

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPULSORY PURCHASE ACT 2004**

APPEAL BY CAPEL HOUSE PROPERTY TRUST LTD

**COMPREHENSIVE DEVELOPMENT OF LAND TO PROVIDE A
SUSTAINABLE URBAN EXTENSION OF 1000
DWELLINGS WITH ASSOCIATED INFRASTRUCTURE ON LAND AT
MONKSMOOR FARM, WELTON LANE, DAVENTRY**

**CAPEL HOUSE PROPERTY TRUST LIMITED'S RESPONSES
TO HIGHWAYS AGENCY ON COSTS APPLICATION**

1. This short document contains Capel House Property Trust Limited's ("Capel") final response in relation to costs. Its references to paragraph numbers refer to the Highways Agency's ("HA") submissions by Mr Goatley dated 23 July 2009.
2. Capel does not consider that the HA response grapples adequately with the thrust of Capel's application: the HA has belatedly carried out modelling work which shows how limited (both in isolation and as part of any other combination) Monksmoor Farm's impact on the Strategic Road Network ("SRN") would be. That position simply should not have taken so long; Capel has borne unnecessary costs in any event.
3. As to the details:
 - a. Paragraph 5- in the context of this Inquiry, it is self-evident that the HA has been a main party.
 - b. Paragraph 26- this does not fully or fairly set out the responses Mr Hurlstone gave in his cross examination; nor does it reflect the confirmation given by Mr Goatley that the HA would not operate Circular 02/07 inflexibly in any event, it being policy, rather than law.
 - c. Paragraph 29- the HA returns to its constant theme, that it was for someone else to do, not the HA. With the greatest respect, that attitude has characterised the HA's grudging involvement in this Inquiry throughout. The HA tells us, in their closing submissions

(paragraph 1) that it has a "broad remit to operate, maintain and improve" the SRN- but here, as submitted:

- i. The HA were only forced to undertake the modelling they had clearly indicated they would do by the advent of the Inquiry and a host of angry developers;
 - ii. It failed to turn its mind responsibly to the level of interim pain acceptable at Junction 5;
 - iii. Jumped on the bandwagon of SBA4; and
 - iv. Then bases its case crucially on a funding that is quite inappropriate for the Secretary of State to make, namely, what funding decisions will or are likely to be taken by EMRA in the next five to ten years.
4. Together, this is a consistent abdication of its responsibilities, is unreasonable and has caused Capel unnecessary wasted expense.

Rupert Warren
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23 July 2009