

Dear Elizabeth, Thanks and understood. Regards Ian

On 08/02/2017 13:37, Carter, Elizabeth wrote:

Dear Mr Bickerton,

We've just received this e-mail. The Judge is considering the contents, but cannot look at something sent to him by only one of the parties.

Therefore, this reply along with your e-mail has been copied to the legal representatives.

The Judge intends to hand down the judgment in Sheffield tomorrow. The Judge understands from the legal representatives that there is no need for any attendance tomorrow. No discourtesy is intended but any further communications should only come from the legal representatives.

You will understand that the Judge cannot enter into correspondence on the merits of the case.

**Lizzie Carter**

**Clerk to Mr Justice Holgate**

*Currently sitting at Sheffield Crown Court*

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**From:** Ian Bickerton (Bristol University - Chemistry) [<mailto:Ian.Bickerton@bristol.ac.uk>]

**Sent:** 08 February 2017 11:11

**To:** Carter, Elizabeth

**Subject:** Leckhampton CO/3771/2016 - Hon. Justice Holgate's Judgement

**Importance:** High

Dear Judge Holgate,

Firstly we would thank you for taking so much time with the evidence on our case, this is clearly evident in your comprehensive written judgement. It has caused us some sleepless nights over the loss of the much loved green space at White Cross and worry over the costs which you may award, we have some requests which we hope you will have time to consider.

When your judgement is handed down would it be possible for Cheltenham Borough ward and Parish councillors, that is Cllr Chris Nelson, Cllr Adrian Mears, our MP Alex Chalk (who is a Barrister) and myself to make a written submission or to meet with you ? We have submitted a provisional request for appeal, but this is difficult for us prior to your judgement being published since all other interested parties neither know the result or have seen your draft judgement. Our highest concern is over the handling of the [NPPF Local Green Space](#) application submitted in August 2013 by the Leckhampton and Shurdington Parish Councils [and amended on advice from county officers and Inspector Ord in December 2015](#).

Our legal team have also raised a few legal points for potential appeal:

- *whether 'functional interdependence' is the correct EIA test for assessing an EIA project and*
- *whether the effects were properly summarised in the report so as to take account of the environmental information in the ES.*
- *on the harm to listed buildings, whether a tilt is enough when the law requires 'considerable importance and weight' to be attached to (see para.182 NPPF),*
- *whether members should have been told the outcome of the officers para.134 NPPF balance.*

Quite frankly, we have had enough of case law and want to talk about what is really important to the community, and that is the play space for the children, the integration of the Lanes to the new REDROW development and keeping some of the green area of White Cross along the line of the Cheltenham Circular Walk (main Leckhampton /Up Haterley footpath) which has been so well supported by the public in the parish neighbourhood plan consultation.

Can you please consider saying something supportive on the Parish NPPF Local Green Space application, perhaps something we can work on between Cheltenham and Tewkesbury Councils, REDROW and the Parish Councils and take this to Inspector Ord. Coming from yourself this would carry a great deal of weight, we have the time since the area of White Cross (to the north of the development site) is in the third phase of a 3/4 year building programme. The Joint Core Strategy for this area, as you know, is taking large areas of green belt and a little re-balancing here to south Cheltenham to provide local green space will probably be accepted by Inspector Ord if this was mentioned as a possibility or opportunity in your judgement given we are at a strategic planning stage. It would be a wonderful park area, modest in size, but saving that small section of ancient hedgerow where the starlings roost and where the kids build their dens. It is this vision for the development which drove us to seek judicial review. We do not seek to remove development, this is clear in our revised LGS application. It has been agreed by both Tewkesbury and Cheltenham Borough Councils at the JCS EiP with Inspector Ord that this site will provide homes for Cheltenham and Cheltenham will be providing all the services for new residents.

Your draft judgement is critical of Inspector Ord on a few counts, please could you also consider a different form of words. Inspector Ord and officer Ian Kemp have worked extremely hard on our Joint Core Strategy. She has made many visits across the three districts to understand the merits and sustainability of each strategic site. The Inspector has made recommendations for amendments which have, in the main, been well received by the three councils. Tewkesbury have just voted in support of the amended plan, there was concern over the Twigworth Site and more work needs to be done but Cheltenham are meeting the housing numbers and Gloucester City has more brownfield sites to bring forward with over 10 years land supply. The fact that the Joint Core Strategy (JCS) is receiving greater

support from Cheltenham and Gloucester Councils demonstratives the confidence in Inspector Ord's planning judgement and her professionalism.

Finally, on the costs, our legal team are on a pro-bono basis and we have been working to a budget and what we thought were the cost risks, please do not think of us as some rich group of NIMBY residents, this could not be further from the truth. Incurring additional costs would be extremely hard for our group, with no solution, we would like to continue our involvement in the Parish Neighbourhood Planning, the JCS EiP and the Cheltenham Plan which has just gone to public consultation.

Best Regards

Cllr Ian Bickerton CEng

Cheltenham Borough Councillor for Leckhampton Ward

Parish Councillor, Leckhampton with Warden Hill Parish Council

Chair of Neighbourhood Planning

Chair of LEGLAG or as we prefer Friends of Leckhampton

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