

25 November 2022

Secretary of State for Transport
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

By post and by email to nationalcasework@dft.gov.uk

Dear Sir/Madam

RE: The North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022.

Avison Young is instructed by Elizabeth Harding, Steven Harding, Pamela Harding, Christopher Harding and Susan Harding (referred to as the Harding Family in this letter) and Ainscough Strategic Land (referred to as ASL in this letter) to submit these objections to the North Somerset Council (Banwell Bypass and Southern Link) Compulsory Purchase Order 2022 (CPO).

We note that the objection period for the CPO is until 25th November 2022 and this objection is submitted within this timeframe.

The Harding Family and ASL request the opportunity to present these objections together with further supporting evidence and cross examination if required in any examination into the Compulsory Purchase Order (CPO).

The Harding Family and ASL ownership

The Harding Family hold the freehold interests and also occupies the following plots as listed in Table One below. The CPO, as shown in Table 1 of the CPO and the Order Map, seeks to acquire a combination of land and the creation of new rights across these plots. Existing rights held by the Harding Family are also affected by the Order and we note that these are set out within Table 2 of the CPO.

ASL hold a promotion agreement with the Harding Family which covers all of the plots listed in Table One below. For information the promotion agreement has been in place since July 2022 and ASL should be identified in the CPO Schedule as having an interest in all the plots listed in Table One below. Christopher Harding and Nick Harding should also be identified in the same plots as he is currently missing from the Schedule.

Table One: Harding Family and ASL interests included in the CPO

PLOT NUMBER	
1/11	Land to be acquired by Council
1/11A	New rights to be created by Council
1/11B	New rights to be created by Council
1/11C	Land to be acquired by Council
1/11D	Land to be acquired by Council
1/11E	Land to be acquired by Council
1/11F	Land to be acquired by Council
1/11G	Land to be acquired by Council
1/11H	Land to be acquired by Council
1/11J	Land to be acquired by Council
1/11K	Land to be acquired by Council
1/11M	Land to be acquired by Council
1/11N	Land to be acquired by Council
1/11P	New rights to be created by Council
1/11Q	New rights to be created by Council
1/11R	New rights to be created by Council
1/11S	Land to be acquired by Council
1/11T	Land to be acquired by Council
1/11U	New rights to be created by Council
1/11V	New rights to be created by Council

Background information

The site within which land and rights are being acquired by the Council is known as both Stonebridge Farm and Stonebridge Caravan Park. The Harding Family have held the land since 1920. The Stonebridge Farm Caravan Park is run by the Harding Family and was established under a Diversification Scheme in the 1980's- although the site was used by campers in tents from 1946 onwards. It consists of both a 50 pitch caravan park for holidaymakers and a caravan storage site, and all the facilities associated with a caravan park. Agricultural land within their ownership is also affected by the CPO. The bypass will effectively dissect the caravan park operation into two halves. The caravan park will be forced to close as a result of the CPO and proposed bypass.

The Harding Family is working with ASL in the event that the bypass goes ahead and that the proposed planning policy allocation for new homes at the Strategic Location at Wolverhill Road (which includes our clients' site) within the Council's emerging Local Plan is adopted, to bring forward housing, on the basis that the caravan park is forced to close and the bypass goes ahead.

The Harding Family and ASL's key matters of objection are summarised below.

Matters of objection:

1) Failure to make reasonable attempts to acquire interests by agreement

Government guidance within the Department for Levelling Up, Housing and Communities *Guidance on Compulsory purchase process and The Crichel Down Rules* (the CPO Guidance) sets out guidance relevant to all CPOs. North Somerset Council's (the Council) Statement of Reasons (SoR) for the CPO states at paragraph 6.3 that "...the Council has taken full account of this guidance in making the order". Our clients do not agree that the Council has taken full account of the CPO Guidance in its approach to negotiations for the reasons summarised below.

Section 6 of the Council's SoR provides a summary of the Council's negotiations. It sets out that the Council, via their appointed agents have written to all parties and proposed terms of land and rights acquisitions in order to progress negotiations. Specifically in relation to the Harding Family, Appendix 2 of the SoR refers to having issued heads of terms for an option to purchase in May 2022 and that a meeting has taken place with the party's agent and that terms remain in negotiations.

This is a correct description in that terms of heads of terms have been issued to the Harding Family and that negotiations are ongoing, but we do not believe that the Council/their agents approach to negotiations has complied with the CPO Guidance. This has had a negative impact on both the Harding Family and ASL.

It is important to note the following paragraphs of the CPO Guidance:

- Paragraph 2 of the CPO Guidance refers to compulsory purchase being intended as a last resort, with a recognition that initiating formal procedure may help to make the seriousness of the authority's intentions clear from the outset, which may encourage those whose land is affected to enter more readily into meaningful negotiations.
- Paragraph 3 of the CPO Guidance sets out what acquiring authorities should consider when offering financial compensation in advance on a CPO. It refers to the making of reasonable initial offers and being prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works.
- Paragraph 17 of the CPO Guidance refers to undertaking negotiations in parallel with making a CPO including identifying the benefit that talking to landowners will assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments. It also refers to these discussions and may help the acquiring authority to be able to identify measures which can be taken to mitigate the effects of the scheme on landowners.

- Paragraph 19 of the CPO Guidance refers to other steps which the acquiring authority should consider helping those affected by a CPO including offering to alleviate concerns about future compensation by entering into agreements about the minimum level of compensation which would be payable.

To date, the Harding Family has been issued with draft heads of terms with very limited detail included within them, including no financial offer for their property interests or information within the heads of terms on timing of any proposed acquisition. Furthermore, section 14 of the SoR refers to compensation issues and states that *"the Council will endeavour to discuss compensation issues and to purchase properties and necessary rights over/in land by agreement, if possible, rather than compulsorily."* Whilst an objection to a CPO is not the appropriate forum to discuss the detail of financial compensation, it is, as is set out above, a consideration in whether reasonable initial offers are made in line with paragraph 3 of the CPO Guidance. We have raised the lack of financial offer with the Council's advisors and have to date been told that no financial offer will be made at this stage. This is contrary to the CPO Guidance and CPO best practice which clearly expects acquiring authorities to make financial offers as part of the negotiation process to assist affected third parties in understanding the financial position that they would be in if they agreed to sell their interests. Financial offers should be made prior to any CPO being made. The Council's approach is contrary to paragraph 3 of the CPO Guidance as a result.

Likewise, through the negotiation process to date there has been limited interest from the Council in understanding the impact of the proposed bypass on our client's site and business, and consideration of how to mitigate the bypass, specifically on the caravan park. This is contrary to paragraph 3 of the CPO Guidance.

The draft heads of terms seem to have been rushed through in an attempt to persuade third parties to not object to the CPO and for the Council to be able to say that agreement has been reached rather than any serious attempt to work with the affected parties to understand their interests and actually meaningfully negotiate to acquire their interest. Whilst negotiations have commenced, the Council has not made reasonable attempts to acquire through negotiation and it seems premature to make the CPO at this early stage of negotiation.

Our clients are participating in the negotiation process and have throughout the process to date met with the Council's advisors, alongside sending letters and emails to the Council/its advisors on specific issues. Our client has already sought to enter into meaningful negotiations but is still awaiting information from the Council including a financial offer, information about mitigation, detailed plans and explanations requested about the bypass and its provision to support the delivery of new homes.

2) Impact on the Harding Family/ASL's land

Paragraph 2 of the CPO Guidance makes clear that CPOs should only be made where there is a compelling case in the public interest. It also makes clear that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected.

The direct impact of the CPO and bypass scheme is that the Harding Family will be forced to close their Award Winning family business.

The caravan park will not be able to trade with a bypass running through the site. Already the Harding Family has seen a loss in trade as a result of the pending bypass scheme. 32 caravans have already left the caravan park due to the uncertainty going forward due to the CPO Scheme. Bookings for staying on the site have also been negatively affected by the proposed scheme and the uncertainty it brings.

The Council has not sought to understand the operation of the business and the needs of the Harding Family in running this successful business. The business has been recognised as successful through many awards including Bristol, Bath & Somerset Tourism Awards in 2017 and 2019/20, Camping & Caravanning Park of the Year, South West Tourism Excellent in 2018, 2019 and 2020, TripAdvisor Certificates of Excellence 2018, 2019, 2020 and 2021, and Loo of the Year Platinum Award between 2016 to 2020 inclusive. It is a local authority license, with a license in place since 1993 and currently employs five part-time employees alongside members of the Harding Family, managing and run the site seven days a week through the seven month holiday season.

The Council has not taken into account the impact of the CPO and the bypass scheme on our client's business in its justification of a compelling case in the public interest and there have been no attempts to minimise or mitigate the impact on our client's business and landholdings.

Furthermore, our client has previously raised environmental concerns relating to the bypass scheme which were also raised in the bypass consultation and the planning application consultation. This includes a specific concern raised of flooding risk to the house within the Harding Family estate which the Harding Family and ASL has asked questions of to the Council, asking for confirmation that the adverse flood risk impacts associated with the bypass scheme shown in the Flood Risk Assessment for the bypass planning application, will not affect third party landowners without their agreement. This and other environmental concerns have not yet been addressed by the Council despite paragraph 3 of the CPO Guidance making clear that the Council should be prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works.

3) Delivery of housing

On the assumption that the bypass does get delivered, the Harding Family and ASL intend to seek to bring forward housing on this site as it will no longer be able to trade as a caravan park and which brings into question the viability of the whole farm, having reduced the total acreage. This is supported in the Council's emerging Local Plan and our clients' site lies within the draft Local Plan's Strategic Local at Wolvershill Road allocation for new homes. On this basis, our client has raised with the Council through a number of channels including negotiation meetings and emails with the Council's CPO agents, representations on the bypass consultation, letters directly to the Council including with neighbouring land promoters, and through representations on the planning application for the bypass, that the bypass should be future proofed to enable housing delivery.

The Council's teams have informed us that the bypass scheme is not directly linked to the promotion of new homes and as a result does not future proof the proposed road to enable housing to come forward at the Strategic Location at Wolvershill Road. We find this rationale

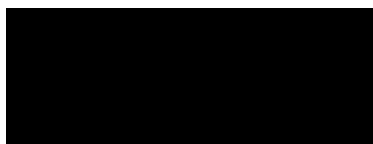
difficult to understand and contrary to the case made through the Council's SoR's that the bypass is crucial to the delivery of housing. Our client has already raised this issue with the Council, requesting that as well as seeking to mitigate the impact of the scheme on our client's land, the Council should look at future proofing the bypass if it is approved to ensure that it does actually facilitate future housing delivery. Our clients' current understanding is that the bypass is not being designed to fully effectively facilitate the delivery of housing at this site, despite the fact the Council's case for the CPO clearly seems to be predicated on the delivery of new homes. It is understood that the bypass has been designed in isolation from the emerging housing masterplan and it fails to effectively integrate with the masterplan. In particular there is a concern that through its barrier effect (given the lack of suitable pedestrian or non vehicle crossings) it would severely inhibit the necessary level of connectivity between the masterplan area and the existing village.

For example paragraph 3.13 of the Statement of Reasons refers to the bypass and funding from Homes England being to relieve existing congestion through Banwell and to also help enable the strategic development (in relation to the Strategic Location at Wolverhill Road. Likewise, objectives d and h within paragraph 3.14 of the SoR as key objectives of the CPO and Scheme refer to *(d) Deliver infrastructure that enables housing development (subject to the Local Plan)* and *(h) Proactively engage with stakeholders in a way that is both clear and transparent. Deliver infrastructure that enables housing development.*

The Council's case for the CPO is clear that there is a link between the bypass and the delivery of new homes but yet it is failing to future proof the bypass to facilitate the required new housing. As set out above, our client has asked the Council to relook at this and has offered to work with the Council to consider how the bypass could be future proofed but the Council has not been willing to engage at all on this basis.

We trust that these objections will be taken into account in making a decision on the CPO and our clients reserve the right to put forward further evidence as part of the examination process.

Yours faithfully



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For and on behalf of Avison Young (UK) Limited