Friends of CK closing statement

I am not legally trained nor a planning consultant. Where statements have been made by experts on policy frameworks, I have quoted their views; I cannot claim to have been comprehensive in representing the policy interpretation of the Rule 6 case and presume to rely on Madam Inspector to accept or dismiss our points as you see fit.

Introduction

1. From the outset, development of this site was heavily constrained; the heritage including a Grade II* listed asset, the ecology, the access and the hydrology of the site.

2. CK Friends objected to the impact and scale of the application, given the **conditional** allocation of this site in the Cheltenham Local Plan under HD4. And we objected to a tactical and evolutionary design that failed in its basic consultation responsibilities, and has concluded on a design that is unsound and unsuitable to the site.

The rule 6 case

3. Our statement of case focused on ecological harms including those affecting the key wildlife site designation, compliance with the local plan policy HD4 and heritage harm.

Addendum of case

4. We also submit that the evidence on trees provided by the appellant on day 1, when subject to interrogation, has identified a very significant gap in their submission. That evidence is pertinent to the trees found off site, but marked on the drainage plans as affected by the application.

5. This gap is relevant to the credibility of the appellant's case and the thoroughness of their investigation in support of this application. The evidence available to the inquiry suggests these one or both of these trees are ancient. While agreed by the appellant as 'notable', there is no documentation of this decision for scrutiny by others[1]. It is common ground that those same trees lack the veteran tree buffers required for national policy compliance.

6. We contend this forms a separate reason for refusal, despite not being in our statement of case prior to the inquiry, and we submit this issue in closing for the inspector's consideration. We understand no prejudice arises given all the relevant evidence has been produced freely by the appellants' own witnesses.

[1] CD E2, page 3765 and 3766, Oakhurst Rise Tree survey data, and 3803, RAVEN assessment, Oakhurst Rise,

On ecological issues:

7. Our case **<u>is not</u>** that development is precluded by the presence of badgers, or any of the other protected species documented on the site[2].

8. Our case is that this application fails to follow the avoid – mitigate – compensate hierarchy.

9. It is that the proposed mitigations are complex, inappropriate to the site, and based on a fundamental misrepresentation of both baseline ecology and hydrology, and as such it can only be concluded that biodiversity net loss will follow.

10. And it is our case that policy SD9 has not been met, particularly with respect to the local wildlife site designation

Avoid – mitigate – compensate (and badgers)

11. This application, like the last one, went straight to ecological mitigation rather than attempt to avoid harm. This site is unusual in species range for the urban area of Cheltenham, and even the most basic of requests for species to be protected in situ from Gloucestershire Wildlife Trust[3] have been dealt with through mitigation, when it would be possible for harm to be avoided and to still meet the allocation of HD4.

12. It is indisputable that there is serious harm to the main badger sett, as it is destroyed. No attempt has been made during the inquiry to argue the badgers can be co-located with a spring, although that is the mitigation strategy put forward. No credible proposal is presented to provide compensatory foraging.

13. To protect the various biodiversity interests affected by relocating the badgers, an inter-relationship between mitigations is required, including at least badger, slow worm and grassland; while each element is indisputably possible, the layering of these mitigations is high risk and is likely to cause considerable delay and increased expense to any eventual housing delivery.

14. After 4 years of trying, there is still no answer to the badgers of Oakhurst Rise. A fundamental design flaw, and contrary to HD4 and the species focus of the Cheltenham Local Plan.

[2] GCER data, (Baxter appendices?)
[3] GWT letter, need the right one of 3

15. On wider ecology and hydrology, the appellant note one bat roost, one slow worm, one grass snake, no springs.

16. The site is the high green ground between two SSSIs, and we have submitted evidence that invertebrate species not seen elsewhere in the Cheltenham Borough since the 1970s[4] are common place on this site, due to the presence of their food sources in the grassland. It was the rule 6 who presented evidence of protected reptiles, common enough to be photographed routinely, not Mr Baxter; it was the rule 6 who documented that the grassland was in fact sufficiently diverse to qualify for LWS designation; it was the rule 6 who noted that T3026 recorded as important to bats[5] was dismissed by Aspect with respect to bat survey. The Gloucestershire Centre for Ecology Recording (GCER) evidence[6] support our position on species diversity at the site.

17. Not only does this application not avoid harm, it has no solid foundations from which to assert that biodiversity net gain can be accrued (and it can always be claimed, give or take a crested newt or two – the test is whether it is credible with respect to the specifics of this site, this ecosystem, this design, which requires local input to be respected – it has not been).

18. A framework management plan is offered as a partial mitigation strategy for the grassland value. We made the case it was not credible. Looking at the evidence presented, the appellants made two key observations
    - Mr Forbes Laird agreed that the grassland was within the site boundary during construction and would be covered 'for protection' during the development phase; something explicitly refuted in biodiversity net gain evidence from Aspect[7], where it is stated the grassland would be retained not recreated. (As Bioscan note in their evidence[8], any recreation of grassland pushes the site further into Biodiversity Net Loss)
    - Having previously failed to recognise that driving tractors over the top of a badger sett can be reported as a wildlife crime, Mr Baxter acknowledged that the presence of a vast artificial sett within the grassland would require the 'old fashioned approach' to haymaking, mentioning scythes and rakes as his proposed solution.

19. And the rule 6 noted there is no vehicle access to the grassland from Oakhurst Rise for maintenance. The appellants claim dependence on unspecified third party access despite having submitted no rights to the same in evidence.

20. The housing crisis has been given a lot of air time in this inquiry, and rightly so. The climate crisis has been given no time whatsoever.

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[4] Rule 6 statement of case, appendix 6
[5] Oakhurst Rise Tree survey data, page 3765, tree 3026, 'structural condition and notes'
[6] Ibid, CD F2
[7] CD F9, Aspect technical note TN10
[8] CD C13, appendix 3.2, page 3266 and 3267

21. Ecology cannot be treated this way if we are to deal with a climate crisis and a housing crisis. It is our collective future at stake – Cheltenham is committed to a net zero future – and there is no solution yet in view. Sites like this are protected for a reason; to ensure that wildlife corridors are available. To enhance the life experience of all of us, protecting the mental health of all, especially children, given what they have gone through in lockdown, and certainly not just for the benefit of those who already enjoy the privilege of gardens and green space around our homes.

22. Section 175(a) of the NPPF requires a two stage approach to ecological mitigation. The first is the consideration of harm; the second the use of the mitigation hierarchy. The closure of the main sett causes harm, the move and covering of grassland species causes harm, the failure to properly survey or assess the species record of the site risks harm.

23. The artificial sett proposed is not, even as a last resort, adequate as a compensatory measure, nor is it credible to say, after repeated failure to find a solution, that this could be identified at a later date. The badger mitigation is flawed not least because the appellants do not understand the site hydrology, and have submitted reports into evidence that are demonstrably unsound. The framework management plan for the grassland cannot be delivered. Harm will occur; the mitigation is inadequate.

24. In reviewing the evidence available to the inspector, the Defra metric might have added some illumination on the subject. However Mr Baxter acknowledged errors in his calculation[9], but held the Rule 6 party accountable for those errors having arisen. The only viable conclusion for the inspector is that Bioscan have indeed identified a flawed approach within the metric.[10].

25. The plans fail to avoid harm where none is necessary, and while the theory can claim biodiversity net gain, that is always true – the practicality of this particular site is that it will the mitigations are inadequate and there will be biodiversity net loss.

[9] Statement of common ground, verbal evidence at round table
[10] Late submission, Bioscan biodiversity rebuttal proof

Policy SD9 (local wildlife site designation)[11]

26. Our case is not that an LWS designation in September 2020 precludes development.

27. Our case is that the LWS designation was strongly resisted by the appellant and was not considered in the design or any revisions, and that its implications have failed to be addressed. Policy SD9 clearly states that development within locally-designated sites will not be permitted where it would have an adverse impact on the registered interest features or criteria for which the site was listed, and harm cannot be avoided or satisfactorily mitigated.

28. Despite claims made that the rule 6 'petitioned' for the site to be designated, the evidence is clear; the appellant's ecologist petitioned against the site being designated[12], but the independent panel voted to do so on the evidence in front of them, without **any** input from the rule 6 beyond the email application form bringing the site, its history and its certified ecology to their attention.

29. Having qualified on grassland content, the designation was made on the basis of its value for learning. Gloucestershire Wildlife Trust noted the presence of lowland meadow indicator species in the grassland[13], acknowledged the post medieval ridge and furrow still evident in the imagery submitted by the Rule 6[14], and committed to re-surveying the grassland at a future date to evaluate it more fully – the only grassland surveys to support this application have been suboptimal, by the appellant's own admission[15], despite 4 years and a considerable focus at the last appeal.

30. The LWS status of the site has been marginalised. Policy viability tests were done against grassland value, not value for education[16]. Alpacas were referenced more than children during this inquiry; the value for learning of this site completely misunderstood or ignored. And as a result, the application fails to either assess or protect the value for learning from the site.
    - An attenuation pond with gradients between 1:3 and 1:7[17] is placed directly between the children and the site. The appellant stated that it is 'just a gradient'. It completely precludes vehicle access for maintenance, and no pedestrian access is offered, particularly any that would be safe for pre-school children.

[11] Rule 6 statement of case, appendix 6
[12] CD F7, Aspect Technical not TN08, assessment of the site against Gloucestershire Local Wildlife Site Criteria
[13] GWT correspondence CD F
[14] CD C13, image 0.1, page 2984
[15] Aspect technical note on grassland survey
[16] CD F10, Aspect Technical note TN11, assessment of compliance with joint core strategy SD9
[17] CD C13,

- Mr Baxter opined that children wishing to study veteran and ancient tree habitats could walk up Oakhurst Rise to do so[18]. That is a distance of some 1km up a steep hill; lessons are 35 minutes long, the children between 1 and 11 years old.

31. Mitigation to loss of current grazing is offered in the form of relocation of the school farm elsewhere in the grounds of a Grade II* heritage asset, out of the 'rural land' and presumably into the 'pleasure gardens'. This application treats the key wildlife site like another lego brick to move around the design; it needs to be foundational to the allocation.

32. To top it all, the future management of the ecology of the local wildlife site is paid for by the generous Great British residents of affordable housing and self build homes, despite those same residents, like the residents of Ewens Farm, being precluded from any access to the local wildlife site – unless, of course, they can afford to send their children to a private school..

33. In summary, there is adverse impact on the value for learning of the Local Wildlife Site, which is restricted in access, reduced in size and transformed in species range available for study and enjoyment. Policy SD9 has not been met.

HD4: particularly access and trees.

34. Our case on HD4 is based on years of debate and consultation over the allocation off Oakhurst Rise, now reduced to a single policy and two paragraphs of context from Inspector Burden in her final examination letter[19].
35. The rule 6 party engaged in the local plan consultation, against a starting point of an agreed CBC and Historic England position that the site would be allocated for 25 homes on the western part of the site. We conceded that there was no legitimate policy objection to the HD4 allocation given Historic England's support to that position, and a debate over quantum ensued.
36. Inspector Burden revised the agreed policy through main modification; as has been exposed in cross examination, the ECUS evidence that she gave weight to is inherently flawed – the material point being not when and whether listed assets were documented in 2017, but that the site was claimed to be in separate ownership; followed by the statement in 2019 that with respect to Ashley Manor and its associated summerhouse and drive piers, the site makes "**no** meaningful contribution towards the heritage significance of the listed buildings[20]"; a position not one of the 5 heritage consultants involved in this application history, including Mr Grover, has ever supported.
37. She also imposed a set of conditions on the allocation.
38. Later, as Councillor Fisher noted in his evidence, councillors asked how the term 'minimum' came to be inserted in the policy, and were told it was a council officer, not the inspector. The Local Plan inspector uses the term 'some' 25 consistently and throughout her correspondence.

[18] Oral evidence, round table
[19] CD C13, ibid
[20] ECUS report, CD H19, para 5.2.13

39. Given that evidential error in the local plan process, we ask the inspector to note the qualifiers that have been offered with respect to quantum over time; 43 is self evidently not 25.
40. And it is our case is that if the further conditions noted in HD4 carry no weight, the local plan process is a travesty and should be reduced to a debate on quantum alone.

Access

41. On access, the rule 6 case, despite the concerns of residents, **is not** that safe access cannot be achieved to the site.
42. It is that HD4 requires cycle provision to be safe for all users, 8-80[21], and that this test would require careful design consideration. We were supported in developing this case by Mr David Edwards, who is a qualified highways engineer, but who also submitted his own evidence as a resident.
43. Mr Padmore confirmed there was no revision to the previous site design.
44. He confirmed the assessment of Oakhurst Rise for policy compliance used out of date guidance from 2008, despite there being updated advice in 2012, let alone 2020, without explanation as to why.
45. He stated that 'in modern day terms, it (Oakhurst Rise) would not meet the standard"[22], which he then revised to guidance rather than standard; but stated the design was sufficient. Even the most basic infrastructure design test requires "reasonable adjustments to the existing built environment to ensure the design of infrastructure is accessible to all".[23]
46. There has been no evidence presented to this inquiry that design of safe cycle, pedestrian and wheelchair access has been considered at all. Mr Padmore's oral evidence spoke for itself. No consideration has been given to the design criteria necessary to convert a steep narrow cul-de-sac into a through road for 43 dwellings with the associated delivery, HGV and emergency vehicle access required. He has ruled the access safe in its current context, where it serves 4 homes, and therefore fit for purpose in a new context, despite not meeting modern guidance. Mr Frampton[24] said that residents could get off bikes and walk the last bit if they needed to, neglecting to deal with the safety of cycles coming down the same hill into the path of oncoming HGVs. Better still, a design approach could be adopted to deal with a short stretch of very steep road – it isn't beyond modern technology.
47. That is surely now grounds for refusal given the emerging context for policy in both the more stringent tests for cycling in HD4, and the recent and comprehensive guidance LTN 1/20 stipulating that cyclists must not be treated as vehicles when it comes to safety

On trees:

48. Our case **is not** that that veteran or ancient trees preclude development of this site.
49. Inspector Burden explicitly strengthened the site specific protection of mature trees.

[21] LTN 1/20 para 1.6.1, page 3073 CD C13
[22] Oral evidence in cross examination
[23] LTN 1/20, paragraph 1.5.4, page 3071, CD C13
[24] Oral evidence

50. Moreover, the rule 6 requested that Mr Ian Monger of BHA act as specialist advocate for the trees on the site. His report is in evidence.
51. There are three key points the Rule 6 would like to make on our case:
52. First, the removal of two mature trees, which Mr Forbes-Laird confirmed is not technically in compliance with policy HD4
53. Second, the lack of sensible succession provision for mature trees such as 3015, a notable oak tree closing on being 300 years old, but with an incursion into the standard RPA for any tree, rather than any optional buffer zone more akin to the 23 metres required under veteran protection. Mr Forbes Laird claimed both that this tree will have stopped growing (his own tree survey documents the considerably larger girth and height of older oak trees across the site) and uses his 'inviable root- shoot ratio' to rule out any expansion of the tree below ground in the years to come. He also counters Mr Monger's evidence that oak trees in particular are notable for their extensive rooting area, by claiming they use the minimum area possible, but without any references, and went on to state that use of ground penetrating radar wasn't viable. A centurion oak tree has neither finished growing in height nor in girth; and as the Woodland Trust noted Mr F-L uses root-shoot ratio incorrectly to argue area of tree roots rather than mass of tree roots in claiming to calculate below ground impacts.
54. Mr Forbes-Laird is arguing both sides of the fence with respect to root protection for ancient and veteran trees. For trees that are in his view, not yet big enough to be declared veteran (given RAVEN excludes old trees that have not got sufficient girth, in contradiction of other views), he states that the root area does not change further if the tree increases in size. Yet for trees that are decreasing in crown area, he argues that the root system declines in proportion to crown size. It cannot be both.
55. Third, relic trees. Mr Monger further notes that the relic tree concept begs the question[25]. Mr Forbes Laird himself does not use it in the RAVEN system of assessment; the Woodland Trust dispute it, no references were provided for it being accepted by the community at large beyond a single and relatively obscure line in Lonsdale referring to "relict portions of the original stem, these could be mistaken for two or more smaller individual trees"[26]. There is no claim made that this ancient ash used to be two or more smaller trees.
56. It is our case that the relic tree category for ancient and veteran trees is unsound and must be rejected. To approve the concept would set a precedent that could remove swathes of ancient and veteran trees from the NPPF on the basis of being too old or in some way declining in above ground condition, despite the protection being for the tree habitat. As Mr Monger says, that begs the question.
57. Mature trees on this site, including those that are approaching veteran status, or that are indeed veteran, have not been given even the most basic of protections that should be afforded to them, let alone a more precautionary approach appropriate to the direction of HD4.

58. Finally on trees, and related to heritage. It was not our case to dispute the veteran tree classification **on site,** merely their protection. With hindsight that is an under-

[25] CD E8, paras 3.8 onwards
[26] CD E2, Lonsdale

representation of our views given the relic tree argument pertains to veteran tree habitats, but we respect the need to be constrained by our statement of case.

59. However, the inspectors interrogation of the evidence has led to a different conclusion in one regard. In requesting a map that includes the trees impacted by offsite drainage, an omission in the evidence base presented by the appellant was highlighted. F-L gave evidence of a need to survey trees, which has been done with much rigour. And then to assess those trees, against RAVEN. He noted that two of the offsite trees, 3032 and 3033 had been assessed as notable – but no record had been kept of that decision nor had it been put forward for scrutiny[27].

60. As such the rule 6 offer the inspector their scrutiny of the appellant's evidence on this gap, as discussed at round table. The heritage map in the proofs of both Mr Grover[28] and the rule 6 party[29], showing the Oaklands, discussed at length, shows 3 landmark trees, presumed oaks given the name of the villa, and more importantly their survival to the current day, seen now proceeding in a line east – west from the villa, south of the northernmost line of the school buildings..

61. That image is accepted as being from circa 1840. The appellant's tree survey data shows tree 3032 is the third largest on the site, with a girth of 1750 cm. Only oak trees 3037 and 3018 are larger in girth at 1760 cm, and both accepted as ancient. The 4th, 5th, and 6th largest on site are recorded as "approaching ancient status" despite having girths to a maximum of circa 1660cm. Given the tree has hollows in its base, using the RAVEN assessment table in evidence and the identification of hollowing as a primary feature sufficient in its own right for classification of veteran status under RAVEN, the Rule 6 party invite the inspector to consider whether this tree should have been recorded as ancient.

62. If so, the appeal must be rejected, based on the appellant's own evidence.

63. Finally on HD4 the local plan did, of course, allocate the site. Mr Frampton says that we are overly legalistic in our approach to the conditions and that policy should be read in its proper context. Although with the same policy, he also argues that an absence of detail should be interpreted as definitive on the inspector's intent. It surely cannot be both.

64. For this allocation, the context is in Inspector Burden's final examination letter[30], where she states that a more modest development can be achieved without harm to heritage assets. It is common ground that there is harm from this design, most importantly to the setting of the Grade II* listed asset.

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[27] Ibid, CD E2, page 3803, RAVEN assessment, Oakhurst Rise
[28] Figure 4, CD H2, page 6059
[29] Image 1.1. CD C13, page 3010
[30] CD 13, appendix 0.1, paragraph 58 and 59

65. The only way in which this application is compliant with the development plan, is in quantum, which after all, for an outline application to determine land value and ensure its sale, is a vital decision.

So, finally, heritage harm.

66. Ashley Manor, Grade II* listed asset. Charlton Manor, Grade II listed.

67. Our case is not that heritage assets (or their owners) deserve special treatment in planning, unlike Mr Frampton's argument for his client, an order of the Catholic Church. We support the council's case – there is adequate protection in statute, and in the planning balance, and through the advocacy of Historic England, for these assets. They speak for themselves on site visits, supported by the views of specialists on harm. We have provided our knowledge of the assets' history and evidence on the deficiencies of desk based assessments and partial insight; and as a rule 6, we have done precisely nothing more than that.

68. Dr Doggett's specialist evidence is commended to the inspector in full. Unlike Mr Grover, Dr Doggett has tracked the Historic England commentary through the various applications and appeals. In contrast to Mr Grover's position that Historic England are 'misleading' in their quotes, he concludes HE have a "long-held" opinion that is consistent. The Appeal Site provides a rural backdrop to Ashley Manor, an "important green backdrop to the principal villa, rising northwards". Mr Grover conceded that he agrees with the importance of this green backdrop, which is also in the ECUS report[31]. He claims, without reference to any historical sources, this importance is restricted to the eastern portion of the eastern field.
69. It is not. The harm to Ashley Manor is clear, the harm to the openness of the site is adverse, and the screening used is in contradiction of Historic England's Good Practice Advice which notes that screening can have as an intrusive effect on setting as the development it seeks to mitigate.
70. Dr Doggett also notes that screening is not a replacement for good design, and as became clear, the 'heritage fingerprints' on this design started with the Gold Cup on 13 March, despite the council noting the design was all but complete on 5th March. As Mr Frampton states in his own evidence[32], this design meets the 125 paragraphs of Inspector Sim's appeal decision. It does indeed appear that the inspector's note has been used as a primary design criteria for this application; that is fundamentally flawed, on every aspect of the design, but particularly with regard to heritage.
71. As Dr Doggett reiterates from previous submissions, once the significance of Ashley Manor is appreciated, the harm is obvious. Ashley Manor has always been in the same ownership as the appeal site, as agreed by Mr Grover, but erroneously claimed otherwise by ECUS in 2017. By the time that error was corrected in 2019, the site was under final consultation in the local plan.

[31] ECUS report 5.2.9
[32] CD K1, para 2.8

72. The sale of the site will represent the total and permanent loss of a large proportion of the estate; the development will be visible from significant views from the listed building and from its entrance; the development will form the backdrop to the building, and street lights will be a night time feature of views from the south. The setting of the ice house will be obscured, the fragmentation of the freehold will reduce heritage value.
73. On heritage, our case did make further site specific points; one, that badgers are destructive and placing them close to a listed asset makes no sense, on which there has been no answer, and two, that there was inconsistency in the treatment of the lines within HD4. Either the policy is the policy (in which case as Mr Grover confirms, this application does develop south of the line provided in HD4[33]), or the context is vital. In which case we refer the inspector to the views of Inspector Burden[34], rather than the claims of Mr Frampton that if no harm was intended, this is what the policy would say.
74. And to close on heritage, it is to be celebrated, not castigated, that a grade II* heritage asset is in daily use, including its grounds, and is so fixed in early years experiences of hundreds of children. On the one hand the appellant are critical of changes to the setting of the site that facilitate this lived experience and living history of the building; on the other they argue that their changes are part of the natural evolution of any listed asset, and therefore cannot be seen as harmful. Once again, it surely cannot be both.
75. To quote Dr Doggett, the appeal proposals "fail to meet statutory test set by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and run contrary to adopted policy SD8 of the Council's Joint Core Strategy (2017). I therefore ask the Inspector to take this assessment of harm into account when determining the 'planning balance' as she is required to do by paragraph 11d(ii) of the NPPF and to dismiss the appeal accordingly"[35].

Conclusion

76. The appellants regularly state in their proofs that this application is the culmination of a considered sequence of interlinked stages in the planning process. We said in our opening statement that CKF dispute this position.
77. The inspector now has clarity on the timeline that supports our opening statement, in some detail.

78. We opened by saying that the appellants misunderstood or misrepresented the sites ecology, hydrology and history.
79. As importantly, the appellants have demonstrated in word and deed through this inquiry that they fundamentally misunderstand the rule 6 community.
80. This isn't Battledown before you – not least because one Battledown resident is Mr Frampton's client on this case; Battledown residents tend to be developers and land speculators, rather than objectors. The Rule 6 party represents Charlton Kings Friends. We represent Oakhurst Rise, Charlton Court Road, Ewens Farm. The very voices that the planning system doesn't hear from – because they find it intimidating, and it doesn't

[33] Ibid, CD H1
[34] Ibid, CD C13
[35] CD C13, appendix 1.1, paras 2.33 and 2.34

appear to listen. One of the few times we found common ground with the appellant in this inquiry was the opinion that "their voices are simply not heard".

81. I offer no greater evidence of the 4 year experience of the unheard voices than the last few days. Mr Thurlow, trapped at home on OR with his wife with multiple sclerosis, asking not one but two inquiries to read a letter saying his wife's only respite care will be removed if this application is to proceed. That could have been listened to at any stage– instead new evidence was introduced on the HGV skills of community minibus drivers.
82. Chris Lythgoe and his wife, both teachers at the local comprehensive, living at the top of Oakhurst Rise, passionate ecology watchers with a daughter who raised over 1000 signatures in petition to the Carmelite Monks. Katie Forster, sitting on her sofa with piles of residents comments from around CCR, noted her disability and constant back pain, and the respite she gets walking to the peace and tranquility of the field. They were told the AONB is not too far away.
83. Olly Sanders, 17 year old college student and beekeeper, resident of Naunton Park. No car, no obvious hive provision available on the slopes of the SSSIs.
84. Ben Marsden, Team GB and Olympic hockey player, advocate of children's mental health through accessible sport, and "life experiences set at formative years". He was told that Gloucestershire's county cross country course, one that he referred to as part of his personal journey to international sport, could be replaced with paid membership to Cheltenham's most exclusive private boarding school and their multi million pound facilities. The field is free and accessible – and outdoors, and in the natural environment.

    Was anyone really listening to their evidence?

85. The first consideration of any design process is supposed to be locally identified priorities and concerns. We opened by saying that residents commentary to inform the process 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. Parts of this inquiry have been little different for them.

86. Madam Inspector, we could happily rest our case there. But I must finish if I may.

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

- The main point of vehicular access to the site is Oakhurst Rise
- The open spaces comprise unkempt grass and a few trees.
- Significant amount of open green space is to be available to the residents.

88. The reality is different. And as this inquiry has heard, the evidence as to the design process is as lacking in credibility as the original design statement.
89. We opened by noting development results in 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. We noted the explicit design statement that residents will be prevented from crossing the demarcation zone,

and that those in Ewens Farm will be denied all use of a local wildlife site currently accessible to them, subject to permissions from the school.

90. We said 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 were speaking that opening day.
91. The barricade of Battledown was not and is not a solution that is acceptable to anyone, on either side of that artificial divide.

I am not sure everyone was listening, Madam Inspector.

92. This is not my case. This is their case, the rule 6 case. It was difficult for many to concede the local plan debate and accept this site should go forward, given the impact of development in close proximity to their homes, lacking as they are in amenity, green space, or the privileges of modern - or heritage - homes.
93. I promised the residents of Oakhurst Rise when the allocation was conceded that I would represent their views to the end of the process, come what may. And then extended that offer to Charlton Court Road and others affected on Ewens Farm; the nurses on shift who worry about site times, the elderly enjoying the tawny owls and so many more.
94. The community views inform the rule 6 case, and I have endeavoured to represent them to the best of my ability and despite my limited advocacy skills. We have been diligent in our obligations to your inquiry and there is not one word we have committed to evidence without careful consideration. Any errors or inadequacies are my own. I am truly grateful to the team watching on line for their support, their patience, and most importantly their trust, that I would not just listen to them, but act for them, and for the value they place in this local amenity.

I respectfully request that you dismiss this appeal.

Sally Walker

Rule 6 party representative