

SUBMISSIONS OF 17 OCTOBER 2018

REPORTS

PHASE 2 GEO-ENVIRONMENTAL REPORT

This is out of date because it applies to the previous Outline application, for a different applicant.

There are fundamental inconsistencies with its findings and other more up to date reports. These include groundwater levels, which are substantially less than those given.

LPC's expert consultant is commenting separately on the issues.

SCOPE OF APPLICATION

The Applicants have failed to consult Linton Parish Council and to demonstrate they have consulted the other expert bodies as required to establish the flood constraints of the site, which control the detail and extent of development. This both fails to comply with the Conditions of the Outline consent and the requirements of NPPF 43.

Likewise, where it has become clear that the requirements of NPPF 43 were not complied with previously, or were misleadingly provided, NPPF 43 still requires submission of the missing assessments. These include –

- **Archaeology** – where the reports inconsistently reported on the finds and significance of the archaeology, and (for instance) failed to identify the highly significant connection with the Roman Villa site and failed to identify the presence of 2 Roman roads and an Anglo-Saxon village. Since then, a highly significant Mesolithic flint-making centre has also been discovered on this site. The failure to appropriately recognise the archaeological significance and constraints of this site is of substantial concern.
- **Ecology** – where the Outline application reports proposed the retention of species rich hedging and this is now being almost entirely destroyed. The Outline reports failed to deal with protected species present in the locality, including a failure to properly assess the presence of the Roman snails and of newts. We now discover that the previous report based its conclusions on the statement that there were no ponds in the locality, and that instead there are 20 to 30 un-surveyed ponds that could potentially be inhabited by newts. The Parish Council provided a new pond as part of the Flood Management Scheme which has already been colonised by newts, so it is very likely that the mature ponds nearby are also occupied.

The surveys are inadequate as they stand because –

- They are out of date because they were not carried out in the last two years.
- They did not survey the ponds and protected species including the Roman snails and newts
- They were based on different premises - this development now spreads significantly further downhill towards the river beyond the Parameters Map, the

development fragments and removes mature hedging being retained previously, and there is no flood enhancement to offset the harm.

- The most recent drainage report confirms that the water level is less than 1 metre below ground level. This does not provide the separation from development needed for the aquifer.

The ecological basis of the scheme has substantially changed –

- The site is treated as if it is a blank canvas in anywhere land, and needs instead to be dealt with in the context of its Natural Flood Management Area, sensitive water meadow and chalk stream setting.
- The development extends well beyond the Outline consented area, into the property of adjoining residents, and removes the continuous ecological buffer edge shown on the Parameters Plan.
- The development now removes and fragments the continuous mature native hedges and the previously proposed continuous native hedges, substantially affecting the habitats, corridors and movement of birds and animals on the site.
- The willow trees along the river providing flood defence are to be removed.
- The report has now identified that there are 20-30 ponds not previously assessed as part of the Outline consent. As (see above) there is a substantial likelihood there are newts present, these should be assessed and the risks mitigated as required in Law. We have concerns that doing nothing (as the report proposes) would not comply and there are already substantial earth-moving machines and excavations on site for the archaeological phase, without the appropriate statutory survey assessment and protection for species such as newts.
- It seems the protected Roman Snails have also 'reappeared' after the Outline consent. There is no record of the study reported to Planning Committee of the Outline consent (which was not consulted on), and as we previously advised, they should also have the appropriate statutory survey assessment and protection.

The changes affect the principle of development. They demonstrate that the proposal at Outline stage did not appropriately assess and design to take into account the ecology of this site, and the changes ensure that this scheme is not materially the same as the Outline consent.

Policy NH/4.4 requires that where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact, prior to the determination of an application.

The changes increase (rather than reduce) habitat fragmentation and weaken (rather than strengthen) ecological networks to aid migration. As a result they would harm green infrastructure and make the biodiversity less (rather than more) resilient to climate change, contrary to NH/4 paragraph 6.18.

The new Ecology consultee's response to this complex scheme shows they are not aware of all the ecological issues relating to this site. It also indicates the ecology report and consultee response is based on comparing the RM proposals with a plan that was indicative and has no planning basis. The proposals should instead be read in conjunction with the Parameters Plan described in Condition 2 and the other issues and concerns previously raised by LPC, local residents and local experts.

- **Flooding** – Concerns have been provided separately by LPC’s expert consultant on surface water drainage and these issues affect the design, management and extent of development.

We also highlight –

- failure to provide adequate up to date flood data, survey and analysis to appropriate standards,
- failure to take regard of current requirements and failure to consult Linton Parish Council and current flood data required under condition,
- failure to provide good practice representative porosity testing across the site,
- failure to provide adequate protection and cover over the aquifer,
- changes to the extent of development beyond the consented development area
- changes to the parameters of the layout which increase flooding of the site (such as increased road entrances, fewer trees and more turning heads including one in the previously river flooded area),
- changes to the flood management of the area (such as the loss of willows contributing to flood protection and the additional storage of water which is likely to have additional surge effects on the river in times of flood).

As submitted it therefore does not demonstrate compliance with NPPF 155 and 160-162.

Also, NPPF 162 requires that where the original assessment was incomplete, or where changes or new information come to light, the sequential tests for flooding are to be reapplied. That means that (in this case) the principle of the development (the appropriateness of this specific site for residential use) should be reassessed.

Subject to this, as so far the RM layouts are based on schemes that do not comply with the Parameters Plan, further assessment needs to be provided once a scheme is provided in accordance with the Outline consent, and once it is clarified how many houses can be provided taking into account the constraints of the site.

- **Highways** – We note a survey taking place at this junction and therefore will comment further when the results to this are known and relevant report consulted on.

In the meantime we note our previous issues raised, including –

- The Outline consent did not include numerous additional accesses, and those accesses should have been appropriately located and designed for the speed of the road, the proximity of existing residential accesses, the A1307 major junction and the City Deal bus hub.
- The design should also include the appropriate upgrading of the 1307 junction.
- There is still a failure to design for the slopes of the site, and the steps, ramps and other structures that will need to be installed for the significant slopes may also have some significant impact on visibility splays.
- The numerous new accesses, substantial prominent hard surfaced areas and additional structures to deal with the slopes are likely to have a substantial change to the landscape character of the area, which is likely to appear engineered rather than rural.

- **Noise** – The Outline consent did not fully assess and deal with the substantial road noise from the A1307, and there was no mitigation identified for external spaces. External levels of noise were above the EU acceptable levels and therefore mitigation or re-siting

houses is still required in order to demonstrate that this specific RM design layout scheme and its landscaping complies with HQ/1n and NPPF 170 to protect the health and amenity of occupiers, inside and outside their homes.

Clarity is therefore required –

- It is unclear how much of this site can be developed for the residential use that is sensitive to sound, and therefore how many houses can be provided.
 - Retrofitting sound barriers to deal with external noise would be very intrusive on this prominent site, where the noisiest part of the site is along Bartlow Road which is level with the A1307 and where screening would be most obtrusive.
 - Development solutions such as mounds would again affect the amount of development possible within the developable area and, outside this, would not comply with the Outline consent.
- **Landscape** – Linton Parish Council will provide further comment from an expert Landscape consultant. In the meantime, we note that –
 - The scheme and its assessment does not deal with the substantial effect of this specific development on the sensitive approach to the village, the skyline and the valley.
 - The layout and screening does not comply with the projected impacts described in the LVIA and therefore that LVIA is out of date.
 - The landscape buffer is no longer continuous, and therefore does not comply with the principles and parameters of the Outline scheme.
 - The development extends well beyond the extent of development approved under the Parameters plan of the Outline consent and makes it impossible to comply with that Parameters plan and the relevant condition requiring the buffer to be installed prior to the rest of the development, and to be maintained.
 - The development spreads significantly further into the river valley, its flood meadow and its sensitive small scale rural landscape character, so is detrimental to the openness, appearance and character of the area.

As the number of houses was not clarified at Outline stage, it is required at this RM stage that the constraints and impacts be properly assessed and mitigated for the proposed scheme. The development now has greater prominence, different impacts, and greater spread than previously approved, and therefore the potential impact on the environment is greater.

The extent and layout of the development and its landscaping is incompatible with the Parameters Plan and therefore the scheme does not comply with the Outline consent.

The scheme does not respect, retain or enhance the local character and distinctiveness of the local landscape, so does not comply with Policy NH/2: Protecting and Enhancing Landscape Character.

Failure to comply with the Outline consent

There is a consistent failure to provide the housing and ancillary development within the constraints of the Parameter area and the flood area. The application documents repeatedly refer to an Outline application layout plan which exceeded the Parameter Plan area, but that plan has no planning status as that was indicative and not an approved plan. The repeated failure of this developer and the last developer to contain the development within the

Parameter area indicates that the proposed scheme is overdevelopment of the site in principle, and that there are specific constraints to this site that ensure it is not a sustainable and deliverable development as proposed.

The proposed layout and development extends well beyond the developable area approved in Condition 2 of the Outline consent. This Parameters Plan clearly shows a boundary which is to be provided with a landscaped barrier prior to the construction of any other development, and this landscaped barrier would be impossible to construct and maintain within the submitted RM scheme. Numerous parts of the proposed development breach this boundary and, furthermore, there is substantial development including the pumping station, engineering works, housing, fencing and turning head within the outer area designated as 'undeveloped area'.

If you recall, the additional Flood condition involving consultation with LPC and other experts was imposed specifically to further restrict the development area, because the developer had failed to demonstrate that the development area was not liable to flood and not liable to cause flooding to the existing management scheme and village. The restriction was as required by the then NPPF paras 100 and 101, which restrict sustainable development. This restriction still applies in NPPF 2018 as paragraph 11 footnote 6, Strategic policy 20 and Chapter 14.

As a result, the RM scheme substantially fails to comply with the Outline consent, so is not RM and should be withdrawn or refused on that basis.