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Dear Louise

**Submission from St Pauls Walden Parish Council relating to NHDC Local Plan
Public Hearings ~ Week 6, Matter 11**

Proposed Allocation of Site SP2 ~ Whitwell.

This letter is being emailed to you, and three hard copies are in the post as required.

St Pauls Walden Parish Council (SPWPC) has consistently objected to the allocation of site SP2 and the proposed development on that site, for a number of reasons, which are elaborated in our previous representation to the Local Plan. In this letter we will address the specific matters 11.80, 11.81, 11.82 and 11.83 that have been raised by the Examination Inspector.

The recent granting of planning permission on site SP2 is disappointing but we believe it strengthens the case for reviewing the settlement boundary in 11.83.

Background

In the 2014 consultation "Preferred Options", this area was outside the settlement boundary and indicated as Green Belt, which was widely supported. The site SP2 was allocated at a late stage in 2015 in order to accommodate the application from Pigeon Land (ref. 15/02555/1). In August 2016, that application was refused by the NHDC Planning Committee due to concerns over the visual impact and flooding and draining issues. Regrettably, the specific wording of the decision notice (23 August 2016) failed to express the reasons evident in the transcript of the meeting. Pigeon Land subsequently appealed (ref: APP/X1925/W/17/3168114) and were successful

The Parish of St Paul's Walden includes the villages of Bendish, St Paul's Walden and Whitwell

in persuading the Planning Inspector to allow the development, as detailed in his Decision Notice of 7 December 2017¹.

SPWPC Representation

Our previous representation is expressed in our letter dated 23 Nov 2016 and appears in the online portal under representation ID #2657. It addressed several aspects of the Local Plan, including:

- Housing Need, Chapter 4, Policy SP8
- Assessment of Sustainable Locations for Growth, Chapter 4, Policy SP2 and Paragraph 13.324
- Site selection and reasonable alternatives, Chapter 13, Site Allocation SP2
- Policy CGB2

Specifically in response to the matters in hand, we presented detailed arguments against the allocation of site SP2, including reasons relating to:

- I. Visual impact
- II. Flooding
- III. Sewerage and Ground Water
- IV. Public engagement

That representation concluded in nine points. Please refer to the original letter for details.

Other Public Representations

Besides our representation #2657, we would draw attention to the extraordinary number of public representations in response to the allocation of site SP2. Of the 52 listed representations there were only two supporters, namely Pilkington (as landowner), and HCC (for S106 obligations). Among the representations we would draw attention to:

- #3689 Whitwell Protection Group (Mr Brean Jenkins) and 305 others, which refers to 305 similar letters of objection, making a **total of 355 objections**, which is comparable to the number of households in the village.
- #480 St Paul's Walden Bury (Sir Simon Bowes Lyon) confirming that SP2 is within sight of the heritage site of the Grade 1 Listed St Pauls Walden Bury Gardens, a fact which seems to have been consistently overlooked.
- #6192 CPRE Hertfordshire (Steve Baker), citing specific policy reasons why SP2 is unsound and should be removed.

Matter 11.80

¹ This corrected decision notice supersedes the notice of 27th October 2017, identified as Examination Library Document ORD8.

Is the proposed housing allocation deliverable? In particular, is it:

b) supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?

No. The applicant did submit a flood risk assessment with their submission. This did not consider the flows associated with a surface water flood event including an allowance for climate change, or a breach scenario of the proposed flood defence scheme. Safe access or escape during a surface water flood event has therefore not been established for future residents in accordance with CIRIA 365 'Designing for exceedance in urban drainage - good practice (C635)'. It is likely that residents to the south of the surface water flow route through the site will have to negotiate their way through flood water in order to leave the site during an extreme flood event.

c) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

No. Please refer to our previous representation and additional comments below. Environmental constraints include flooding and drainage as well as visual impact. Public transport is negligible and residents will be reliant on the private car for commuting, shopping and secondary schools.

The development will not be deliverable if infiltration is found to present a high risk to groundwater quality, or if the seasonally high groundwater levels make infiltration unviable. There are no other methods for surface water disposal on the site, and the downstream community is at a high risk of surface water flooding already so this must not be exacerbated by new development².

JBA flood consultancy state that there is evidence that in previous flood events raised groundwater levels in the underlying chalk aquifer are a key element causing flooding events in chalk land areas in Hertfordshire and neighbouring counties. They advise that this would be a significant risk at the SP2 site. This view is supported by circumstantial evidence that has been presented by the flood risk consultants who carried out the section 19 report for the 2014-2015 flooding event.

If raised groundwater levels are present they would render the standard flood risk mitigation scheme based on infiltration ineffective. Schemes based on piped drainage off the site are not economic or practical for SP2 and have not been suggested by developers. The problem cannot be surmounted by building on the higher parts of the site without significantly increasing the adverse visual impact of any development and this option was rejected by the local planning officers in a recent planning application.

The Lead Local Flood Risk Authority at first dismissed the role played by groundwater but have now acknowledged that it may have a part to play and have

² <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

called for more investigation. The problem is that it is not possible to either prove or disprove that raised groundwater levels are a key issue in the flooding events until the conditions which lead to another flooding event arise. Only then will test borings demonstrate the true picture. Test borings done at other times will be meaningless. The precautionary principle should apply.

An exceptionally large number of stringent and detailed planning conditions must be met relating to flood mitigation, drainage and sewage schemes, which involve huge pits and 24/7 pumps. We would argue that in addition to the unacceptable number of conditions and therefore the high level of risk associated with finding in favour of the developer the Inspector has overlooked or failed to understand a number of key factors. For example we have not seen a viability assessment. The flood prevention scheme should have 100 year management and maintenance plan. The development is not feasible, with regard to the residents' cost of maintaining the flood defences, drainage and public open space land, for the lifetime of the development

Matter 11.81

Is the proposed housing allocation justified and appropriate in terms of the likely impacts of the development?

No, for reasons set out in our previous representation.

Matter 11.82

Is the proposed allocation the most appropriate option given the reasonable alternatives?

No. We have argued that the identification of SP2 is unsound given that the allocation was identified prior to updated flood risk work and that the Council has not reasonably assessed alternative sites within the district with less surface water flooding issues as required by the NPPF (i.e. Sequential Test and Exception Test).

Matter 11.83

Is the proposed settlement boundary:

a) consistent with the methodology for identifying the settlement boundaries?

We fail to understand what methodology, if any has been applied. It appears the settlement boundary has simply been expanded to accommodate the application ref. 15/02555/1 from Pigeon Land.

b) appropriate and justified?

No, as argued in our representation.

In the previous “Preferred Options” version of the Local Plan, which went to public consultation in 2014, the area around Whitwell, including the productive agricultural field latterly identified as SP2, was designated as new Green Belt. This was to mitigate the loss of precious countryside, and especially in view of the encroachment of Stevenage from the East and Luton from the West, and was enthusiastically supported by local residents.

The visual sensitivity of this landscape and negative impact on the country side is a fact widely established and agreed by all parties, and espoused in our representation. It is recognised in the application documents from Pigeon Land, in the NHDC case officer’s report, and in the Appeal Inspectors decision notice paras 9, 14-17 and condition 20. It is also recognised in the council’s own background document landscape character study for area 203. This is the primary reason for the existence of the Open Space in the southern part of the site and SPWPC fully supports this.

In addition to the impact noted in the Appeal Inspector’s para 14, the rising ground is clearly visible from surrounding viewpoints including the historic park of Stagenhoe and the grade 1 listed gardens of St Pauls Walden Bury as confirmed in rep #480, which is a significant fact, so far overlooked by all authorities.

However we are concerned that this area may come under pressure for further development in future, which would clearly be contrary to the reasons given in justifying the present allocation of SP2 and the grant of this planning permission.

Please refer to the Annex – Maps Relating to the Settlement Boundary. We consider the allocation in map 1, of nearly 6ha for this site to be excessive, especially since it is has been established by the Appeal Planning Inspector that the allocation of 41 houses can be delivered only in the northern half of the site, with the southern half of the site being unsuitable due to the visual sensitivity. Maps 2,3,4 are from SCHEDULE OF APPROVED PLANS in the Appeal Decision, clearly showing the demarcation between the developable area and the open space.

Therefore we submit that the present plan is unsound in respect of its excessive expansion of the settlement boundary. In order to correct this, the southern part of the land (open space) should be included in the adjoining greenbelt allocation, as originally intended in the previous version of the Local Plan.

Although this new boundary may appear contorted when viewed on a 2D map, it makes sense in reality, when considering the topography (map 4) and visual sensitivity of the site.

With a consolidated settlement boundary, it may be appropriate to reconsider the bullet “Integration of Byway Open to All Traffic St Paul's Walden 036 as a green corridor through the site and boundary feature.”

Yours sincerely

Katy Frayne-Johnson
Clerk to the Parish of St Pauls Walden