

21 November 2022

Our Ref: MPB/466354

The Savills logo, featuring the word "savills" in a red, lowercase, sans-serif font, set against a yellow rectangular background.

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Dear Sir/Madam

MR S PERKS AND MS P BALL, TOWERBROOK FARM, CATWORTHY LANE, BANWELL, AVON BS29 6PQ

**NORTH SOMERSET COUNCIL (BANWELL BYPASS AND SOUTHERN LINK CLASSIFIED ROAD)
(SIDE ROADS) ORDER 2022
NORTH SOMERSET COUNCIL (BANWELL BYPASS AND SOUTHERN LINK) COMPULSORY PURCHASE
ORDER 2022**

We refer to the letter dated 10 October 2022 from Burges Salmon LLP, and the enclosed CPO Notice, Copy SRO Plans, SRO Notice and Statement of Reasons. On behalf of Mr S Perks and Ms P Ball, we write to object to the Compulsory Purchase Order as stated above.

Mr Perks and Ms Ball are the owners of Towerbrook Farm. They occupy the majority of the property and lease part to a solar company who have ground mounted solar panes on their land under a long lease.

Mr Perks and Ms Ball currently enjoy the ownership as a ring fenced residential, agricultural and commercial use property with access via Catworthy Lane and Eastermead Lane. The Compulsory Purchase Order and Side Roads Order proposes to take land from the southwest corner of their property along with stopping up their access via Eastermead Lane, creating a shared use path across Eastermead Lane and creating a private means of access for a neighbouring third party.

We object to the creation of a new shared use path along Eastermead Lane, the stopping up of Eastermead Lane and the creation of a new private means of access on land owned by Mr Perks and Ms Ball on the following grounds:

1. Security

The proposal of the shared use path presents a significant risk to property with Towerbrook Farm no longer being a ring fenced property. Instead it would be transected by members of the public who we contend will also take access via Catworthy Lane. They will do so as the provision of a shared use path along Eastermead Lane will create a natural cut-through to reach the new shared use path proposed. This will take them past my clients house, yard and buildings where they store machinery and house livestock and horses. Thefts and vandalism to agricultural businesses are well known and my clients will therefore have two points at which members of the public can access their property and potentially cause such issues.

The tenants of the land occupied by the solar array have separate representation but nonetheless Mr Perks and Ms Ball have significant concerns over the potential of the public to cause damage to the

solar equipment sited on their land. Despite fencing this could be caused by vandalism and throwing of stones or dogs pushing through fences. Any damage or unauthorised access could affect the viability of the panels and could also cause health and safety issues.

2. Access and Disruption

The use of Eastermead Lane for agricultural purposes would be lost if it was stopped up. This is not acceptable as the viability of Mr Perks and Ms Ball's business will be affected. Eastermead Lane provides important access to the fields in their ownership both north and south of the lane. They have an access via Catworthy Lane however this is much more limited and does not provide access to all of their land. The shared use path being located on their current access and the stopping up of Eastermead Lane would result in my clients land being landlocked with no access, which is unacceptable.

The proposed shared use path is proposed in an area which becomes very narrow at certain points. It borders a ditch and Eastermead Lane often floods in autumn and winter. Public using the proposed shared use path will be channelled into a narrow area between the solar panels and between a ditch in an area which at some points is less than 2m wide. This will result in poaching and waterlogged ground. There is high voltage electrical equipment which crosses Eastermead Lane. All of this represents a significant health and safety risk.

We have made an alternative suggestion as shown on the enclosed plan below, which shows the shared use path being moved slightly further north for a small section before joining with the remainder of the proposed route and have not received any substantive reply from the agents acting for North Somerset District Council as to why this should not be used, save to say it is the preferred route. The alternative route, instead of splitting one land ownership and removing an access, would have no such disadvantages, it being located between the land ownerships of different third parties. It is also only very slightly longer compared to the initial proposal.

The response from ARUP in relation to the planning representations previously made on behalf of Mr Perks and Ms Ball on this matter, refer to the proposed route being preferable as it "removes the requirement of a substantial crossing structures over several rhynes" and "removes the potential conflict of cyclists with existing rhyme maintenance activities". As mentioned above, there is a ditch or rhyme which runs along Eastermead Lane and therefore surely these same actions would be needed, and potentially more so, in the proposed route as opposed to the suggested route we have made on behalf of Mr Perks and Ms Ball.

3. Proposed Creation of New Third Party Rights

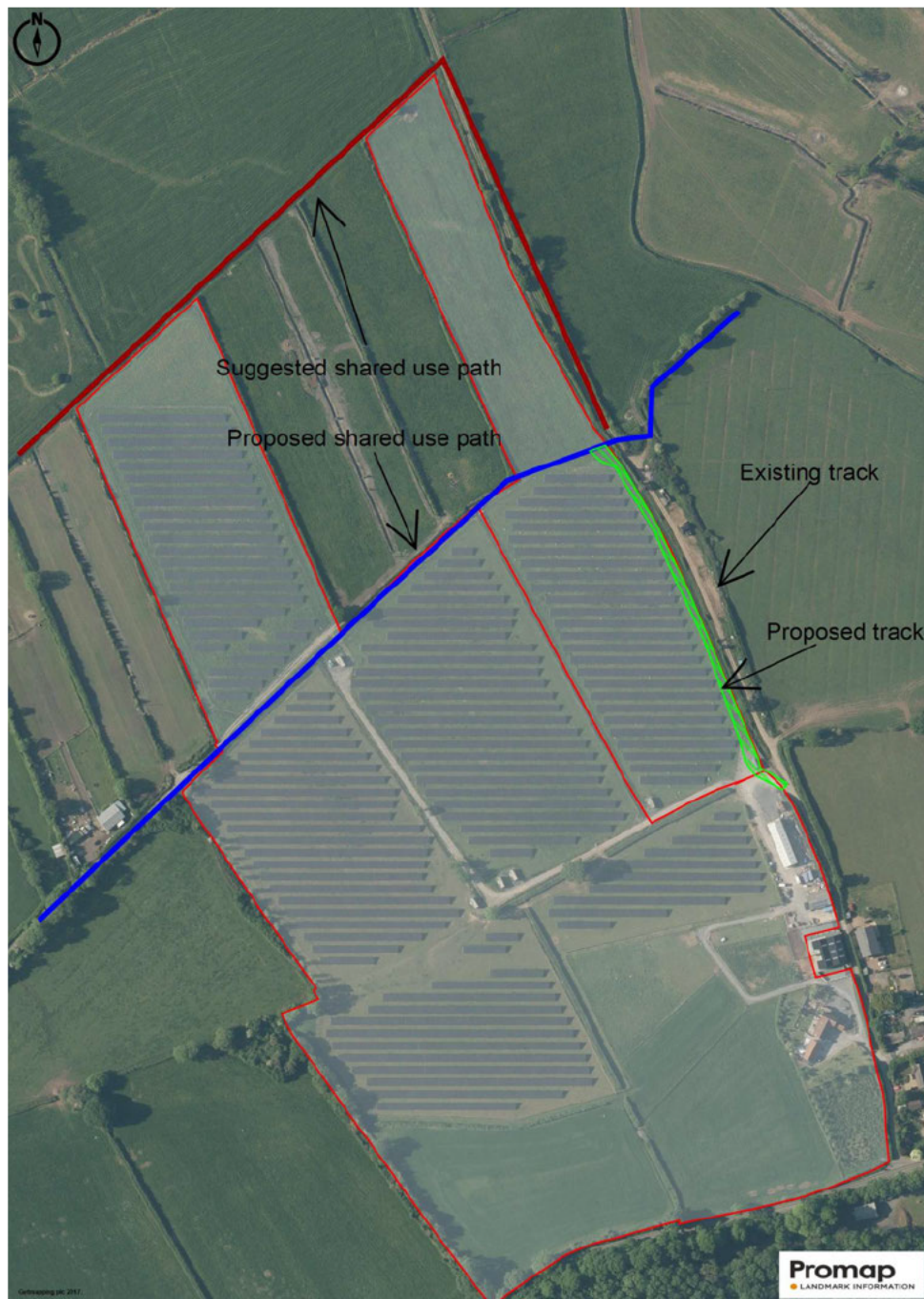
We note there is a proposed third party right created across Mr Perks and Ms Ball's land. We strongly object to this as there is no current existing right which requires replacement. The Title of Mr Perks and Ms Ball's land does not have any reference to the granting of rights of access to third parties and they were careful to confirm this fact when purchasing the property. Therefore we feel the compulsory powers used would be actually creating a new right and therefore would not be correctly used.

The southernmost part of the proposed track is also on an area used as a turning circle and parking area which is important to the business operated by Mr Perks and Ms Ball, which would also be lost.

Notwithstanding the objection to the creation of the third party right, we also object to its location. As per the plan shown below, the proposed private access track is located on my clients' land which is currently used for agricultural purposes and forms a wildlife corridor and buffer between the solar array and the existing agricultural access track immediately to the east of it. It seems logical that if a third party right of access is required it should be located on the existing track immediately next to the location proposed, which provides access to the same point.

This would avoid the need to take Mr Perks and Ms Ball's land and avoid creation of a new track with associated loss of agricultural land and biodiversity.

Overall it seems nonsensical to propose having two agricultural access tracks adjacent to one another at the loss of agricultural land and damaging biodiversity and a parking and turning areas, where the existing track could simply be used.



4. Consultation Period

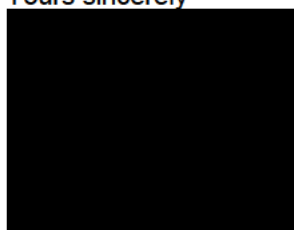
The proposal of both the shared use path crossing Mr Perks and Ms Ball's land and the creation of a third party private access right on their land was included in plans which were amended just prior to the end of the public consultation period. Both Mr Perks and Ms Ball were therefore given no opportunity to provide feedback publicly. When they provided feedback to the agent acting for the Council, Fisher German, they were assured that their concerns would be considered and reviewed however, they have clearly been ignored.

Overall therefore we conclude that North Somerset District Council have not provided a proper consultation on these matters.

It should be noted that Mr Perks and Ms Ball have no objection to the location of the actual road and the taking of their land for this purpose. As set out above, they have put forward on numerous occasions their feedback and alternative suggestions however, to date, North Somerset District Council have not properly considered the valid points raised, as set out herein.

We are willing to discuss the above matters with North Somerset District Council with a view to seeking a satisfactory conclusion for both parties involved but, until such time as a satisfactory conclusion is reached, this objection remains extant.

Yours sincerely

A large black rectangular box used to redact the signature of Matt Brown.

Matt Brown MRICS FAAV
Director