

JOINT PLANNING COMMITTEE
UPDATE SHEET
17 June 2015

Correspondence received and matters arising following preparation of the agenda

Item A1

WA/2014/1330

Land at Furze Lane, Godalming

Amendments to the report

There is an amendment to page 46 of the agenda under affordable housing which had originally referenced Haslemere within the agenda and now should reference Godalming. The report should read as follows:

- Waverley is an area of high housing need and there is a shortage of affordable housing to meet this need. The Draft West Surrey SHMA 2014 demonstrates a need for 337 additional affordable homes to be delivered in Waverley each year.
- The Draft SHMA 2013 provides a breakdown of housing need by sub-area and demonstrates a need for 64 additional affordable homes per year in Godalming.
- As at 20.04.2015, there are 1545 households registered on the Council's Housing Register who are unable to access housing to meet their needs in the market, shown in the table below. This demonstrates a borough wide need and a local demand for affordable housing in Godalming.

	1bed	2bed	3bed	TOTAL
No of applicants on WBC's Housing Register	946	436	163	1545
No of applicants on WBC's Housing Register applying from Godalming	115	78	21	214

Waverley Housing Register 20 April 2015

Responses from Consultees

The Lead Local Flood Authority has reviewed the flooding information produced by the applicant's engineers and responds as follows:

- The Lead Local Flood Authority (LLFA) accepts for an outline scheme that the analysis is based on a desktop base approach and the theoretical consideration of the ground conditions. However, the LLFA advises that if the scheme were to be granted planning permission, then site infiltration tests should be undertaken in order to confirm the validity of the drainage hierarchy.
- The greenfield runoff rate has been calculated to be lower than the proposed discharge rate. In line with requirements of the Technical Standards, we would advise that discharge is limited to greenfield runoff rates; there are proprietary systems widely available on the market that would enable this to be achieved.
- Subject to the discharge rate being achieved, then the volume to be controlled on site would differ from the estimates. The LLFA would need to see evidence, at final design stage, on how the storage volume would be achieved.
- The LLFA advises that no information has been provided to cater for exceedance of the drainage system - exceedance could either be when the design storm return period is exceeded or the system were to fail due to blockages or lack of appropriate maintenance.
- The LLFA notes the proposal to appoint a private maintenance company to undertake the maintenance.
- As per instructions on the pro-forma, where there is proposed to be multiple ownership / responsibility for maintenance, those should be clearly identified on a layout drawing. Where there is any third party involved, we would advise that evidence of same agreement is provided.
- There was no information provided for the construction phase drainage requirements.

A revised condition has therefore been included below which covers the issues raised above with regards to surface water run-off and infiltration. The LLFA has confirmed that capturing these matters by condition is the appropriate means of addressing these issues.

The Council's flooding consultant (RPS) have commented on the applicant's information with regards to the likely surface water run-off rates from the scheme. Their comments are as follows:

- The proposed discharge rate of 5 litres/second is standard practice, as a discharge rate lower than this could result in problems with blockages of the system and therefore surcharging (flooding). 5 litres / second is generally accepted as the practical minimum discharge rate and is widely used. The additional flows in the watercourse associated with a discharge rate of 5l/s rather than 0.9l/s would be negligible.

Heads of Terms

Contributions which meet the CIL Regulations are only justified and will only be sought towards the following infrastructure improvements which will consist of primary education, equipped and casual play space, recycling and transport (outside town centre)

Additional representations

Since the 21st April 2015 Joint Planning Committee meeting there have been an additional 8 letters of objection on the following grounds:

- The existing drainage culvert near Tilthams Corner Road will be unable to accept the extra water the proposed development will create.
- The proposal would increase the flow rate into the adjacent watercourse by 500%.
- Neighbouring properties in Tilthams Green, Tilthams Corner Road and Tilthams House as well as nearby industrial and commercial premises are in danger of flooding if surface water is permitted to increase.

Amendment to conditions/informatives

There is an amendment to Condition 21, which should read as follows:

Condition:

Development shall not commence until full details of the proposed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The proposed drainage scheme must include full details to attenuate the flow of surface water into the existing watercourse at a rate no greater than the existing field run-off rate.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, shall be required to support the design of any infiltration drainage and the size/depth of the underground attenuation basins proposed.

No building shall be occupied until the complete surface water drainage system serving the development site has been implemented in accordance with the agreed details.

Reason:

In order to prevent the increased risk of flooding and to improve and protect water quality both on the site and elsewhere, in accordance with Policy D1 of the Waverley Borough Local Plan 2002 and paragraph 103 of the NPPF.

Additional Officers' comments

Officers would like to bring to Members a couple of relevant appeal decisions from other authorities, which raise doubt as to whether a sequential test would be required given that the proposals would be wholly located within Flood Zone 1. These appeals (copies are attached) are Lemonford Caravan Park, Newton Abbot (APP/P1133/A/13/2209715) and Land east of East Delph, Cambridgeshire (APP/D0515/A/14/2210915).

In response to the objections raised, Members' attention are advised that the scheme would not result in additional surface water over and above that at present being discharged into the drainage ditch. It is only the speed at which it would be discharged into the ditch that could be altered. The revised Condition 21 will ensure that the Council will be able to agree an appropriate run-off rate.

Revised Recommendation

That, subject to the completion of a S106 agreement to secure the provision of 40% affordable housing, highway and transport improvements and infrastructure including primary education, play space, open space and recycling and for the setting up of a Management Company to manage open spaces and the SuDS scheme and subject to conditions 1 – 33, **amended condition 21** and informatives 1-16 on pages 74 – 88 of the agenda, permission be GRANTED.

Appeal Decision

Hearing held on 5 February 2014

Site visit made on 5 February 2014

by Keith Manning BSc (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 March 2014

Appeal Ref: APP/P1133/A/13/2209715

Lemonford Caravan Park, Bickington, Newton Abbot, Devon TQ12 6JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Thackard Ltd against the decision of Teignbridge District Council.
 - The application Ref 13/01996/MAJ, dated 4 July 2013, was refused by notice dated 3 October 2013.
 - The development proposed is development of up to 25 dwellings.
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Procedural Matters

1. The application is in outline with all matters reserved for subsequent approval.
2. A Unilateral Undertaking dated 20 January 2014 was submitted at the Hearing. This provides that no less than 40% of the dwellings shall be affordable housing and provides for financial contributions in respect of education and open space. The Council agreed at the Hearing that the undertaking would effectively resolve the corresponding three reasons for refusal.
3. A rudimentary Statement of Common Ground of limited utility was submitted.
4. A short adjournment was allowed at the Hearing in order that the appellant could consider whether an adjournment to another day, so as to allow the company to adduce site specific written evidence in respect of the availability of each of a number of sites identified in the Council's housing land supply, published on the Council's website from 8 January 2014, should be sought. However, the appellant decided not to seek such an adjournment.

Decision

5. The appeal is dismissed.

Application for costs

6. At the Hearing an application for costs was made by Teignbridge District Council against Thackard Ltd. This application is the subject of a separate Decision.

Main Issues

7. The main issues are as follows:-
 - Whether the Council has an adequate supply of housing land;

- Whether the proposed development is in a sustainable location;
- The effect of the proposed development on biodiversity with particular reference to the Greater Horseshoe Bat, its strategic flyways and the South Hams Special Area of Conservation; and
- Whether the proposed development would unacceptably increase or suffer from flood risk.

Reasons

Background to relevant policy considerations

8. The appeal site is on land sloping down towards the River Lemon which is forms part of an extensive holiday caravan and camping site with a management office and reception area which also retails a limited range of convenience goods for users of the site and, I was informed, visiting members of the public. It is close to but outside the boundary of the Dartmoor National Park. It lies a little to the west of a small cluster of dwellings, the smaller of the two areas enclosed by the settlement limit for Bickington defined in the Teignbridge Local Plan ('the adopted local plan'). The November 2012 submission of the Teignbridge Local Plan 2013-2033 ('the submitted local plan') does not propose to alter the settlement limit for Bickington, albeit the possibility for doing so is left open in the event that a neighbourhood plan were to be prepared.¹ The River Lemon effectively separates the site from this cluster of dwellings, both physically and visually, the latter by virtue of its tree-lined banks. Single dwellings and small groupings of dwellings are dispersed within the countryside in the general vicinity of Bickington and the caravan park outside the formally defined settlement limit. For policy purposes, the appeal site also is within the countryside, albeit the Council raises no objection to the proposal in terms of its potential impact on the character and appearance of the rural landscape.
9. The submitted local plan, which includes land allocations for housing, has been subject to public examination and the Inspector's suggested modifications do not significantly affect the allocations or the housing land trajectory, the strong inference being that the emerging local plan may be considered sound in that respect. It is at an advanced stage in the statutory process and, having being examined in the context of the National planning Policy Framework ('the Framework'), may be accorded due weight in line with the principles set out in paragraph 216 thereof. In the circumstances and bearing in mind the apparent soundness of the document as regards housing land supply matters, I accord it very significant weight in that respect. Pending adoption, the starting point for consideration of the appeal proposal remains the adopted local plan, which is plainly time-expired for such purposes, as it covers the period 1989-2001.
10. Nevertheless it is plainly too simplistic to assert that paragraph 14 of the Framework and the presumption in favour of sustainable development therein is necessarily engaged because it is an application for housing and paragraph 49 of the Framework makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. In this case, notwithstanding the expiry of the adopted local plan, the weight accruing to the

¹ Submitted local plan paragraph 2.51

emerging local plan is such that it does constitute relevant policy and would fail to be up-to-date only if there was a failure in demonstrating a five year supply of deliverable housing sites, a matter to which I return.

11. In this overall context there is a raft of relevant policy including; H7 of the adopted local plan, which generally resists residential development in the countryside; S1A of the submitted local plan, which reflects the presumption in favour of sustainable development articulated in the Framework; S1 of the submitted local plan which addresses many facets of sustainability including accessibility for main travel purposes and to necessary services, and biodiversity; and policy S22 of the submitted local plan which, complementary to policy S21 concerning the location of limited new development in villages, resists development in the open countryside outside defined settlement limits other than for defined purposes, including tourism. This is consistent with Framework intentions that rural areas should be allowed to prosper but that the countryside should nevertheless be protected for its intrinsic character and beauty and from the development of isolated new homes without appropriate justification. Policy S22 includes an intention to pay particular attention to the integrity of biodiversity networks.
12. The Framework seeks to minimise impacts on biodiversity, reflecting the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy C17 of the adopted local plan and policy EN10 of the submitted local plan generally reflect this intention and more specifically highlight the importance of European designations including Special Areas of Conservation, the relevant SAC in this case being the South Hams SAC, a grouping of designated locations spread across South Devon but interconnected by a network of strategic flyways for the rare Greater Horseshoe Bat, a species for which the area is important in that it represents habitat for around one third of the UK population, I was told. Natural England's evidence base and planning guidance ('the relevant guidance') on the topic² is a material consideration of significant weight.
13. The Framework (and associated technical guidance) sets out national policy and guidance on flood risk including the sequential approach and exception test for more vulnerable forms of development including dwellinghouses. Policy EN4 of the submitted local plan addresses this matter and is broadly reflective of the approach.

Housing land supply

14. Notwithstanding acknowledged past failures to demonstrate adequate housing land supply, the Council presents credible evidence that a combination of advanced preparation of its emerging local plan, within which (now, for practical purposes, certain) allocations are anticipated to be taken up in the near future, and grants of planning permission including on a number of such allocations have served to transform the picture to the extent that, not only can the Council identify the necessary five year supply, but it can also cater for the 20% buffer necessitated by persistent failure to deliver in the past. This is in the context of a housing land trajectory in the submitted local plan which sharply accelerates delivery now to address such failures in order that, from 2016 until 2033, a consistent delivery rate of 640 dwellings per year is

² Doc 3

provided to maintain an average of 620 per annum over the plan period as a whole. According to emerging policy S4 of the submitted local plan, 90% of the housing will be located in the 6 higher order settlements listed, including 50% in the area described as 'Heart of Teignbridge'.

15. Annex 3 to the Council's statement is the *Teignbridge Housing Land Supply Statement* published on its website from the date of issue (8 January 2014). The statement demonstrates, taking into account the requisite 20% buffer, a 6.3 year supply including a windfall allowance and a 5.9 year supply in the absence of such an allowance.
16. Although the appellant queried certain of the assumptions underlying the rate of delivery in the context of market realities on particular sites I was presented with no hard evidence pertaining to specific sites and the opportunity to do so was not taken up, as I have previously noted. I am also conscious that in calculating the five year land supply, the Council has accepted and deployed the build-out model recommended by the SHLAA Panel³ supplanted by site-specific information from developers where available. While I acknowledge that there is scope for applying judgement to this variable in respect of particular sites, and that the appellant's judgement may vary from that made by or available to the Council, I have, in the circumstances, no reason to fundamentally question the Council's contention that it has now, for the time being at least, resolved its housing land supply difficulties for the purposes of applying Framework policy and policy S1A of the submitted local plan. The supply picture is clearly set in the context of an emerging development plan that is considered to be sound in terms of its approach to housing land delivery and there is currently a margin in the supply picture that, bearing in mind the consultative approach used by the Council, is unlikely to be so eroded by over-optimistic assumptions that it would be wholly negated.
17. In all the circumstances, I am able to conclude for the purposes of the appeal that the Council's does have an adequate supply of deliverable housing sites. This is in contradistinction from my colleague's conclusion, as recently as October last year, that the Council's housing land supply was inadequate. However, in that appeal⁴ the Council had conceded that, at that time, it was unable to demonstrate a five year supply whereas the intelligence now available regarding the effectiveness of the submitted local plan, the effect of various permissions granted, including on appeal, and the subsequent reappraisal of the situation has led to a very different picture, as outlined in the Council's email to the appellant's agent of 6 January 2014.⁵

Sustainability of location

18. Bickington is clearly a village cited in the adopted and submitted local plans as a defined settlement within the wider countryside, the latter confirming close access to a limited range of facilities and daily public transport services. Whereas the emphasis of policy H7 of the adopted local plan is on prevention of development in the countryside outside the defined settlement limits, that of policy S22 of the submitted local plan is on the management of development and investment to provide attractive, accessible and biodiverse landscapes, sustainable settlements and a resilient rural economy. Nevertheless, the

³ A panel comprised of development industry professionals and representatives of key statutory bodies

⁴ Ref APP/P1133/A/13/2197335

⁵ Email: Christine Bolton to Neal Jillings 6 January 2014 09:24

intention remains that development within the countryside will be strictly managed and limited to uses which are necessary to meet this overall aim. In practice, as with the adopted local plan policy H7, this amounts, inter alia, to a restriction on open market housing schemes such as the proposal at issue unless these can be justified by other material considerations. Affordable housing for local needs is permitted outside settlement limits and, while the unilateral undertaking provides for an element of affordable housing, the primary purpose of the scheme at issue is to develop the site for open market housing. (The Council suggested that the scheme should be restricted by condition to a defined lesser quantum of local needs affordable housing. However, that would not be reasonable because it would fundamentally alter the nature of what is being applied for, contrary to the advice of Circular 11/95 *The Use of Conditions in Planning Permissions*.)

19. Policy S21 of the submitted local plan states that the defined villages will be appropriate locations for limited development which meets their social and economic needs, protects their rural character and is consistent with the need to minimise travel. It is clear that the intention to do so encompasses the intention that such limited development will be largely confined within the settlement limits. The proposed development at issue would be at odds with that intention as well as the restrictions imposed by policy H7 of the adopted local plan. As regards the overall settlement pattern, the underlying philosophy of the emerging plan as a whole is made abundantly clear in the explanation to policy S21. This says... *"The plan focuses development on the urban areas as the most sustainable locations for new residents and workers. Therefore there are no specific proposals in this plan for the villages. Instead, subject to retaining local services, small scale proposals which meet local needs and conform with the policy should continue to come forward. The policies map defines settlement limits....."*
20. Moreover, the Council clearly sets out in policy S4 of the submitted local plan the intended distribution of new housing, approximately 90% of which is to be distributed amongst the named towns, leaving the remaining 10% to be distributed between some 19 settlements classified for policy purposes as villages (two of which, Exminster and Starcross, would have amended settlement limits) and, subject to the constraints of policy S22, the wider countryside. There is little to support the proposition that a village such as Bickington is regarded as a notably sustainable location for significant new housing development but rather it is apparently seen as less unsustainable than rural locations in the wider and particularly the more remote countryside. While the appeal site is by no means remote from Bickington, it is nevertheless separate from the defined settlement limit and therefore subject in any event to a differing policy approach than the settlement itself. I am not persuaded by the view that, of itself, proximity to a named settlement necessarily enhances the sustainability credentials of the appeal site; certainly not to the extent that relevant policy in that regard could be lightly set aside.
21. The reality of the location is such that, while there would be limited bus services available, there is very little in the way of services and facilities within a convenient walking distance and most residents would be deterred from cycling to Newton Abbot by the nature of the roads. In practice, private motorised transport would be the mode of choice and in most cases necessity for essentially practical reasons and, whilst the Framework recognises that this is largely inevitable in rural areas, it is nevertheless a core planning principle,

embodied therein, that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling, and that significant development should be focussed in locations which are or can be made sustainable.

22. In that context, I see little justification in locating more than the limited housing anticipated by local policy criteria in the Bickington location. More specifically, to locate open market housing beyond the defined settlement limit at the appeal site would represent a harmful conflict with the general policy intention to direct such housing to the more sustainable locations within the Council's area. An absence of appropriate restraint in that regard would run counter to the intentions of existing and emerging development plan policy and those of the Framework.

Biodiversity

23. The appeal site is within a strategic flyway for the Greater Horseshoe Bat population, the existence of which is the special interest addressed by the designation of the South Hams SAC. Moreover, on the face of it, the location, where flyways between the roosts at Chudleigh, the Haytor and Smallacombe mines and Buckfastleigh coincide appears, potentially, to be a de facto 'pinch point' in the network; in other words a situation where the network is significantly restricted by limited opportunities to commute due to urban encroachment or other habitat limiting reason. The habits of this species are complex and seasonally varied according to the availability of their particular prey and the mating and maternity cycle. The bats require a more than usually dark environment and linear features in the landscape to move through it between roosts and foraging areas and the three hours after sunset are, according to the relevant guidance, hours of peak activity. They are therefore especially susceptible to the impact of artificial lighting and are dependent, moreover, on linear features such as vegetated water courses, exemplified at the appeal site by the tree lined banks of the River Lemon.
24. The flow diagram in the relevant guidance clearly shows that the outline application for the appeal site, which is for up to 25 dwellings, triggers or has the potential to trigger, the need for a series of bat surveys to be conducted according to the specification in its Section 5. The ecological survey submitted did not extend to the detailed surveys that should have been triggered by the relevant guidance but the appellant argues that the sort of approach contemplated by the relevant guidance in respect of *minor proposed developments*, i.e. an assessment of existing and likely greater horseshoe bat habitat by a suitably qualified ecologist as a basis for appropriate mitigation measures would, in this instance, suffice. A further report from Colmer Ecology Ltd was included with the appellant's statement but this mainly promotes the view that surveys of the type advocated by Natural England are not necessary as a number of mitigation measures could be secured by condition and linear features, including not only the River Lemon and its associated vegetation but also hedgerow boundaries to the overall site would remain undisturbed.
25. The argument that the assumed presence of commuting bats along the River Lemon and a series of mitigating measures, including setback from the river beyond the area currently used for tents and touring caravans, both activities which tend to introduce artificial light in the summer months at least, together with a general lack of destruction of other potential linear features such as

boundary hedging, has an attractive, and apparently logical, simplicity and was articulated by the appellant's consultant ecologist, whereas the Council's adviser advocated a more cautious approach in line with the reservations expressed by Natural England in its letters of 15 August 2013 and 30 January 2014.⁶

26. I have considered the matter carefully, both from a statutory and a practical point of view, taking account of the differing expert opinion presented. It seems to me that Appropriate Assessment under the Habitats Regulations, which are engaged by the presence of a European site and potentially harmful impacts upon it, demands, as a general principle, adequate survey information relevant to the species and habitat potentially threatened. In this case the species is an inevitably mysterious creature whose habits, requirements and sensitivities are generally understood but whose presence within and habitual use of a putative flyway, such as that within which the appeal site is situated, cannot be well understood, or robustly addressed in terms of mitigation in the absence of specialised survey information. The relevant guidance attempts to balance the need for adequate information, both as to existing baseline conditions and likely future conditions after mitigation, to avoid excessively onerous survey requirements, notably by classifying certain developments as minor. However, in view of the various 'tests' set out in the relevant guidance I am not persuaded that, in principle, no specialised surveys are required. Within the context of the flyways, the development proposed is clearly significant with the potential to be harmfully disruptive.
27. In practical terms it seems an easy assumption that the removal of camping and caravanning activities from alongside what would appear to be the obvious commuting route for the bats and its dedication to open space use would actually improve matters and that alternative routes including hedgerow boundaries could be used also if left intact. However, in practical terms the use of the appeal site as a whole would be changed from essentially an open field with camping and caravanning pitches (which of course have the potential for some light disturbance of varying significance as different occupiers utilise the pitches) to a permanent form of built development with the potential that introduces for artificial light from windows in addition to external lighting, both of public and private spaces. While external lighting could be largely controlled by planning condition the impact of window light, which, on a cumulative basis, can be significant and persistent in housing areas, would rely primarily on design and positioning of individual dwellings. Any scheme of details for approval would need to be informed not only by the possibility of significant use of the River Lemon corridor, but also by the possibility that the species might, as an alternative, utilise other linear features impinging on the site.
28. Bearing such considerations in mind I am inclined to the view that the approach advocated by the appellant in this instance is essentially informed guesswork. In many situations that would arguably be sufficient in that the balance of probability may inform decision taking. However, the South Hams SAC is self-evidently an important area in biodiversity terms and its functionality in terms of the strategic flyways is clearly fundamental to its integrity as habitat, as evidenced by the specific initiative of Natural England in creating the relevant guidance. Once it is compromised, notwithstanding nature's inherent adaptability, the resultant harm to the habitat would be

⁶ Doc 2

effectively permanent. The best safeguard is adequately detailed information about the interaction of the species with any particular site proposed for development and in this case that information is simply not available. In all the circumstances I therefore prefer the cautious approach advocated by Natural England and the Council to the simpler stance of the appellant. Although this is based on professional assumptions which, at face value, seem reasonable, the underlying lack of specific information about the manner in which the site is actually used by the Greater Horseshoe Bat militates against the robustness of conclusion that is in this instance required.

29. All in all I cannot conclude with certainty that the interests of biodiversity would not be unacceptably harmed or that the mooted mitigation measures would in practice be sufficiently effective, and this must clearly weigh heavily against the proposal as currently presented. Appropriate assessment cannot, in my view, be adequately undertaken on the basis of the information to hand.

Flood risk

30. The Flood Risk Assessment submitted with the application shows that part of the site alongside the River Lemon falls within Flood Zones 2 and 3 but that the bulk of it falls within Flood Zone 1 as a consequence of the topography. The likely limits of the river's influence in this respect, broadly coincident with the Environment Agency mapping of Flood Zones 2 and 3, are fairly clear upon examination of the site. Subject to the imposition of appropriate conditions, the Environment Agency raises no objection to the proposed development and there is no evidence to suggest that it would increase flood risk elsewhere.
31. The Council, however, contends that the proposal fails the sequential and exception tests because the appellant owns other land that falls entirely within Flood Zone 1.
32. I do not find the Council's reasoning persuasive on this matter notwithstanding that Policy EN4 of the submitted local plan is clearly designed to mirror Framework policy on flood risk by directing developments to Flood Zone 1 where possible, only contemplating (subject to specified criteria) development within Flood Zones 2 and 3 where it is not possible to locate it in Flood Zone 1. The Framework advises that Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property. Paragraph 103 of the Framework articulates the approach to be used in the determination of specific planning applications.
33. In this case, the proposed housing itself would be located in the majority of the site which is not at significant risk because there would be a low probability of flooding. Although in outline, this is the clear intention of the submitted application and the outcome could readily be secured by condition.
34. The Council's approach in this case confuses the location of application sites (as defined by the 'site edged red') with the location of vulnerable development. This approach could readily be circumvented by the technicality of simply excluding areas within Flood Zones 2 and 3 from the site boundary, but in practical terms that would achieve little other than to prevent appropriate treatment of such land by excluding it from the purview of any resultant planning permission. The fundamental policy intention is to prevent vulnerable categories of development from actually being built on land susceptible to flooding and application sites routinely encompass land in more than one flood

zone. The important object is to design or condition schemes so as to meet that policy intention and that would be perfectly possible in this instance.

35. For these reasons, flood risk does not weigh against the proposal.

Overall conclusion

36. For the above reasons, I consider that the proposal would give rise to harmful conflict with the intentions of the development plan, the emerging development plan and the Framework in respect of the location of development and the interests of biodiversity. The sustainability credentials of the proposed development are therefore limited and the presumption in favour of sustainable development, as articulated in paragraph 14 of the Framework is not in any event engaged because relevant policies, notably in respect of housing land supply, are no longer out of date, in that the policies of the submitted local plan may in that respect now be accorded very significant weight.

37. I acknowledge that, through the Unilateral Undertaking, the scheme would address impacts in respect of recreational facilities including open space and education and that the affordable housing proposed would be a significant benefit locally. I also recognise that there could be some limited gains over and above the existing situation as regards flood risk.

38. I have taken these and all other matters raised into account but no material considerations sufficient to outweigh the harmful conflict with the intentions of relevant policy have been identified. I therefore conclude, on balance, that the appeal should be dismissed.

Keith Manning

Inspector

APPEARANCES

FOR THE APPELLANT:

Neal Jillings BSc (Hons) MA MRTPI	Jillings Hutton Planning
Guy Langworthy	Rule 5 Land Limited
Ian Crowe BSc (Hons) PGDip C.ENV. MCIEEM	Ecologic Consultant Ecologists LLP
Tim Ayres	Thackard Limited

FOR THE LOCAL PLANNING AUTHORITY:

Jeremy Ebdon BSc (Hons) DipTP MRTPI	Senior Planning Officer
Simon Thornley BSc (Hons) BTP MRTPI	Business Manager Strategic Place (Policy)
Christine Bolton	Appeals Officer

INTERESTED PERSONS:

Mr J Cox	Chairman, Bickington Parish Council
Mrs H Foss	Local resident
Mr B Smith	Local resident
Mr D Banton	Local resident

DOCUMENTS

- 1 Council's notification letter
- 2 Email from Natural England (Julien Sclater) dated 30 January 2014
- 3 South Hams SAC Greater horseshoe bat consultation zone planning guidance
- 4 Teignbridge District Council Local Plan 2013 – 2033: Submission *Statement supporting the five year supply calculation within the Teignbridge Local Plan (June 2013)*
- 5 News – 20 December 2013 – Local Plan (message from Local Plan Inspector via Programme Officer)
- 6 Comparative inset maps for Bickington from existing and emerging local plans
- 7 Unilateral Undertaking dated 20 January 2014
- 8 Teignbridge Local Plan 2013-2033 *Proposed Submission November 2012*

Appeal Decision

Inquiry held on 23-26 September 2014

Site visit made on 26 September 2014

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2014

Appeal Ref: APP/D0515/A/14/2210915

Land east of East Delph, Whittlesey, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Showfields Ltd against the decision of Fenland District Council.
 - The application Ref F/YR13/0714/O, dated 19 August 2013, was refused by notice dated 20 December 2013.
 - The development proposed is erection of up to 249 dwellings with associated infrastructure, vehicular and pedestrian access, public open space and associated land compensation works.
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Decision

1. For the reasons given below, the appeal is dismissed.

Procedural Matters

The nature of the application

2. The application was made in outline with all matters reserved for future consideration. It was however accompanied by an Indicative Masterplan (Plan A/1), which indicated the land proposed for housing development and the area proposed for open space and a play area. The land within the application site further to the east was proposed for the flood compensation works. This is particularly relevant in this case because much of the application site is in Flood Zone 3b (functional floodplain). Without the Indicative Masterplan housing development could take place anywhere on the application site. This is not the Appellant's intention so, in this case, the Indicative Masterplan, whilst illustrative, assumes a considerable degree of importance.
3. The Council's reason for refusal alleged that there was insufficient information to demonstrate that the scheme could be accommodated without detriment to three matters. Following the submission of further information the Council was satisfied that the concerns regarding landscape impact and highway safety had been satisfactorily addressed.
4. Whilst access is a reserved matter, the application was accompanied by an indicative access layout showing a "T" junction with East Delph. The Indicative Masterplan also shows access from this road with a secondary access from Teal Road. The removal of the Council's objection to highway matters came as a

result of detailed discussions with Cambridgeshire County Council as Highway Authority and it is clear that these were based on the main point of access being from East Delph. I am not aware that any of the discussions proposed access solely from one of the roads to the south. It is not unreasonable in the circumstances of this case to surmise that the main access would be from East Delph in roughly the position shown on the Indicative Masterplan.

5. The Showfields Action Group (SAG) were given Rule 6 status at the Inquiry and fully participated in the proceedings. An evening session of the Inquiry was also held in Whittlesey to allow local people to come and give their views.

My Ruling

6. At the Inquiry the Appellant requested that I make a Ruling on a proposed amendment to the scheme as shown on the Revised Masterplan (Plan B). This was accompanied by an associated planning condition, which had been included in one of the proofs of evidence. The Appellant argued that the change would accord with the *Wheatcroft* principles¹ in that the red line of the application site and the description of the development would remain the same. The difference would be a reduced development area with all housing at or above 5 metres AOD². This would negate the requirement for land compensation works other than in respect of the access road. The Council and the Rule 6 Party objected to this revision on the basis that it would significantly change the nature of the scheme. The land compensation works were considered to be an integral part of the application considered by the Council. Also there was objection to it being introduced late in the day without public consultation, raising the issue of potential prejudice and unfairness.
7. My Ruling took account of the Planning Inspectorate's *Good Practice Advice Note 09*, which advises on accepting amendments to schemes at appeal stage. It also paid careful regard to the *Wheatcroft* principles referred to above. The land compensation proposals would involve the raising of part of the site to bring it above the 5 metre AOD contour. It would be lowered in the eastern part of the site to compensate for the loss of flood storage within the functional floodplain. The application description and the Appellant's representations at appeal stage made clear that this element was "integral" to the proposal as a whole.
8. Although the overall site area would not change the outcome would be that a similar number of houses could be accommodated on a smaller area of land. This is because the application is for "up to" 249 dwellings and therefore the maximum number could be built. Such an increase in density may have implications for residential amenity and landscape impact, for example, which no-one has had a chance to consider. I considered that within the context of this particular proposal the change that I was being asked to accept would be a significant one. Furthermore there would be the potential for unfairness to both the Council and third parties because it had been introduced late in the day without any consultation with anyone. My Ruling was that the amendment should not be accepted and my decision is based on the originally submitted scheme on which the Council made its decision. This was accepted by the parties and the Inquiry proceeded on this basis.

¹ Bernard Wheatcroft v Secretary of State for the Environment.

² The 5 metre AOD contour is used by the Environment Agency to define the limit of the functional floodplain (Zone 3b).

Reasons

Background and Policy Context

9. The appeal site is on the northern side of Whittlesey and presently comprises a number of fields separated by tall native hedgerows. It is about 18.45 hectares in extent and has a varied topography which, notwithstanding local undulations, slopes down in a northerly direction towards the River Nene. Immediately to the south the site is bordered by residential properties, including those within the area locally known as the Birds Estate.
10. The overarching strategy in Policy LP1 of the recently adopted *Fenland Local Plan* (the LP) (May 2014) is to deliver sustainable growth. Policy LP3 sets out the spatial strategy which seeks to place the majority of new housing within 4 market towns, one of which is Whittlesey. Policy LP4 establishes an approximate target for the town of 1,000 homes, to be delivered between 2011 and 2031. The policy goes on to set out the criteria for assessing housing proposals. Large scale developments, which are defined as being 250 dwellings or more, are directed to the broad locations for sustainable growth. In the case of Whittlesey this is on the eastern side of the town under Policy LP11.
11. Policy LP4 indicates that small scale housing proposals below 250 dwellings, which would include the appeal scheme, are not confined to land within a settlement boundary but rather the LP applies a flexible approach to potential housing sites. In the case of Whittlesey it indicates that 350 dwellings are expected to come forward in this way. It goes on to say that such sites are expected to include the remaining allocations from the former *Fenland District Wide Local Plan* (1993). One such allocation was land on the northern side of Whittlesey, which included the appeal site and was enclosed by a new by-pass. This road was never built and it is unclear from the Proposals Map to what extent the allocation included land which is part of the functional floodplain.
12. In the case of small scale housing proposals within or on the edge of the market towns Policy LP4 directs the decision maker specifically to Policy LP16. This includes a large number of provisions which seek to deliver high quality environments across the district. There is no evidence that the appeal scheme, which is in outline form, would conflict with this policy. However it is also necessary to consider the proposal in terms of all relevant policies in the LP, including those dealing with flood risk. Policy LP11 for example, which relates specifically to Whittlesey, indicates that development proposals, especially to the north of the town, should have particular regard to all forms of flood risk.

Main Issue: Whether the Proposed Development Would Cause Undue Harm to Flood Risk

13. Policy LP14 includes provisions relating to flood risk and makes clear that all development proposals should adopt a sequential approach. This accords with the National Planning Policy Framework (the Framework) as would be expected with a recently adopted local plan. It must however first be considered whether the appeal site is within an area of flood risk. As has already been mentioned, much of it is below the 5 metre AOD contour, which the Environment Agency (EA) treat as the boundary of the functional floodplain.

14. The Nene Washes are an area of low lying land to the south of the River Nene. They play an important role in the defence of towns such as Peterborough from flooding. The Dog-in-a-Doublet sluice is immediately to the north of Whittlesey and is at the limit of the tidal river. At times of high tide it can be closed to upstream river flows and levels can be kept below 4.3 metres AOD thus avoiding over-topping Cradge Bank on the southern side of the river. High flows upstream can be diverted into Morton's Leam via the Stanground Sluice and if necessary the water spills out onto the Washes and is contained to the south by either the South Bank or the natural topography and to the north by Cradge Bank. Generally speaking in such circumstances the water levels would remain below 4.3 metres AOD.
15. That the Washes do their job is illustrated by photographs and a booklet provided by local residents and entitled "*Whittlesey in Flood 2012-2013*". It is clear that extensive areas flood to the north of the town and it is understandable that local people are very worried about any development within this area that may compromise the proper working of the flood defence system.
16. Flooding above 4.3 metres AOD may happen with more intense weather events, for example when a prolonged series of high tides coincides with high rainfall or snow melt. Such events were described in the Statements of Common Ground as "extreme" or "very extreme". In such circumstances it may not be possible to manage the levels as described above and the water could rise to over-top Cradge Bank. The EA has determined that the 5 metre AOD contour defines the extent of the flood storage area. There was a considerable amount of debate at the Inquiry about the actual risk of a flood reaching this point. The highest water level recorded in the Nene Washes was in the 1947 flood where it rose to 4.82 metres AOD at Stanground Sluice. In 1998 the peak at Whittlesey was 3.94 metres AOD.
17. The likelihood of an extreme event occurring is difficult to assess because there are many different hydrological scenarios, each with its own probability and this results in a complex statistical analysis. It is however a reasonable proposition that extreme events will become more likely in the future with climate change. The Appellant's expert witness estimated that a rise in flood levels to the 5 metre AOD mark, taking account of climate change, would increase the annual probability to around 1 in 800 years, although it was emphasised that this was a judgement based on experience. Such an event would necessitate very high tides and rainfall to coincide over a prolonged period.
18. The EA has indicated that with climate change there is a 1 in 100 year annual probability of a maximum water level of 4.57 metre AOD occurring at various nodal points along Morton's Leam to the north of Whittlesey, taking account of climate change. However it seems a reasonable assumption that the 5 metre level representing the edge of the functional floodplain includes some allowance for wave action. This has shown to be a feature of local flooding as evidenced by the DVD provided by local flood wardens. There may also be an allowance for surge tides, which would suggest that the limits of the floodplain have been set by the EA taking a precautionary approach. This seems entirely reasonable in view of the many variables involved.

19. Although the appeal site extends to over 18 hectares, a large part of it would be used for either open space, playing fields or land compensation works. The latter would entail the ground being lowered in order to balance the raising of the development platform on which the houses and access road would be built. In the Government's Planning Practice Guidance (the PPG) dwelling houses are classed as "more vulnerable" development and would not be appropriate in Flood Zone 3 unless a sequential test and an exception test had been passed. Following the mitigation works all of the houses would stand on land above 5 metres AOD and thus in Flood Zone 1, which would have less than a 1 in 1,000 annual probability of flooding and is considered by the EA to be suitable for housing development in this case.
20. The EA has agreed that overall there would be no net reduction in the flood storage area and the capacity of the functional floodplain would not be diminished. In short, the level-for-level compensation works would ensure that flood risk would not be increased. In technical terms the EA is satisfied with the proposal and has raised no objections in this respect. It was agreed, as a result of more detailed topographical survey work, that the land raising would result in about 13% of the application site being taken out of the functional floodplain.
21. The main difference between the parties is whether the failure to undertake a sequential test is fundamental to the acceptability of the appeal scheme in terms of flood risk. SAG and the Council both consider that the sequential test should be applied to all land that is within Zone 3b prior to mitigation. There was a slight difference in approach because SAG believed that the site as a whole should be tested whereas the Council considered it should just be the proposed area for housing. I am inclined towards the Council's view because the PPG classes open space, playing fields and compensation works as "water compatible development" for which the sequential test does not have to be undertaken, providing various conditions are met. There was no evidence that these conditions would provide an obstacle in this particular case. In the circumstances it is the 13% or so of the net developable area that is currently in Flood Zone 3b that is at issue. Whilst the majority of the built development would be in Flood Zone 1, a significant part of it would not.
22. The sequential approach in national and local planning policy seems to me to be based on the underlying principle of sustainability. This is that development should be directed to areas with the lowest probability of flooding and that reliance should not be placed in the first instance on flood defence and flood mitigation. The Framework makes it quite clear that it is only if there are no sites with a lower flood risk that consideration should be given to whether the development could be made safe and not increase the risk of flooding elsewhere through a Flood Risk Assessment and the application of the exception test. The Appellant has jumped straight to the latter part of the process, without considering whether there is better located land to accommodate the development in question. The evidence seems to indicate that there is but, in any event, there is no evidence that there is not.
23. The Appellant contends that the Council's approach is solely policy driven without any consideration of the actual harm that would arise. Attention is drawn to the wording of Policy LP14 which indicates that development in areas known to be at risk of flooding will only be permitted following "the successful completion of a sequential test (if necessary), having regard to actual and

residual flood risks". There was some debate at the Inquiry about what the bracketed words actually mean. The Appellant contends that it means that the sequential test does not have to be applied if there is no actual or residual risk. It was agreed that there is no residual risk but the Appellant's argument is that there are no actual risk either. This is because it is alleged that the risk is so small that it will in reality never happen. For present purposes I start from the proposition that the Appellant's policy interpretation is correct and consider the matter of actual risk.

24. Despite the fact that the flood event would need to be extreme or even very extreme, the probability cannot be exactly known due to the many different hydrological scenarios which could combine in a variety of ways. Whilst the Appellant thought that a flood would only reach the 5 metre AOD level every 800 years that was no more than an informed judgement. Even if it were correct it would still be classified in the PPG as Zone 2, where there is a "medium probability" of flooding. However as already mentioned no account has been taken of the effect of wave action or strong surge tides and the actual probability could be much lower bearing in mind these variables. So in my opinion there would be actual risks and these would give rise to harm which should not be discounted.
25. The sequential test is a necessary requirement in this case for all of the reasons given above. It would only apply to part of the developable site but that is not an insignificant area of land. In any event there is nothing in the Framework, PPG or development plan policy that suggests the sequential test should only be applicable to sites that lie wholly within the flood risk area. It is for the Appellant to undertake the sequential test and for the Council to decide whether it has been successfully completed. The lack of objection from the EA does not infer that this aspect has been satisfactorily resolved. Even though the floodplain could technically be raised and lowered to accommodate such development safely that should not be done without exploring other more benign options first.
26. The Appellant referred to an appeal decision on a site at Steeple Claydon, where 13 dwellings were granted planning permission. This appears to be land within the floodplain with compensation measures being accepted as mitigation. However the Inspector dealt with flood issues very briefly as an "other matter" and it is not made clear whether the sequential test had been applied or not. Reference was also made to development at Oundle Marina but from the information provided it is not possible to draw meaningful conclusions that would be helpful in the context of the current appeal.
27. The PPG makes clear that "flood risk" is a combination of the probability and potential consequences of flooding from all sources and I turn briefly to consider the other identified source, which is surface water. A Drainage Strategy has been submitted and this has been attached to the *Statement of Common Ground on Flood Risk and Surface Water Drainage*. It has been agreed by the Environment Agency, North Level District Internal Drainage Board (IDB) and the Council. It establishes two main options for the surface water drainage of the site but it is likely that the final solution would be somewhere between the two. The matter would be finalised at reserved matters stage but the important point is that the statutory authorities are satisfied that the site could be drained without a risk of flooding from this source.

28. It seems likely that the surface water drainage system would be adopted by the IDB. The provisions for future management and maintenance are included within the Planning Obligation and the Appellant covenants a payment for this purpose for the first 50 years. This is considered appropriate because by then the IDB would have adopted the system and it would be paid for through their funding streams. Whilst it is appreciated that there are concerns about the failure of existing estates to drain properly this is a historic situation and there is no reason why the appeal development should suffer from similar problems. It is relevant that the IDB is a signatory to the Planning Obligation and will assume responsibility for the surface water drainage system in perpetuity.
29. The Drainage Strategy also takes account of water draining from the existing residential development to the south by means of the ditches that cross the appeal site. The evidence shows that there would be no harmful effect in terms of surface water flood risk either to existing properties or to the houses proposed on the appeal site. SAG was concerned about the movement of the 5 metre AOD contour closer to the rear boundaries of properties in Moorhen Road as a result of the land compensation works. Whilst it is the case that the land would be re-modelled in this area there would still be a considerable distance between the rear fence lines and the area where gradients would be reduced. The existing flood risk to these properties would not change as a result of the appeal proposal.
30. In conclusion there would be no significant impact in terms of risk from surface water flooding. However the fluvial flood risk would be unacceptable for all of the reasons given above. The appeal proposal would thus be contrary to Policies LP11 and LP14 in the LP and policies in the Framework relating to flooding. There are no material considerations that indicate that the appeal scheme should be determined other than in accordance with the development plan in this respect.

Imposition of Conditions

31. It was suggested by the Appellant that in the event that I do not accept its evidence in terms of flood risk then the matter could be resolved through the imposition of planning conditions. These would restrict the development to the land at or above 5 metres AOD. In order to overcome the concern about prejudice to third party interests a condition would limit density and maximum housing numbers up to a maximum of 212 dwellings.
32. The evidence was confused and confusing as to whether I was being asked to consider making a "split decision". The PPG indicates that it may be appropriate to grant permission for only part of a development in exceptional circumstances. I am not convinced that such circumstances apply here. Furthermore the PPG advises that such circumstances will only apply where the acceptable and unacceptable parts of the proposal are clearly distinguishable. In this case, for the reasons given in my Ruling, the compensation works are an integral part of what has been applied for. Even if they were not needed for the housing element they would still be required in association with the access from East Delph, which includes land presently below 5 metres AOD. It is unclear what the extent of the cut and fill would be, where it would take place and what the EA view on it would be.
33. The Appellant refers to Policy LP1 of the LP which requires the Council to adopt a pro-active approach with applicants in order to find solutions. There are

similar exhortations in the Framework. From the submitted evidence it would appear that all parties have worked together in the spirit of co-operation in order to try and resolve differences wherever possible both at application stage and in connection with the appeal.

34. It is difficult to see how what was being proposed towards the end of the Inquiry by way of conditions could result in a scheme that would be substantially the same as the application considered by the Council. Although this is an outline proposal with all matters reserved, the Indicative Masterplan is of considerable significance for the reasons given in Paragraph 2 above. The Appellant is effectively suggesting that the Revised Masterplan (Plan B), which I rejected in my Ruling, should be accepted as the basis for the conditions now being put forward. Whilst I acknowledge that it is now being advanced for a different purpose it would seem perverse for me to accept a plan that I had previously rejected. In any event I do not agree that in this particular case the developable area can be changed in the way proposed by the Appellant without fundamentally altering the scheme on which the Council made its decision. The PPG makes clear that a condition that modifies the development in such a way as to make it substantially different from that set out in the application should not be used. That is the case here.
35. In the circumstances I do not consider that the imposition of conditions would satisfactorily remove the flooding objections to the appeal proposal.

Other Matters

36. At the start of the Inquiry I identified a number of other issues to reflect the various objections raised by SAG and local people. Particular concerns included traffic generation, highway safety, visual amenity, ecology and the effect on the internationally important nature conservation site of the Nene Washes. I do not discount the importance of this evidence which was presented to the Inquiry at some length. However in view of my conclusions on flood risk it seems to me unnecessary to consider whether there are additional harmful impacts for the purposes of this decision.
37. The Appellant disputed that the Council could demonstrate a 5 year supply of deliverable sites to meet housing requirements. Indeed it was considered that the appeal site, which was within a swathe of land identified for development in the 1993 Local Plan, forms part of the housing land supply under Policy LP4. However this is a broad area enclosed by a proposed by-pass that was never built. It is difficult to believe that the recently adopted LP would have been found sound if its supply had relied on building houses on land that falls within the functional floodplain.
38. Paragraph 47 of the Framework indicates that there should be a significant boost in the supply of housing. The appeal scheme would offer a number of advantages. Whittlesey is identified in the LP for some housing growth and the proposal would make a useful contribution to housing delivery. In addition it would deliver a policy compliant scheme of affordable homes for which there is a considerable need. The development would also provide a large area of open space that would benefit existing residents as well as new occupiers and would address an acknowledged shortfall in the northern part of Whittlesey. Furthermore the site is recognised as being in an accessible location where a number of trips could be undertaken by non-car modes.

39. The Framework states that there are three inter-related dimensions to sustainability. The appeal scheme would contribute towards the economic and social roles for the reasons given in the preceding paragraph. There would also be some environmental benefits, including landscape enhancements that would result in gains to biodiversity. However a not insignificant part of the housing area is within an area of high flood risk. The Framework makes very clear that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Following such an approach is not merely a slavish adherence to policy as the Appellant suggests but rather it is central to an understanding of sustainability objectives. If this needs reinforcing, Paragraph 14 of the Framework makes it crystal clear. There is a presumption in favour of sustainable development but even if the development plan is absent, silent or relevant policies are out of date, permission should not be granted where specific Framework policies indicate it should be restricted. Locations at risk of flooding are specifically highlighted as one such policy in Footnote 9.
40. In this case the appeal proposal would be contrary to development plan policy, including Policies LP1, LP11 and LP14 in the LP. Even if there were a shortfall of housing land there is no suggestion that these are housing supply policies. In any event the "adverse impact" test in Paragraph 14 of the Framework would not apply because it is inherently unsustainable and thus harmful to build houses in the floodplain unless there are specific reasons why it is necessary to do so. No such reasons are applicable here because the sequential test has neither been undertaken nor passed.
41. I have considered all other matters raised but have found nothing to alter my conclusion that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: FENLAND DISTRICT COUNCIL

Mr Asitha Ranatunga Of Counsel instructed by Mr R McKenna, Solicitor
at Fenland District Council

He called:

Mr P Jenkin BEng(Hons) Partner with Peter Brett Associates LLP
MSc CEng CWEM
FCIWEM

Mr P Wilkinson BA Managing Director of Landmark Planning
(Hons) MA MCivic
Design FRTPI FBIM MPIA

Ms L Mason-Walsh* Principal Transportation Officer with
Cambridgeshire County Council

Mr G Martin* Senior Planning Policy Officer with Fenland
District Council

Ms C Hannon* Housing Strategy and Enabling Officer with
Fenland District Council

Mr I Trafford* Education Officer with Cambridgeshire County
Council

Mr C Fitzsimons* Development Policy Manager with
Cambridgeshire County Council

*Contributed only to the session on Planning Obligation and conditions

FOR THE APPELLANT: SHOWFIELDS LTD

Mr Anthony Crean Of Queen's Counsel instructed by Mr M Flood
He called:

Mr R Allitt BSc FICE Director of Richard Allitt Associates
CEng CEnv

Mr J Patmore BSc(Hons) Head of Ecology at ADAS
CEcol CEnv CIEEM CBiol
MSB

Mr M Flood BA(Hons) Director of Insight Planning Ltd
DipTP MRTPI

FOR THE RULE 6 PARTY: SHOWFIELDS ACTION GROUP

Mr James Potts Of Counsel, instructed by Ms K Cooksley,
Winckworth Sherwood

He called:

Mr R Lobley	Associate with BWB Consulting
Mr S Taber BSc(Hons) MSc MCIEEM	Senior Ecologist with Ecology Solutions
Mr N Taylor	Lay witness and local resident

INTERESTED PERSONS:

Mr S Barclay MP	Member of Parliament for NE Cambridgeshire
Mr M Curtis	Cambridgeshire County Councillor for Whittlesey North
Ms D Laws	Whittlesey Town Councillor
Ms C Carlisle	Headteacher at the Alderman Jacobs Primary School
Mr P Nightingale	School Governor and local resident and
Mr M Wollaston	Volunteer Flood Warden and local resident
Mr A Jones	Local resident
Mr I Fleming	Local resident
Mr G M Baldrey	Local resident
Mr K Mawby	Local resident
Mr R Gale	Local resident
Mr J Burch	Local resident
Mrs L Jones	Local resident
Ms S Fleming	Local resident

DOCUMENTS

- 1 Council's notification of the Inquiry and list of persons notified
- 2 Fenland Local Plan (adopted May 2014)
- 3 Five Year Housing Land Supply – Final Report (September 2014)
- 4 Statement of Common Ground on Flood Risk and Surface Water Drainage
- 5 Statement of Common Ground on Housing Land Supply

- 6 Statement of Common Ground on Ecology
- 7 Planning Inspectorate Good Practice Advice Note 09
- 8 Copy of e-mail from North Level District Internal Drainage Board (17 September 2014)
- 9 Copy of letter from Cambridgeshire County Council on transport matters (14 July 2014)
- 10 Relevant sections of the Planning Practice Guidance on the use of conditions prepared by Mr Flood
- 11 Development Framework plan of the Snowley Park development submitted by Mr Crean
- 12 Extract from the Snowley Park Planning Statement submitted by Mr Potts
13 Response on behalf of the Appellant by Stirling Maynard to highway and transportation issues raised by third parties
- 14 Whittlesey in Flood 2012-2013 provided by the third parties
- 15 Written statement to complement oral submissions by Ms C Carlisle
- 16 Written statement to complement oral submissions by Mr P Nightingale, including photographs
- 17 Written statement to complement oral submissions by Cller Laws, including photographs and other information
- 18 Written statement to complement oral submissions by Mr Woolaston, including photographs, a map and a DVD
- 19 Written statement to complement oral submissions by Mr Jones
- 20 Written statement to complement oral submissions by Mr Fleming
- 21 Written statement from Mr and Mrs Baldrey to complement oral submissions by Mr Baldrey
- 22 Written and photographic material to complement oral submissions by Cller Curtis
- 23 DVD of photographs to complement oral submissions by Mr Gale
- 24 Written representations from local residents submitted during the Inquiry
- 25 Supporting information provided by the County and District Councils on planning contributions, affordable housing, Travel Plan and play space requirements
- 26 Draft planning conditions including suggested conditions relating to a restricted development area

27 Supporting information on affordable housing, travel plan and play space provision

28 Planning Obligation by Agreement dated 26 September 2014

PLANS

A/1-A/4 Application Plans including the Indicative Masterplan

B Revised Masterplan (Plan 5)

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