together, as a community, to represent the value this site offers to Charlton Kings and beyond, and to protect this site from harm.

The barricade of Battledown is not a solution that is acceptable to anyone, on either side of that artificial divide.

In due course, we will ask you to dismiss the appeal.