

**Linton Parish Councils response to the proposed discharge of conditions for Bartlow Road, Linton –
S/1963/OL and S/2501/19/RM**

S/4550/19DC

July 2020

These comments relate to conditions numbers 5, 9-11 and 13-22 of S/1963/15/OL (referred to as OL), and conditions 2, 4, 7, 8, 9 of s/2501/19/RM (referred to as RM).

All conditions:

We consider the tone of the Agent's cover letter is inappropriate and we urge the officers not to be intimidated by it. The conditions need to be lawfully discharged before development can take place, and LPC find many reasons why these conditions have not been met.

It is inappropriate that SCDC are accused of stalling when going through proper planning and democratic processes, and inappropriate that consultees are wrongly accused of delaying. As noted previously, LPC's responses have always been within the required time limits. LPC was also correct to raise procedural concerns, such as that a decision to approve the RM would be perverse when the same drawings were already at appeal, especially as the proposals were dismissed by the Inspector.

The conditions are still not fit to be discharged, for reasons that include:

- Duplicates of previous reports have been resubmitted without resolving previously identified problems;
- The submissions conflict with one another;
- Numerous previous reports are out of date and do not relate to the RM scheme;
- The layout of the site was revised in June 2020, and does not comply with the approved RM layout. The documents relate inconsistently to this and to numerous previous versions of the layout.
- The information has been selectively and incompletely provided, so that discrepancies between drawings of the proposals are only noticed if consultees examine all the numerous documents submitted to other consultees as well as themselves;
- The information has been selectively provided to consultees beforehand in order to gain prior approval without consulting other relevant parties who previously objected, and to gain support for works specifically excluded under condition; and
- The documents include material changes to the proposed development that have not been advertised, and would disadvantage those who have not been properly consulted on them.

These DoC's mainly appear to be re-submitted reports upon which LPC has already commented. The deficiencies identified in our comments dated 23 January 2020 have not been addressed. Most of the reports are also out of date as they predate the RM scheme of 2019. The data and calculations used for these conditions are therefore inaccurate, incomplete and misleading. This includes noise, flood risk, surface water drainage and foul water drainage, identified in more detail below.

The submissions include further development that was not approved in the OL and RM schemes, and would conflict with those approvals and their conditions, including:

- The reintroduction of a swale "pond" within the previously flooded area of the site, specifically objected to by LPC and statutory consultees;

- The reintroduction of the proposed connection of foul drainage to the old defective 6" foul drainage instead of the new village drain, a proposal specifically prevented by condition 11;
- The discharge of untreated surface water and roadway drainage in a shared system direct into the river, a Protected chalk stream;
- The reintroduction of structural terraces which harm the appearance, landscape, ecology, accessibility and drainage of the development;
- The spread of development further than the disputed RM consent, and therefore significantly beyond the OL developable area.

Further conflicts we have noted include:

- All pre-commencement conditions state that the conditions should be satisfied prior to commencement of any development on the site. However, no conditions were satisfied before the unauthorised drainage scheme, access, engineering and landscape works. The pre-commencement archaeological works were subject to reinstatement, which was not done. The unauthorised works were reported by LPC and local residents to SCDC, a Stop Notice was issued and is recorded. Part 4 of the application form is therefore completed falsely;
- The swale/crated storage pond drawings are misleadingly titled and generally omitted from the relevant layout drawings so the re-introduction of this proposal is not transparent to consultees;
- The swale pond was re-introduced in June 2020, and most drawings and relevant reports (such as landscape, ecology, drainage, flooding and water supply) predate this, so are out of date;
- The drainage and flood relief schemes are inconsistent;
- The existing mature (Protected) hedges are not described, not protected and not maintained in the DoC submission, despite the CEMP, landscape and ecology documents assuming they and trees are retained; and
- The resubmitted 2017 Geo-environmental report shows that building should not take place on this site at all, and that the proposed layout does not comply with the NPPF sequential approach.
- Maintenance documents make assumptions that do not comply with the RM scheme and statutory responses. They assume adoption by the Highways authority, despite the RM scheme confirming this is not the case. The submission is inconsistent about the extent of maintenance, hedge, tree, ecological and drainage maintenance, the use of high maintenance smart sponges and the shared road / surface water drainage likely to contaminate the Protected Chalk Stream.

As the development started unlawfully, without complying with all the pre-commencement conditions, the *Meisel's* case and '*Whitley Principle*' applies, making the whole development unlawful. Access (adjacent the A1307), drainage (on a site subject to river and surface water flooding), landscaping (on this key prominent site), and works carried out that affect the amenity of the neighbours, would all '*go to the heart of the permission*'.

The RM for Access was also not applied for before the OL time limit lapsed. Means of access '*goes to the heart of the permission*' and would require the Highways Authority's agreement to the design of the means of access, which was not given. All the reserved matters should have been applied for by 1 September 2019 in order for the timescale not to lapse. The layout accepted at RM does not comply with the wording and document specified in Access condition 4 from the Highways Authority, and therefore it is clear that Access was not fully taken into account as part of the

remaining RM items. It is therefore even more questionable whether these other DC's should have been accepted.

LPC does not appreciate the way that the developer has attempted to circumvent the planning process, the wording of conditions, and proper procedure by going direct to such bodies as Anglian Water to attempt to discharge a condition in a way that is specifically excluded for reason; such as the connection of the foul drainage system to the manhole on Bartlow Road. The correct drain must be used, as the OL statutory response, and the condition and its reasoning states.

Subject to the prematurity of the DoC, we comment on the information submitted for each condition. These comments are not exhaustive, as there are many conflicts within the submissions:

The following comments relate to conditions numbers 5, 9-11 and 13-22 of S/1963/15/OL:

Discharge of condition 5 – Hard and Soft Landscaping - Objection

This condition requires:

- *'full details of both hard and soft landscape works',*
- *'indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development',* and
- *'specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.'*

The requirements have not been complied with:

- There are no drawings and documents to describe the *hard landscape works*;
- There is no detail of the hedges *to be retained* and *measures for their protection*. Also, the documents are unclear about retention and the colour code used on the landscape drawings for the existing hedges and a rectangular area within a neighbouring garden is missing and should be clarified in the key. In cramped parts of the site, especially along the western boundaries, these Protected hedges are vulnerable and there is no proposal for their protection.
- The extent and details of trees to be retained are inconsistent with plans submitted for other conditions, so *measures for their protection* are unclear.
- Full details of trees in the strategic green buffer are not provided, and the positions of individual trees have been omitted. The buffer is reduced to 3 metres in places, which is only sufficient space for a single tree. A single tree would not be a strategic buffer;
- The position and extent of retention of the southernmost existing tree is inconsistent with the drawing E17-084-174 T3 submitted to show the proposed pumping Station. It is likely that the tree and mature hedging will be cut back considerably more than is acknowledged in this submission;
- The soft landscaping drawings indicate blank outlines that show that the inappropriate built-up terraces and steps have been reintroduced. The missing hard landscaping drawings, levels and accurate sections and full details are therefore critical to assess how this version is assimilated into the landscape and surroundings;
- Their reintroduction means that it is likely the drainage calculations are wrong, as these areas are assessed as permeable and unpaved;
- The levels have been omitted from the drawings, and should be reinstated so it can be assessed how the slopes work and how the scheme is assimilated into its surroundings;
- There needs to be clarity about the design of resilient planting to deal with the flooding of the site, including the surface water flood routes and the previously flooded river meadow;

The information that has been provided is inconsistent:

- The drawings are old drawings and are out of date as they do not show the June 2020 swale/pond/dams submitted for condition 10. Many of the locations of the proposed trees and planting conflict with the pond and soakaway positions.
- The soft landscaping plan (Sheet 4) annotates a “link to adjacent development” that is not consistent with any other drawing. It needs to be clarified as this would affect the hedge boundary and the neighbour’s amenity.
- The proposals do not comply with the CEMP. This includes:
 - The planting of a band of thorny species at the southern boundary appears to have been omitted. The thorny hedge was required to prevent access to the river, in order to protect the Protected chalk stream and the flora and fauna of this special area;
 - There is inconsistent information about a swale and there is no planting being proposed that would be suitable to clean the proposed waste before it discharges to the Protected chalk stream;
 - The likely loss and harm to mature hedges, which are identified in the CEMP as being of visual, landscape and ecological importance; and
 - The small scale domestic hedges and tree species being proposed (limes, maples etc) are not common to this rural area. Oak and beech stands are more characteristic for this area, scale and soil type.
- They also do not comply with EDS submitted for condition 17, which specifies a 30 metre buffer from the river edge.
- As confirmed in the Design Guide, the trees local to Linton are characteristically larger and taller than those being proposed. The OL scheme proposed large trees and an effective strategic green buffer. The current scheme is so cramped that only small and medium trees are being proposed, which are inconsistent with the principles of this development.
- The submission for this condition fails to comply with the requirements of Conditions 4 and 6. These require compliance with drawing UDS32001-500-2000-1402. Condition 6 requires that *“the works along the north eastern, south eastern and south western boundaries hatched green on drawing number UDS32001-500-2000-1402 shall be carried out prior to the commencement of construction of the dwellings”*. The submitted landscape proposals do not comply with the stated drawing and (therefore) the identical reasons given for Conditions 5 and 6. They therefore do not *“assimilate the development into the landscape”* and do not *“enhance biodiversity in accordance with Policies DP/2 and NE/6.”*

The proposals are harmful:

- The loss of the prominent large species-rich mature hedges and replacement with small domestic hedges would be a significant loss to the character of this approach to the village and harmful to the local rural appearance, ecology and environment;
- All the boundary hedges are over 36 years old, and most are plotted in 1600, so their removal also contravenes The Hedgerows Regulations 1997, as well as being counter to the principles of Local Plan policies, the NPPF and the CEMP;
- The loss of the hedges increases the visibility and intrusion of the proposed development;
- The reintroduced engineered terraces would be harmful to the rural character, landscape, amenity, ecology and porosity of the area. They intrude into the gentle natural slopes of the site, and reduce the rural character of this prominent part of this key countryside buffer;
- The reintroduced terraces increase overlooking and intrude into the amenity of the existing homes;
- The reintroduced terraces are likely to compromise the roots of the retained trees. One of the three main retained trees takes up most of a private garden, making it vulnerable to removal and the southernmost tree is shown compromised by a new brick retaining enclosure and substantially reduced on the plan submitted for the pumping station.

Proposed trees within the centre of the development are also cramped, making them vulnerable to removal.

- The reintroduction of the retaining structures is likely to be intrusive and to damage the aquifer where the chalk casing is shallow and collapsing;
- The loss of willows along the riverside and the introduction of planters, engineered structures and planters reduces the flood resilience of this critical meadow area.
- The proposed planting within the area of the proposed swale is not suitable for a sustainable drainage system, and the proposed landscaping (and swale) within the regularly flooded area is unlikely to be resilient in the event of flood and climate change. The poor quality construction of the swale, with concrete culverts and concrete filled sandbags, would not enhance biodiversity and preserve landscape.

LEAP proposals - We raise objection as follows:

- The LEAP has been included although this has a separate submission s/2501/19/COND 9
- There is a failure to provide equipment suitable for a range of age groups.
- The quality is low, being cheap wooden types liable to degenerate quickly in the damp areas of the site.
- The quantity of equipment is low for the expected number of children.
- The age range catered for is limited, without anything for older children, children or items suitable for other age groups (Trim Trails, etc).
- Older children and adults would need to go to the Recreation Ground (over 1.5 + km) or the Gym beyond LVC (around 2km) to access age-relevant facilities.

The June 2020 drainage scheme takes up much of the space allocated to open green space and would be unsuitable and unsafe for the proposed recreation and play uses. (See Condition 10).

The proposal therefore does not comply with policy SC/7, as well as those policies stated within the condition. As a result, the condition should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 9 – Contamination and Remediation - Objection

This condition requires:

- *'a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.'*
- *'Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement)'* and
- *The works be carried out in accordance with the agreed scheme.*

The requirements have not been complied with:

- It is based on out-of-date and incomplete information (see below).
- The survey report is heavily redacted and dates from 2017.
- It does not provide appropriate assessment of the heavy agrochemical farm use until 2016 (Southern Site) and 2017 (Northern Site).
- As the assessment is incomplete, the proposals are not informed and are unlikely to render the contamination harmless.

The proposals are inconsistent:

- The proposals for road contaminants are inconsistent. Within the information submitted for Condition 9, it relies on draining the roads into soakaways within the aquifer casing, and in condition 10, it proposes joint surface water/storm water/road drainage pipes, which discharge into the Protected chalk stream. Neither alternative would render the contaminants harmless;
- These two submissions are also inconsistent regarding proposals for 'smart sponges' and their maintenance has been omitted in the submission for Condition 10.
- The Geo-environmental assessment is from 2017, so is out of date and does not relate to the RM scheme and the June 2020 amended drainage scheme.
- The Geo Environmental report of 2017, section 9.1 states that "*It is anticipated that finished ground levels will be at, or close to, existing ground levels. Should this not be the case then this assessment may need to be reviewed*". The proposals for RM and conditions, including terraces and sinking of the foul water pumps into the ground mean that this condition is not fulfilled and the survey must be repeated to cover these changes.
- The same report, section 9.2 states that "The Groundsure Report, forming part of the Phase 1 assessment, has indicated that there are no non-coal mining cavities or natural cavities within 1000m of the site". It fails to take into account that the Southern site is directly over a main aquifer, a natural cavity, the dome of which has already been breached in the failed porosity/infiltration testing for the scheme.
- The toxicity levels assessment is based on screening levels for sandy loam soil. This is not appropriate for the clay and chalk soil of this site, so should be re-evaluated.
- The porosity test is the out of date one from the OL application (see Condition 10 below), where most test positions failed.
- The report predates the RM scheme and the latest drainage schemes of June 2020 (see Condition 10) and should have been updated accordingly.

The proposals are harmful:

- The proposal is based on out- of- date information and design, and does not take into account the amended scheme of June 2020, and the likely quality of water being discharged untreated from the road drains and stagnant water storage crates and static pond (plan E17-084-141.2) into the river and water supplies.
- The likelihood, based on the information provided within Condition 10, including the failed porosity tests and collapsed test positions, is that the development will not be safe and that there will be unacceptable risks. Essentially, the basis of the scheme is flawed – the assessment is flawed as it is out of date and fails to consider the soil type, porosity, agro chemicals, the Protected Chalk stream, the water extraction from the river, and the frail thin chalk dome and natural cavity of the aquifer directly below the site, which is used for the Cambridge area's water supply.
- The proposal also does not adequately assess the shallow depth of the chalk dome over the cavity/water supply and the risks of breaching it by constructing soakaways, the swale/water storage pond and the pumping station.

As a result, there are likely to be *unacceptable risks to workers, neighbours and other offsite receptors*, and it is likely that the proposals would imperil the local water supply, Protected chalk stream and the local environment. As a result the condition should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 10 - Flood Risk and Surface Water Flooding - Objection

This condition requires:

- *a detailed scheme for the provision and implementation of flood risk and surface water drainage mitigation,*
- *consultation with the Environment Agency, Lead Local Flood Authority and Linton Parish Council.*
- *Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance.*
- *designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% an allowance for climate change*
- *compliance with the Flood Risk Assessment reference 151077 dated July 2015 by Rossi Long Consulting*
- *information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.*
- *take into account any subsequent changes in any revised flood map produced by the Environment Agency between approval and implementation of the scheme*
- *Construction and completion in accordance with the approved plans prior to occupation of any part of the development / in accordance with an agreed programme of implementation.*

The requirements have not been complied with:

- There has been no consultation about the proposals for this scheme with Linton Parish Council. The assessment and design fails to show it takes into account the findings of the independent specialist drainage consultant report commissioned by LPC;
- The scheme is not *sustainable drainage*. It is a group of soakaways cut into the chalk strata forming the casing above an aquifer. This type of design was rejected at the outset by the Environment Agency statutory consultee to the OL scheme, as it does not comply with the BRE (see below);
- The documents state that the soakaways are located where the porosity tests passed, but this is not correct (see below);
- The design storm intensity information appears not to relate specifically to this site;
- We previously noted that the design failed to provide drainage to one of the housing zones. This has been amended with a new soakaway and pond, but the rest of the design and calculations are inconsistently updated. The pond is only sequential to part of the site and is unsuitably located in the silt and previously flooded area, where the porosity tests failed and the design is vulnerable to climate change.
- The assessment and system is not *'in accordance with the principles set out in NPPF and NPPG'*. For example,
 - It fails NPPF 43. The porosity assessments of 2017 failed and therefore need to be re-done. There were 14 porosity test pits, of which 12 failed, 1 penetrated the Aquifer and 2 passed. When the majority of test pits fail, the government guidance specifies that the entire assessment has to be re-done. The Statutory Consultee confirmed these would need to be re-done, but the top soil was removed instead, so there are no successful test areas.
 - The scheme fails NPPF 170. The application still does not demonstrate that this is a suitable site to discharge into the chalk strata. A number of the porosity tests penetrated the aquifer and therefore did not protect potable water. The Sustainability Consultee notes 2 more likely further breaches of the aquifer (*'test pits 4 and 5 collapsing'*). The collapses confirm there are significant problems with its stability and

also confirm the concerns expressed by the EA consultee objecting to the use of soakaways in principle on this site at OL stage.

- The application does not demonstrate this is safe and does not harm the environment and amenity. The aquifer casing has not been plotted in relation to the depths of the proposed drainage and foundation schemes (e.g. by non-invasive testing) and much of the excavation is also likely to be below the level of the porosity tests, so further collapse is likely. Sections and levels should be provided to show how deep the drains will be at the deepest, how that relates to the aquifer casing, how appropriate drainage falls are provided where the slopes are steep and where drains are shown going uphill, and whether the design results in further risk of breaching the aquifer.
 - The scheme fails NPPF 157. The assessment and layout did not apply the sequential tests in NPPF 157 and therefore also fails NPPF148, 155 and 158-161.
 - The June 2020 revised scheme discharges untreated road gully drainage into the soakaways and river as well, so compounds the problems of contamination and safety.
 - It fails NPPF 155. The assessment does not take into account the current level of risk, such as the impact of existing surface water flooding on the proposed development, nor the effect of the proposed layout and design on the existing identified flood routes. It therefore also fails NPPF 157 and 158.
- There is no evidence that the scheme takes into account the charted flooding onto the site from the fields and (onto the southern site) also from Bartlow Road, nor the previously flooded areas from the river. It therefore does not take into account the current level of risk.
 - The calculations do not take into account the slopes, hard landscaping, impermeable road surfaces, retaining barriers and built-up terracing specific to this site. For example, the calculations in the SDP report do not appear to include drainage for the Northern Site. They are based on slopes of 1:500, which is not representative of this site. The slopes of road surfaces and drains in previous versions of this house layout were as steep as 1:10. This means the scheme would be substantially under-providing for storm conditions.
 - The scheme does not *'take into account any subsequent changes in any revised flood map produced by the Environment Agency'*. Subsequent flood maps that have not been referred to, include a map showing the previously flooded areas of this site. The position of the reintroduced pond, the pumping station and houses are within this flood area. This does not provide a scheme robustly designed for climate change.
 - The first phase (i.e. unauthorised works) was premature so did not comply with an *'agreed' 'implementation programme'* and the implementation programme has still not been provided.
 - The maintenance scheme is not deliverable and does not *'ensure an acceptable standard of operation for the lifetime of the development'* as required under NPPF 163:
 - The maintenance list dates from 2018 and is based on a limited number of (out of date) drawings. It predates the pond, refers to out-of-date calculations, does not include provision for high maintenance elements of the design, such as the smart sponges, and has no provision for dealing with reported issues.
 - In the SUDs Management Programme (out of date as it is from 2018), and the drainage plans, it is clear that the developer expects the SUDs to be adopted and maintained by CCC - this is not so. CCC have refused to adopt this road design and the associated drainage.
 - CCC has also refused to adopt the expensive and high maintenance smart sponges that were proposed because of the slopes and flooding of the roadways. The maintenance

list now omits them, but the calculations are still based on their use, and are not updated with suitable alternatives to prevent flooding.

- The drainage of roads and private surface water overlaps and many of the soakaways are in private gardens, making management, and responsibility difficult. The maintenance scheme does not provide proposals for dealing with it.
- The soakways and drains along the edges of the site conflict with tree roots of the existing and proposed trees and hedges, putting both drains and trees/hedges at risk and making future management difficult. The maintenance list omits the item.

The proposals are inconsistent:

- The calculations are out of date (2017), derive from the failed porosity tests of that date, and relate to a different design layout scheme. Any new test results from March 2020 would have been taken from areas without topsoil (and so not meeting the requirements that they should be 0.8 -1m above the ground) into the chalk layer and/or into the breached aquifer.
- The documents state the soakaways are located where the porosity is suitable. However, the 2 pits that 'passed' were located where buildings are proposed, not where soakaways are proposed.
- Section 9.8 of the Geo Environmental report of 2017, states that "*At test location TP2 within the grade C3 chalk strata, 1000 litres of was pumped into the test pit over a period of five minutes but a head of water could not be established. It is evident that the chalk strata will prove suitable for soakaway drainage ...*". This is a mis-interpretation of the results – test pits discharging too quickly are also failures, and in this case it appears the aquifer was breached and the pumped water was going direct into the public water supply.
- The submitted details are not in accordance with the specified Rossi Long report. They are not updated to describe '*the measures taken to prevent pollution of the receiving groundwater and/or surface waters*' based on the current scheme, where significant risks of harm have been identified.
- The GeoEnvironmental report, from section 9.8 states" *Based on the CIRIA guidance, soakaways should be avoided in areas where dissolution features are known to be prevalent ... if unavoidable, should be sited at least 20m away from any foundations*". Most of the soakaways are significantly closer than 20 metres to foundations and the collapses show that dissolution features are present, so the scheme does not comply with the report and CIRIA guidance.
- The reintroduced pond/ crated water storage area is inconsistently shown on the plans. The drawings plan E17-084-141.2 and 178 show it, but drawings 141 and 171 do not.
- The submissions for RM condition 8 show a large brick enclosure to the Pumping Station, and a large concrete base rather than the previous open fencing. They include an additional impermeable area of tarmac. That change of design has not been taken into account in the assessment and calculations for this flood design, and the brick walls are likely to exacerbate flood problems as this is within the previously flooded area.
- We note the line of an "*existing surface water sewer*" to the west of the southern site. This does not exist. The letter dated 23 June 2020 from Anglia Water (submitted for Condition 11) also confirms this.
- There is a marked connection to the sewer on Bartlow Road. This is contrary to Condition 11.

The proposals are harmful:

- They do not satisfy the reason for the condition. The proposal will not *ensure a satisfactory method of surface water drainage* and will not *prevent the increased risk of flooding*.
- The proposal is based on out- of- date information and design, and the likelihood, based on the failed porosity tests and collapsed test positions, is that the development will not be safe and that there will be unacceptable risks.
- The proposals fail NPPF 170(e) and put development at *unacceptable risk from water pollution and land instability*". The whole scheme is reliant on the assumption that the chalk strata is suitable for the extensive drainage soakaways, but does not take into account BRE Digest 51 "*In land overlying chalk there may be serious risk of swallow holes and these may be activated by the concentrated discharge from a soakaway*".
- The storage pond was previously unacceptable to statutory consultees and has been reintroduced in an untransparent way, so that those statutory consultees are disadvantaged and not made aware of the change in order to comment.
- The design and information provided for the June 2020 scheme does not comply with the requirements for a SuDS scheme specified in the Anglia Water letter of 23 June 2020 (submitted with condition 11)
- The pond does not provide a sequential drainage scheme as it serves only a small part of the site, is located in the impermeable silted flood plain and has no means of purifying the water. The main pipe leading towards the pond bypasses it, in order to discharge contaminated road and surface water direct into the river instead of dealing with it suitably on site.
- The structures of the crated storage areas and concrete filled sandbags edging the pond are not natural, and these are not high quality design, are likely to be hazardous to humans and fauna falling into the pond and becoming trapped in the crates, and over time they are likely to become contaminated.
- Neither the pond nor the crates provide appropriate oxygenation of water. As a result, both would store stagnant water, with pollution, dirt, algae and anaerobic bacteria such as *Clostridium botulinum* (which produce botulinum toxin causing botulism - paralysis). This is likely to be flushed out at times of heavy rain and flood, and the untreated stagnant water would jeopardise the safety of the drinking water extracted from the river, as well as the fish, invertebrates and other fauna. This is not sustainable or safe design.
- It introduces a new element (the pond / open water-filled storage crates) that potentially has significant safety implications and compromises the public open space.
- The use of concrete headwalls and concrete filled sandbags are not sympathetic to the simple natural character of this rural location and river views. The main surface water pipework on drawing 178 is used for both house drainage and road drainage, which does not comply with the CIRIA Regs and is therefore not adoptable.
- This main surface water pipe on drawings 141.2 and 178 leads across the pond directly into the river, so is likely to discharge contaminants from the road gulleys directly into the chalk river and water supply.
- The proposed drainage scheme and pond has no means of purifying or treating the contaminated water before it is discharged into the river Granta.
- The Granta is a rare Chalk Stream, with a high level of protection; this potential for contamination and flooding downstream is not acceptable.
- As noted previously by LPC and the Ecology consultee, the presence of a large new body of water on the river's edge (within the previously flooded area) is likely to create river surge during times of flood.

We comment on the two statutory responses:

The Sustainable Drainage Consultee has responded to confirm there is insufficient information. We add that what is provided is inconsistent and the amended scheme on drawings 141 and 178 puts the environment and the local community at unacceptable risk.

The response from County Council (Julia Breedon's response) shows that she is commenting on an incomplete submission. She assumes the road system and its drainage is being adopted by Highways, which is not the case. She assumes there is a balancing pond, which is inconsistently shown in this application and is not part of the RM approved layout. She assumes permeable paving, but much of the RM scheme on the Southern Site is tarmac / impermeable and the extent of hard landscaping has not yet been clarified (see condition 5). She refers to soakaways being "located in parts of the site where successful infiltration testing was performed", but this conflicts with the results and locations of the 2017 porosity tests.

Recent winter rainfall has reminded us of the extent of river and surface water flooding in this area. The run off of mud from the field into the river is indicative of the run off of polluted water, should these houses ever be built. Households, gardens and cars will all add to pollution of the run off. The nature of the Granta, a rare chalk stream with international protected status, has been ignored. The pollution of these streams by nearby building on their floodplain has been recently highlighted in Hampshire - it is not acceptable to pollute our stream and drinking water aquifer for unsafe and poor quality design and unnecessary and inappropriately sited development.

As the submission does not comply with the requirements of the condition and the relevant Local Plan policies, it should not be discharged.

Additional comment

Comment from Rob Mungovan, Wild Trout Trust, working with Linton Parish Council:

The site was meant to have a balancing pond. To allow the discharge to enter a low-flow river, which is also impounded by the mill, has the potential to cause a massive oxygen sag which will result in detriment to the river, especially its population of wild brown trout which as you know have disappeared through village in the low flows years due to....poor water quality. The EA discharge's pure ground water from its river support borehole network just above the A1307 which in low-flow periods is critical to the sustaining the ecology of that chalk river. To allow grey deoxygenated water to flow in to the Granta would be a huge step back for the upper reaches of the Granta. There are little more than 200 chalkstreams in the whole of England, I am in the process of working with the EA, the local Wildlife Trust and your parish council to try and protect and restore the River Granta. We can improve physical habitat but once water quality has declined we are faced with a big challenge especially as our rivers are receiving less rainfall, and hence weaker springflow. The developer must come up with scheme that protects and enhances the river in line with SCDC policies. Rob Mungovan, Wild Trout Trust for the Linton Parish Council.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 11 - Foul Water Drainage - Objection

This condition requires:

- *'a scheme for the provision and implementation of foul water drainage to connect to manhole 7501 via a pumped regime'*
- Construction and implementation *'in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority'*

We note that the words *'via a pumped regime'* were added after the decision made by planning committee. They were not consulted on and did not form a part of the submission or evidence provided at OL stage. The relevant interested parties, such as neighbours, LPC and those commenting on the landscape, aquifer, flooding, ecology and amenity, were not given the opportunity to comment on the implications.

The requirements have not been complied with:

- Foul water drainage does not go to the specified manhole. This manhole was specified at OL stage because evidence had been provided and accepted that the nearest alternative was likely to result in the flooding of Linton village.
- The scheme does not provide the less harmful connection to manhole 7501 and the newer village main drain specified in the condition.
- A scheme has not been provided to clearly describe the *pumped regime* and its deliverability and maintenance. The design of the pumping station is not clarified.
- The drawings do not include sufficient levels and sections to show that the pipework, falls and depths are appropriate and compliant. They do not show appropriate methods of dealing with the steep slopes of this site and retaining structures proposed in the RM layout. Drawings indicate that it is likely that the drains exceed the falls specified in Building Regulations and therefore that the operation of the drainage system is likely to be defective.
- The proposal is not in accordance with approved OL plans and no implementation programme has been provided.

The proposals are inconsistent:

The sewage connection

- The letter from Anglia Water of 23rd June 2020, submitted with the application, is inconsistent with the condition. It specifies the wrong manhole and fails to take into account the findings of the OL drainage assessment and the OL decision.
- This was a result of the developer going directly to AW for comments, circumventing the statutory planning consultation process, and providing a selective partial submission and incorrect assumptions on which to base decisions. As a result, the letter fails to take into account the material considerations and reasoning of the condition, and makes assumptions which are factually incorrect.
- The condition is that the sewage from the southern site in particular must join the system at manhole 7501. The submitted plans do not do this.
- The scheme shows only a discharge drain goes from the pumping station to manhole 7501 (the required manhole), and this goes in the opposite direction to the rest of the drainage. The submission does not provide transparent justification for this. If the discharge pipe can go to the specified manhole, there is no clear reason why the main drainage is not doing so.
- The submitted scheme for the discharge drain does not demonstrate that this would be carried out. There is no submitted agreement with the landowners of the land over which this would pass, and that would be needed to demonstrate that this is deliverable so that the discharge is not terminated at the boundary of the site into the Protected chalk stream. The adjoining landowners have confirmed that they have not even been approached by the developer, so at this stage the connection is not deliverable and there is risk to the stream.

- The designated manhole is at a considerable distance from the site and the developer is responsible for the installation and maintenance of this link, through adjoining properties. Yet there is no certainty about the installation and no management scheme to ensure the proposed pipe is maintained. As a result, it is likely that the responsibility is not assured and is likely to impose an unreasonable burden on LPC or third parties.
- Anglia Water's letter of 23rd June 2020 does not include this overflow drain.
- The drainage plan shows the main drainage pipework heading in the direction of Bartlow Road, and then terminating a short distance from it. As drawn, it goes nowhere, other than dissolving into the casing of the aquifer, and local water supply, which would be unacceptable. Its direction heads towards the old substandard 6" Victorian main drain and is the opposite direction to that required under the condition. As the specialist report demonstrated, that route may be easiest and cheapest, but is the most likely to cause unacceptable flooding elsewhere in the village.

The pumping station

- This condition 11 requires a *scheme for the pumped regime*. This is not provided.
- A large brick walled enclosure is described in the RM pumping station condition 8, but that too does not include a scheme for the pumping station.
- LPC has consistently raised concerns about the lack of clarity about this Pumping Station development, added since the Outline application. There is insufficient description of this development structure, and it is outside the allocated Development area.
- The pumping station is located within a prominent part of the site. Its prominence has been raised as a concern by the Landscape consultee, as well as by ourselves.
- Its position breaches the Outline consent (Condition 4) and extends into the open river valley landscape at a key viewpoint. As it is outside the Outline development area, its principle is not approved under that consent and it risks conditions relating to this structure being unenforceable.
- For this size development, an underground pumping station tank is likely to be 3 metres high and 15 metres long and there is a separate building above ground (LPC4). The brick enclosure submitted for the RM condition 8 is 13 metres by 9 metres by 1.8 metres high. It has a larger footprint than a house, so will potentially have a substantial impact on the landscape. The building and its enclosure are prominent in the foreground in the key view along the valley.
- In addition, the tank typically needs to be excavated 4 metres into the ground, so would breach the aquifer (likely 0.6 -1 metre below this point). If the tank is located above ground to avoid breaching the aquifer, it is likely to be at least of a similar size (3M high x 15M long minimum) and likely to impose substantially into the identified key view.
- The pumping station is within the area of the site that has high water levels, so is likely to require additional concrete structure to resist flotation. This involves more potential impact on the aquifer.
- This area is part of the river valley platform. It is within the area of previous flooding shown on Environment Agency maps (see LPC6 Flood Map). It consists of clay river silts demonstrating it has flooded regularly in the past and is at heightened risk of future flooding. The river is a Protected chalk stream, which would be at risk when this pumping station and the drainage around it floods.
- The replacement of the previous perimeter fence with a brick perimeter wall (in the June 2020 DoC documents submitted for RM condition 8) will exacerbate the risks when this area floods.

- As a result, the pumping station is still an unknown structure, undeliverable in the form anticipated by the Council and undeliverable without risks of significant visual and environmental harm.
- The impact on the landscape, and particularly the noise impact on neighbours is unacceptable. The likely impact of flooding is also unacceptable. There is no mitigation for these nuisances and the condition cannot be discharged.

The proposals are harmful:

- The proposal does not discharge to the specified manhole.
- There is insufficient demonstration that the foul drainage will be discharged satisfactorily and without risk of pollution. The two proposals indicated are either to discharge into the casing of the aquifer without connection to the public drain, or to divert to the defective Bartlow Road Victorian drain.
- There is insufficient information to ensure the pumping station and its discharge pipe are appropriately assessed, designed and maintained. The likelihood is that it is not deliverable without risk of pollution and harm to the landscape, Protected aquifer, Protected chalk stream, public drainage system, and the amenity of the neighbours and village.
- The proposal to site the pump within the aquifer is foolhardy and dangerous to public health, as is the proposal on submitted plans to still direct the drainage towards Bartlow Road manhole, despite the specified condition against this.

As submitted, the submission does not demonstrate compliance with CC/4, CC/9, NPPF 8, 156, 163 and 170. It does not satisfy the requirements and reason for the condition and therefore fails to *'reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007'*. It should therefore not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 13 - Waste Management - Objection

The requirements have not been complied with:

- The information provided is incomplete. The submission includes the Recap "toolkit" and drainage layouts, but not other elements of the condition.
- The assessment and design does not take into account the slopes of the site and the deficiencies of the highway design, including sightlines, turning spaces and steep access design that resulted in Highways refusing to adopt the roads within the development. As Highways are not prepared to accept the entrances, nor to adopt the roads, the access conditions are likely to be substandard and the condition cannot be fulfilled.
- The submissions describe the roads and road drainage as if they are to be adopted, which is misleading, and it is likely that the waste consultees are therefore unaware of the real conditions on this site.
- The submission is generalised and does not provide clarity about the site specific design and deal with the constraints of on-site provision on this cramped development. There are localised conflicts when accessing properties and storage areas close to the existing mature hedging, which would increase the vulnerability of the Protected hedges.

- The vehicle tracking scheme appears to be the same scheme that was previously objected to by Highways as it does not comply with the required standards, and in some cases requires reversing which is inappropriate and disruptive to residents.
- It is unlikely that SCDC will agree to collecting waste bins from such a steeply sloping site, bearing in mind that Highways will not adopt a road with this gradient.
- It is essential that waste bins are kept within properties. This is a sensitive, valued landscape and bins are generally highly visible in the landscape.
- Some of the accesses are very restricted, such as those cramped next to the Protected hedge, and the scheme should be redesigned to make access to screened garden storage viable without jeopardising the existing landscape features.

The submitted scheme would be harmful as it would not *‘ensure that waste is managed sustainably during the occupation of the development in accordance with objectives of Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD 2011’*. The condition should therefore not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 14 – Airborne Dust - Objection

The requirements have not been complied with:

All that is contained in this submission is a Site Procedures document, which is not site specific. It therefore does not comply with the requirement to provide *“a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development”*.

The proposals are inconsistent:

- The Site layout submitted for Condition 15 shows an uncontrolled entrance, where dust could not be adequately controlled on entering and leaving the site.
- The Air and Dust site procedure states that all off-road surface site routes are to be hard surfaced, but this is not shown on the Site Layout (Building Sequence Plan).

It would therefore not *“minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007”*.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 15 - Construction Programme - Objection

This condition requires:

- *‘a comprehensive construction programme’*
- *‘identifying each phase of the development’ and*
- *‘confirming construction activities to be undertaken in each phase and a timetable for their execution’*

The requirements have not been complied with:

- The information provided is incomplete, and not '*comprehensive*'.
- The 'Build Sequence Plan' does not include any sequence, and the Planning Programme does not apply to the current timescale.
- The scheme does not provide for any phase and sequence of work that relates to public areas, before, during or after the construction of the house types.
- The Planning Programme is inconsistent with the requirements of condition 6, which are that the landscape buffers along the north eastern, south eastern and south western boundaries hatched green on drawing number UDS32001-500-2000-1402 be constructed prior to any houses.

- The scheme does not confirm construction activities to be taken in each phase of the protection, pre-construction, public areas and post-construction works, including:
 - It does not provide description of the initial enabling works that will be required to make the site secure and to protect the existing features of the site, the surroundings and the amenity of neighbours;
 - It does not provide a scheme for fencing the site to ensure the safety of the works and to discourage antisocial activity;
 - It does not provide for lighting the site. This should be fit for purpose, but also be appropriate for the CEMP and the amenity and privacy of existing neighbours;
 - It does not allow for the retention and protection of the aquifer water supply monitoring points.
 - It does not include a scheme for the protection of the ecology in accordance with CEMP;
 - It does not include a scheme for the protection of the topsoil on site within the existing site boundaries. There is no clarity about the existing soil heaps, as the 'Build Sequence Plan' treats it as a flat site;
 - It does not protect the existing trees and hedges; and jeopardises their preservation, as the western boundary is used for parking and reversing all the vehicles into;
 - It does not provide for hard or soft landscaping, for construction of the roads, play area, pumping station nor open spaces;
 - The plan used is not the most up-to-date site layout (it predates June 2020) so conflicts with the information submitted for Condition 10 and does not include provision for the proposed pond and surface water drainage for the missing zone.
 - It does not allow for any findings related to condition 9.

- There is only a storage area on the Southern Site and that is very small. It would provide for little more than is currently on site, and is likely to be impractical when work commences on the northern site.
- The plan does not provide a scheme for supervision of the site from the gate during the construction. It therefore conflicts with the scheme provided for the Dust condition 14 and is likely to result in deliveries and vehicle movements being unsupervised and unregulated.
- It does not provide roadways, and therefore again conflicts with the scheme for Dust Condition 14.
- The plan does not provide an organised vehicle movement process around the site, which is likely to result in more noise and dust.
- The major car movements are proposed along the boundary with the existing bungalows, including vehicles with audible reversing alarms using the main lorry/vehicle turning area, which is likely to cause noise pollution and significant disturbance to local residents.

- The parking area allocation is very small, and there is no parking area for the northern part of the site, which is being completed after the southern site. No calculations have been provided to demonstrate how many vehicles will be accessing this site and how much allocation is required so that this is adequate without vehicles being left along Bartlow Road. It is very likely, especially during the northern site phases, that workers will be abandoning cars along the existing road, as that would be much easier than continually parking at the bottom of the hill and walking up to the work areas, especially as there is no provision for supervision.
- There is no provision for control over the route vehicles take. The plan shows an access from the A1307, but no provision for vehicles that leave, and the accesses to the site are unsupervised. The accesses should be supervised, routes should be clarified and the scheme should be able to demonstrate that traffic would only access the site from the A1307, never through the village and Outstanding Conservation Area.
- It is critical that an accountable experienced construction manager provides the documents that are needed for this condition and provides a deliverable scheme that takes into account all the specific constraints of this site.

As a result, the submission does not *minimise noise and disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.*

It also adds to the risk that the construction phase is not based on the latest scheme, and will not comply with relevant protections for residents and the environment within the conditions of the approvals, and other documents such as the EDS, CEMP and the Site Procedures document. It therefore does not satisfy the condition so should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 16 - Noise Assessment - Objection

This condition negotiated with the original applicant is not fit for purpose to protect residents against noise pollution. Within its restricted scope, it requires:

- *‘a scheme for protecting the proposed dwellings from noise from the A1307 road’.*
- The reason given is that this is *‘To minimise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.’*

The requirement has not been complied with:

- The data does not relate to the area the proposed dwellings would be;
- The data is therefore unrepresentative of the noise that would be experienced;
- The data does not identify where on the sites the noise pollution would have the most effect and therefore what methods of protection would be most appropriate;
- The scheme does not look at the options available;
- The scheme does not protect against night-time noise;
- The scheme does not protect residents’ outside space.
- The submission does not satisfy the reason for imposing the condition, as it does not demonstrate that it minimises disturbance to adjoining residents.

The scheme and proposals are inconsistent:

- This consists of a scheme dated December 2019 based on previous noise assessments of 06/07/2015 to 07/07/2015 and 08/06/2018, already shown to be inadequate for true assessment of the noise expected on site.
- The re-submitted noise data are insufficient, unrepresentative and misleading.
- Linton lies in a river valley, with noise reverberating between the hills that border the valley. The noise is greater away from the road, closer to the village, and on higher ground. However, there was only a single noise reading taken from the site, and that was taken from a position much lower than the A1307, the main source of noise.
- The rest of the noise readings have been collected from the wrong sites to adequately capture actual noise levels affecting the site. That only one on-site recording position (L2) was away from the area of loudest noise.
- Only the noise from the A1307 is measured; the long-term, day and night noise from the Camgrain driers, other roads and other noise sources has been ignored. The Camgrain noise has been a source of stress for many years, being amplified down the river corridor and across the valley across the village and on this site.
- The noise measurements have been taken at unrepresentative times - June and July, in the school holidays and only for short periods well outside of peak times. See appendix 2, table 3 - the longest time is around 5 minutes at mid morning. Even so, the majority of measurements exceeded the EU safe levels.
- The one position taken on site was not tested in 2015, and the information now provided shows that none of the 2015 readings were on the development site. There still is no reading from the Northern site and there is no reading near Bartlow Road.
- The position L2 was only tested on one day, and then it avoided both the morning and evening rush hours, and the readings were taken during the holidays, so are clearly not representative.
- Despite this, the readings at L2 were 56dB, so exceeded the acceptable range of maximum of 50-55dB. The entry has a note 1 against it, which says the readings are minimum, not maximum. This entry is therefore misleadingly provided and not fit for purpose because it obscures what maximum levels were actually reached.
- Likewise, the only chart of the noise is not from any position on the development site, so is misleading.
- Traffic has increased on the A1307 since the original data, but the effect of this peak-time commuter traffic is hardly captured after 10 in the morning. Data collected 7-9 and 5-6 pm would be more representative and guaranteed to fail recommended levels.
- The test sites are not at the noisiest areas (near the Bartlow Road), and only one test site is on the development site. This is a desperately misleading set of data.
- The report does not adequately consider external amenity spaces, night time conditions, and the use of public spaces, such as the LEAP and LAP. It is reliant on the residents staying inside houses with their windows shut.
- Noise amelioration is essential for the site: the noise levels have been grossly underestimated due to the dates and times of measurement (especially the re-test data)
- During peak hours, when the A1307 is running freely, the noise at the sites is considerable. The noise outside, in play and communal areas has not been evaluated
- Planting trees, which take an appreciable time to grow and will not become tall enough to protect bedrooms from the noise, is insufficient noise amelioration.
- The loss of large and mature hedges along Bartlow Road will deprive current residents of much needed noise protection and screening. It is not acceptable to inflict this on residents. Their replacement with "neatly clipped" ornamental hedges will not screen from noise.

Even within the restricted scope of condition 16, the requirement has not been complied with, and the development does not comply with relevant policies protecting residents against noise pollution, including HG/1 and NPPF 180. As a result, the condition should not be discharged.

Accurate representative noise data and a more suitable protection scheme is required.

The noise assessment fails to provide any noise data for the new Pumping Station. There is indication on the plans submitted with these conditions that there is a circular zone of potential noise that extends over a neighbouring garden. The reproductions of the plans are so poor that the annotation cannot be read. Further noise information is required in order to minimise disturbance of neighbours.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 17 – Ecological Design Strategy - Objection

This condition requires:

- *‘an Ecological Design Strategy (EDS) addressing compensation, enhancement, and restoration’*
The EDS to include:
 - a) *Purpose and conservation objectives for the proposed works.*
 - b) *Review of site potential and constraints.*
 - c) *Detailed design(s) and/or working method(s) to achieve stated objectives.*
 - d) *Extent and location/area of proposed works on appropriate scale maps and plans.*
 - e) *Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
 - f) *Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
 - g) *Persons responsible for implementing the works.*
 - h) *Details of initial aftercare and long term maintenance.*
 - i) *Details of monitoring and remedial measures.*
 - j) *Details for disposal of any wastes arising from the works.*

Retention of features to include:

- i) *The protection, enhancement, and restoration of the area in the vicinity of the County Wildlife Site adjacent to the southern Boundary.*
- ii) *Compensation for the loss of any species rich hedgerow*
- iii) *Incorporation of retained hedgerows into prescribed management scheme*
- iv) *Provision of suitable compensatory habitat for breeding birds and Roman snails.*
- v) *Provision of suitable drainage features (attenuation ponds etc.)*
- vi) *Details of native species planting schedules and other biodiversity enhancement features (bat and bird boxes etc.).*

The requirement has not been complied with:

- The review of the site potential does not provide an accurate assessment, due to numerous omissions and inconsistencies, such as the statutory designation of the river (it is a Protected chalk stream), and those noted below, and the fact it is very out of date;
- The site assessment does not relate to the RM scheme. It does contain a large scale plan of the RM site plan but this at a scale and reproduction that is unreadable, and no details of the EDS elements are provided at a suitable large scale.

- It does not mention any native species of local provenance, and there is no assessment in the EDS of what species are of local provenance.
- The EDS still refers to attenuation basins, which predate the RM layout, and were subsequently replaced by crates. The EDS therefore does not take into account the risk to ecology from bacterial build-up on the crates, and the further risk because there is no maintenance scheme for them.
- It does not provide details of the persons responsible for implementing the works;
- It does not relate the timetabling of appropriate ecology works with the timetable of the actual construction works.
- The scope of protection is inconsistent with the construction plan provided for condition 15. That does not describe and timetable any ecological works and the construction plan does not show the protections and buffers described in the EDS. The construction plan and the landscape plan do not provide the 30 metre buffer described.
- The programme does not provide for the requirements of condition 6, which are that the landscape buffers along the north eastern, south eastern and south western boundaries hatched green on drawing number UDS32001-500-2000-1402 be constructed prior to any houses. The EDS also does not provide for their protection and maintenance.
- The monitoring is not consistent across the submissions.
- There are no details for disposal of wastes arising from the works. There are no proposals for monitoring, protecting and rehoming the animals that the CEMP warned may inhabit the existing soil heaps.

The scheme and proposals are inconsistent:

- The data consists of an out-of-date report which does not relate to the RM layout, and has previously been identified as being deficient. Examples of significant errors that have not been updated include:
- The hedges have not been assessed within the statutory criteria of Protected hedges.
- The Great Crested Newt assessment was at the wrong time of year; it did not consider the location of the last recorded GCN location, and did not revisit this and the other wet sites very close to the boundary of this site.
- Item 2.3 - The basis of the report is inaccurate, omitting that the Granta is a rare chalk stream with international protection. The river holds brown trout amongst other water life, and LPC with the Friends of the River Granta have a programme of work to improve their protection and enhance the rare stream, as guided by the Wild Trout Trust. This will be compromised by the proposals in the report. There is insufficient protection for this rare asset.
- Page 10 - "*River Granta County Wildlife Site – will be protected with a wide buffer and defensive planting to deter animals and people from accessing the river corridor*". **This defensive barrier is missing from the landscaping report and Condition 5 (above)**
- 4.8 The proposed planting, especially that along the river corridor (gorse, holly) is incompatible with the native species of the area and the regular flooding that takes place.
- A path along the river conflicts with the protection proposals for the river.
- 4.10 - dead wood piled 4-8 m from the stream would be liable to be caught in floodwater and cause damming lower down the river, with potential to cause flooding in the village
- More inaccuracies - Pocket Park, Leadwell Meadows and Hogsholme, immediately south of the site, have not even been recognised as sensitive sites. These, along with the adjacent Flemings Field are County Wildlife areas, and will be adversely affected by the light, pollution, noise and visual detriment caused by the development.
- Section 2.9 refers to the area of Willows across the A1307, and does not reflect the river corridor and its plants.

- 2.10 - "All boundary hedgerows are species-rich, mature and have associated features, therefore, could be classified as important under the ecological criteria of the Hedgerow Regulations". The report assumes retention of the important species rich hedgerows, but the plans show that they will be lost.
- The necessary tree and hedge survey should have been carried out following identification of the boundaries on the 1600 maps, to confirm they are statutorily protected.
- The many ponds were not adequately surveyed, nor is August/September the optimum survey time for invertebrates.
- 2.13 Otter spraints are regularly found - in June 2020, by Ecologist Rob Mungovan, for example. The EDS report is inaccurate and out of date.
- 2.22 reptiles - The walkover survey was carried out at the wrong time of year, and did not comply with English Nature guidelines. The **required** season -long survey has still not been carried out.
- 4.3 - this is an area with cattle - badgers should not be encouraged as they spread Bovine TB (mycobacterium bovis). Badgers will kill the few hedgehogs we have left.
- 5.8 - retention, protection and maintenance of trees and hedges cannot be guaranteed as this natural area is reduced to urbanity.
- We are confident that there has not been sufficient investigation and insufficient surveying to properly inform the ecological status and effect of development on this area.
- Due to the flawed report, insufficient surveys and inadequate protection recommendations, the ecological basis of the report is erroneous, the information provided in the overall submission is incompatible with other submissions, so should not be discharged.

The submission therefore does not *maintain and enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007*. It does not therefore satisfy the condition so should not be discharged.

The new Ecology consultee has made a response that does not seem to apply to the version of the EDS that has been submitted. He expresses disappointment that all the attenuation ponds have been removed and replaced with underground storage crates. The EDS is out of date so makes no mention of the crates and still assumes there are attenuation basins.

He notes the inappropriate planting of ash but is satisfied because the drawings do not comply with the EDS on this point. If documents are inconsistent, they should be made consistent, rather than approved.

Whilst we agree with the two objections he describes above, the consultee should have identified where there are no submissions to satisfy the individual criteria of the condition. Please provide him with a copy of these comments which cover some of these omissions, and ask for an update of his comments.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 18 – Construction Environment Management Plan - Objection

This condition requires:

'a Construction Environmental Management Plan (CEMP: Biodiversity)', which shall include:

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timings of sensitive works to avoid harm to biodiversity features.*
- e) The times during which construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs if applicable.'*

It shall specifically include:

- i) Provide mitigation for the avoidance of disturbance of breeding birds*
- ii) Avoidance of harm to Roman snails*
- iii) Avoidance of accidental trapping of badgers in trenches and pipes*
- iv) Provision of a 30 m buffer to protect any potential otter holts from disturbance.*
- v) Provision of tree, hedge and other retained habitat protection zones.*

The requirement has not been complied with:

- The basis of the assessment of biodiversity features is flawed and out of date (in common with Condition 17 above). The report predates the latest site layout of June 2020;
- The identification of 'biodiversity protection zones' should have included water meadows (including Pocket Park/Leadwell Meadows), the Protected Chalk stream, the shallow water features along the boundaries of the site and just outside the site where the GCN was last recorded, the locations recorded for the Roman snails, and the Protected hedges.
- The potentially damaging construction features should have included the spoil heaps / topsoil mounds which were constructed contrary to the previous CEMP;
- The CEMP refers to swales based on an out-of-date layout, so the consideration of measures, programmes and works etc based on the design will not be up to date. It should be updated.
- The CEMP should be updated to take into account current statutory criteria and material guidelines, such as those from English Nature.
- The CEMP does not provide the construction management information required, such as for the timings, site communication and clerk of works; it just reproduces the list within the condition.

The comments in the EDS should be read in conjunction to this plan, as many of the same issues have not been addressed.

This is an old report based on a flawed evaluation of the neighbouring open areas, the OL scheme layout and the retention of all the species-rich hedges, and does not give due weight to the presence and protection of the rare chalk stream. There are conflicts between this and the plans provided to discharge other conditions. As such it cannot be discharged.

The submission is flawed:

- Section 1.6 refers to the river corridor but then describes a commercially planted area of cricket bat willows across the A1307, not associated with the site. The report fails to recognise Pocket Park/Leadwell Meadows/Hogsholme Linton's public wildlife and leisure area with its natural plants and ecology, which is located across the river from the site. These, with the adjacent Flemings Field, are County Wildlife Areas with a rich range of species.
- The rarity of the chalk stream and protected status of The Granta has not been sufficiently acknowledged, particularly in connection with potential pollution and access from the site.

- Section 1.7 - the flaws in the 2014 Ecological survey have already been described
- The season-long amphibian survey, noted as absent yet required, is still missing. Those surveys were undertaken at times unsuitable for the presence of any amphibians (dry, hot for prolonged periods and at the wrong time of year) so are invalid.
- Section 1.15 gives a better description of the river area and ponds than the OL report. Great Crested Newts have been recorded within 40 metres of the site boundary and also in the other known ponds within close proximity of the site.
- The pond survey is deficient and still needs to be properly carried out in accordance with English Nature's guidelines.
- Section 1.16 Roman snails have been seen and photographed on site, in wetter conditions than were recently present (a 3-year drought period). They are found near the Rookery and elsewhere in the village.
- Section 3 refers to habitats - 3.6 - the site is now bare of crop, and topsoil, this having been removed without planning permission and formed into mounds that are subsiding after the recent rains. This is a deliberate loss of habitat and is in direct conflict with the CEMP.
- 1.17 and 3.8 The "Species Rich Hedgerow" refers to boundary hedges, including those along the Bartlow Road. The CEMP puts great store on the benefits that the retention of the hedges brings the environment, but in the RM scheme, these protected hedges are to be lost. These will not be retained and infilled by similar hedging, as before, but instead replaced by small, domestic, urban hedges - this is not a suitable replacement and will be deleterious to the ecology, noise reduction and appearance of the area.
- 2.3 Post-construction responsibilities - the trees/hedges within residents' gardens cannot be guaranteed not to be removed by occupants of the urban development
- 3.9 The access to the river cannot be prevented in current plans, as the protective thorny barrier has been removed from plans. The 30 metre buffer is also not shown on the drawings and is not taken into account in the construction management plan. The CEMP recommendations are not proposed on the drawings - the protection of sensitive and protected features such as the rare chalk stream is essential.
- 3.21 - 3.25-The river corridor is outside of the developable area and needs to be conserved not planted with gorse and holly that are unsuited to the natural and regularly flooded area. Trees on the river bank should be left alone as they help retain the bank and the existing willows provide a more effective flood protection than that proposed.
- 3.26 - the tree mix is not suitable for the conditions and history of the area. This is an area of Beech stands and field maple. We have lost mature trees due to Ash-dieback in the area. Holly and hawthorn will be too low to reduce the noise from the A1307. The willow which has helped to mitigate flooding is being removed and not replaced.
- 3.28 – There is no certainty how the new hedge would be consistently and appropriately retained at suitable height by urban residents.
- 3.30, 4.41 Due to the presence of cattle and hedgehogs in the area, badgers should not be encouraged.

The basis of the Ecological CEMP needs to be updated to include the necessary studies in accordance with English Nature requirements, including the protected hedges and amphibian survey. The plans need to be consistent with the CEMP and the CEMP needs to take into account the current layout, not the out of date OL layout (there are now no swales, etc). As provided, it does not comply with the statutory requirements; planting and protection measures need review.

The proposals therefore do not *"minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981"*. They do not

therefore satisfy the condition so should not be discharged. In addition they do not comply with policies HQ/1 and Chapter 15 of NPPF.

The new Ecology consultee notes that the CEMP and layout plans are inconsistent, and believes that all swales have been removed. He and the CEMP are clearly referring to schemes that are out of date and inconsistent with the June 2020 amendment. The response is not sound if it is agreeing a design that no longer applies. The response, like that for Condition 18, does not address the issue of all the criteria of the condition that have not been provided.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 19 – Archaeology – Holding Objection

- We noticed that the County Archaeologist refers to a document that is not on the website when it is proposed to sign-off parts i- iii . Until a copy is provided we cannot really comment on this condition and whether it has been fulfilled.
- This document might be one that describes what was found (as an initial summary before the main report), and LPC haven't seen that.
- The practical work of the archaeological team has been completed but a full and complete fieldwork report from the site investigators has not been submitted.
- The report should have been completed and submitted within 2 years of the completion of fieldwork. This is long overdue.
- As such this DoC does not comply with the condition and the archaeological stage reached.
- The report, when it comes should accurately describe the finds, including the buildings, flint tools, hearth, bone comb, the well and Roman roads that were known to be there.
- Although part of the condition has been completed, the full planning condition has not been complied with and as such cannot be signed off.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 20 - Lighting Scheme – Holding Objection

This condition requires:

'a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security lighting'

It shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare)

And shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) 'Guidance Notes for the Reduction of obtrusive Light'.

The requirement has not been complied with:

- The submission only includes details of 12 street lights.
- There are no details provided of lighting for individual houses. It is clear that lighting will be necessary, as many of the house are beyond the areas lit by the 12 street lights, and a

significant number are accessed via steps and slopes on this steeply sloping site. It is unrealistic and unsafe to leave this lighting unmanaged.

The submission is flawed:

- This again is a re-submission of a previous document that is not updated to the June 2020 amended scheme. The document describes its remit as a 'desktop exercise' so does not take into account the levels, slopes and site specifics. As the planning drawings consistently fail to show the existing neighbouring bungalows and these bungalows are not on streetview, they are unlikely to be adequately assessed. The natural environment is also not likely to be appropriately assessed as a 'desktop exercise'.
- This is a very sensitive area, highly visible over the valued landscape and on rising ground.
- The submission proposes no lighting away from the main spine road, which is unrealistic and ensures that lighting on this site (housing, garages, gardens, etc) is likely to be uncontrolled.
- This appears to be inconsistent with the plans provided for the Pumping Station condition, which shows bollards which appear to have lights.
- Concerns remain over light spillage outside of the development, distraction of lights to drivers on the A1307 and effect of light on wildlife and the amenity of the nearby Pocket Park /Leadwell Meadows wildlife and public leisure area.

The submission does not demonstrate that it provides a realistic scheme that provides all details of lights and the likely light pollution arising from the development. It therefore should not be approved.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 21 - Renewable Energy - Objection

The proposals within the energy statement are inconsistent:

- It is a site outside the development boundary and so it is only considered suitable in principle for sustainable design. This sustainability should be reflected in the proposed energy scheme.
- This submission aims at a 10% CO₂ reduction, which is a very low target not compatible with the UK target of net zero emissions by 2050.
- This is the minimum reduction required by building regulations, and very poor compared to other developments in the area. It barely complies, does so on the basis of the cheapest solution and uses poor quality materials such as upvc windows and doors. This is not high quality sustainable design and does not comply with the quality and energy aims of NPPF and South Cambridgeshire DC.
- The document is a standard one which does not relate to the specifics of this site. The local site is only included in appendices at the end, and there is no clarity over which houses would be those selected for the proposed pv cells.
- There are no pv panels shown on the elevations in the RM scheme. The schemes are inconsistent and therefore the energy proposals are not demonstrated to be deliverable.
- PV panels have an impact on the appearance of the proposed development, and any changes to provide consistency with these energy proposals should be consulted on.

The submission does not comply with the condition as it does not *ensure an energy efficient and sustainable development in accordance with Policies NE/3 of the adopted Local Development Framework 2007*. It therefore should not be approved.

As this energy statement is inconsistent with the RM scheme, and does not provide sufficient clarity about where it would affect the appearance of the buildings, it is premature and undeliverable. The poor quality of the proposals should also be reconsidered in order to comply with the Local Plan energy and design policies.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Discharge of condition 22 - Fire Hydrants - Objection

This condition requires:

‘a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service’.

The submission is flawed:

- Many of the hydrants in the Southern Site cannot be accessed by fire engines and are located where fire engines cannot turn round. They are located up steep slopes, along paths and steps in parts of the site where the roads are not adopted and the paths are much narrower than 3.7m wide.
- The roads, paths and turning areas where they are located are steeply sloping.
- The roads are not adopted by Highways, in part because of the steep slopes.
- The layout is based on a desktop exercise and there is no evidence that Cambridgeshire Fire and Rescue Service would be able to access these hydrants.

Due to the constraints of the site, and the Highways Authority’s refusal to adopt the access and road systems within the site (because they are inadequate for use by vehicles), a desk-based exercise is unlikely to demonstrate that this scheme would *‘ensure an adequate water supply is available for emergency use’.*

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Other issues:

Details are not provided to discharge conditions 6, 8 and 23 of S/1963/15/OL, both pre-commencement conditions, and the submissions conflict with the specified approved drawings in conditions 4, 6 and 7.

The following comments relate to Discharge of Conditions 2, 4, 7, 8 and 9 of S/2501/19/RM:

All conditions:

The application is incomplete and conflicts with relevant conditions of the Outline consent, including conditions 1, 6, 7, 10, 11, 17 and 18.

The submissions include further development that was not approved in the OL and RM schemes, and would conflict with those approvals and their conditions, including drainage, landscaping and ecology conditions.

The submissions also conflict with one another and the June 2020 revised layout is not in accordance with the RM. This reintroduces a swale/open water store/“Storage Pond” which was previously unacceptable to a number of consultees. As such, its introduction at this stage is not a minor modification. It is not transparently done (as the relevant drawings are misleadingly titled), and does not correspond with the other drawings and with the previous approvals. It is also outside the development area and therefore outside the OL and RM consents and potentially S106 control. LPC asks that South Cambridgeshire DC seeks further information and consultation in order to fully consider all the implications of this change.

The application form states that work has not commenced, but that is false, as work commenced on drainage, access and landscaping works and a Stop Notice was issued, as those works were unlawful. In such cases, the *Meisel’s* case and ‘*Whitley Principle*’ applies, making the whole development unlawful, as access (adjacent the A1307), drainage (on a site subject to river and surface water flooding), landscaping (on this key prominent site) and works carried out that affect the amenity of the neighbours, would all ‘*go to the heart of the permission*’.

The DoC submissions include further development that was not approved in the OL and RM schemes, and would conflict with those approvals and their conditions, including drainage, highways, landscaping and ecology conditions.

LPC asks that South Cambridgeshire DC seeks further information in order to fully consider all the requirements of the relevant conditions, and also seeks the drawings and documents be open and transparent, and consistent with one another.

These DCs are premature as the development started on site without first complying with the pre-commencement conditions, and the application decisions are disputed as follows:

The first RM application s/2487/18/RM was refused and also dismissed at appeal.

The approved application s/2501/19/RM relies on the same drawings as were dismissed at Appeal. The decision to approve was therefore perverse and inconsistent.

This DC submission compounds the problems in accepting an RM on an OL which has lapsed.

Likewise, this application proposes discharging conditions on an incomplete RM application, which did not include discharge of means of Access. Discharge of that RM application is out of time.

These DoC submissions compound the problems in accepting an RM on an OL which has lapsed. Likewise, this application proposes discharging conditions on an incomplete RM application, which did not include an application for discharge of means of Access.

Means of access ‘*goes to the heart of the permission*’ and would require the Highways Authority’s agreement to the design of the means of access, which was not given. The discharge of that RM is also out of time, as all the reserved matters should have been applied for by 1 September 2019. It is therefore even more questionable whether these other DC’s should have been accepted.

Two of the conditions not applied for discharge relate to Highways. The documents submitted for DoC conflict with one of those conditions, and the other is a pre-commencement condition, and therefore, even if the rest of the above issues and DoCs were satisfied, work would not be able to commence on the development.

The summary provided in response to the joint consultation for conditions on S/1963/15/OL and S/2501/19/DC applies to both these submissions. As well as noting the procedural problems of the application, we make comment on the information received to date:

Condition 2: External Materials - Objection

The condition is imposed for the reason of policy HQ/1. This requires:

- all new development *“must be of high quality design”*
- It must *‘Preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape’*;
- It must provide *‘a coherent, place-responsive design, which is legible and creates a positive sense of place and identity whilst also responding to the local context and respecting local distinctiveness’*
- It must be *‘compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area’*

The proposed materials do not comply with HQ/1 as they are very cheap and synthetic, and do not reflect the distinctive historic materials of the locality and wider landscape, which would include the historic village:

- The roof materials are all concrete, so will fade over time and have a thick texture and profile that is not compatible with the texture and colour of the local context. The concrete ‘pantile’ comes in large blocks of two pantiles, so do not overlap convincingly and the concrete ‘slate’ is much thicker than any slate used in this locality and also interlocks in an unconvincing way. The colours are not clarified.
- The clay pantiles promised to planning committee in the RM application have also been replaced with concrete.
- The bricks are still amongst the cheapest types available. Both types are wirecut, which look cheap and have a texture unlike local bricks. The Surrey red multi is a mix of purple/brown and red not characteristic of Linton and is likely to look patchy, and the Minster Cream also incorporates patches of pink, indicating cheap bricks even in historic contexts.
- No picture is provided of the ‘weatherboarding’ but it is not timber.
- The render is also not clarified, other than ‘render’.
- The windows and doors are upvc and the garadors are painted grp.
- As the District Design Guide notes, these are cheap *‘anywhere materials’*, in *‘standardised and intrusive urban’* combinations, that fail to respect the context and local distinctiveness of this village and area. Even affordable housing schemes (such as that at Whaddon) have materials that are of a higher quality than these.

They therefore do not comply with HQ/1 and the conditions should therefore not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Condition 4: Street Management and Maintenance - Objection

The condition requires:

- *details of the proposed arrangements for future management and maintenance of the proposed streets within the development*
- *The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).*

The condition is not complied with:

- The details provided are inconsistent and relate to different versions of the layout. The submission also does not demonstrate it is deliverable within critical areas of the site that are outside the S/1963/15/OL development area. Until there is consistency and an acceptable design, the maintenance scheme is likely to be deficient.
- The submissions (such as the drainage design) show that this is a complex, risky and high maintenance site, but this submission does not demonstrate there is an appropriate level of commitment to management and maintenance over the life of the development:
- There is no certainty over who would carry out the management and maintenance, and who is accountable when there are problems.
- There is no deliverable process for access and maintenance within the many private properties and where access is limited by slopes, level changes, flooding, woodland, narrow paths and cramped design.
- The details submitted are not adequate for adoption by the Highway Authority, in part because the design is not resilient and does not meet industry standards for vehicle and pedestrian movements, and in part because it would be high maintenance and costly.
- The drainage scheme is not demonstrated to be fit for purpose. It does not reach the standard that the Highways Authority would adopt and the submitted drawings cannot be implemented because they conflict with other planning conditions.
- The drawings show a scheme that does not comply with condition 11 of S/1963/15/OL because the drainage does not discharge to the specified manhole.
- That condition was imposed in order to prevent a scheme such as is now proposed which would lead to flooding and pollution.
- The proposed scheme conflicts with the recommendations of the Rossi Long report. This includes a failure to provide for the maintenance regime to be adapted to ensure the cause of flooding does not occur again in the future.

There are inconsistencies which include:

- This re-submission includes plans of the drainage scheme that has not been accepted. The highways and drainage schemes submitted previously were not accepted by the relevant Statutory Authorities, so it is unclear what drainage this refers to.
- CCC consultees have objected and they will not adopt these site roads, for reasons that include the use of Smart Sponges and the steepness of the incline.
- The plans show a sewer that leads uphill from the pumping station toward a manhole on Bartlow Road. There is a specific condition that prohibits that connection (S/1963/15/OL condition 11) and will only allow connection to 7501, to the south west of the site.
- There is no clarity about the scheme, as the drainage slopes do not reflect the land slopes, and both (where dimensioned) are steeper than good practice and Highways guidance.
- There is no clarity about the basis of the design of this scheme, which is on ground with little porosity and where sequences of porosity tests have consistently failed.
- Drainage appears to depend upon passive infiltration in soakaways and drives, which would not be suitable for the frequent flooding events that are known even after modest rainfall.

- The main soakaway for the primary spine road on the Southern site is located in the river silt where the site has previously flooded, so is likely to fail and to allow contaminated water to overflow.
- The infiltration testing in the submission was inadequate, with testing failing despite the previous prolonged dry weather. The data from 2017 does not represent peak seasonal levels and describes 3 results selected from 14 trial pits and an assorted series of depths, which does not accord with due process.
- The original design was based on permeable surfaces, but the streets are now impermeable.
- There are no road drains located to deal with surface water flooding from the fields and Bartlow Road.
- There are no road drains at the foot of the steep slopes of the spine roads to protect the houses directly below.
- The road drain scheme appears to be based on a flat site, rather than slopes of 5 metres on the Northern site and 7 metres on the Southern site.
- Without an adequate drainage system and flood prevention measures, the flooding of the development site and village centre is likely, along with contamination of the protected chalk stream.
- The checking and maintenance schedule would appear to be less frequent than would seem necessary for the conditions of the area.
- This schedule refers to Smart Sponges which are expensive to maintain and are likely to fail in flood conditions. These are not adoptable by CCC Highways, who are aware of the issues with them.
- The private maintenance areas contained in the tightly defined dotted lines do not include the soakaways they drain to. The soakaways are likely to be where most of the problems occur, and therefore the accountability is likely to fall to individual householders instead of the developer / management company. That is not an appropriate scheme.
- The maintenance schedule does not include who is accountable for the maintenance, how that is to be dealt with and access is to be gained to the many private properties involved, and what the process would be when there are failures and/or blockages, such as are likely where the scheme proposes excessive slopes and high maintenance smart sponges. There is no detail about who the company is, when they take on the responsibility, and that there is confirmation that they will be responsible for the management and maintenance of the entire scheme in perpetuity.

The submission does not *ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in the interests of highway safety to comply with Policy HQ/1 of the adopted Local Plan 2018*. The condition should therefore not be discharged.

The proposed management and maintenance scheme also fails to demonstrate it is robust and deliverable, and that it would not cause flooding and maintenance burdens on the existing and new residents.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Condition 7: Cycle Stores - Objection

The condition requires:

- *'details of the cycle stores'*

- The reason is *'To provide adequate cycle parking in accordance with Policy TI/3 of the adopted Local Plan 2018'*.

The relevant policies require residential cycle storage to be:

- *within a covered, lockable enclosure; in the form of a shed or garage;*
- *Secure, accessible and convenient.*
- *designed and located to minimise conflict between cycles, pedestrians and vehicles.*

General design policy HG/1 requires *high quality design*.

The condition is not complied with:

- The proposed cycle storage areas are not accessible and convenient. For several houses (4-8m 36-38, 18-23, etc) the cycles will have to be carried up steps to reach the store.
- For the houses accessible by paths alone, such as along the western boundary, the access paths are narrow, cramped and shared.

The need to provide high quality design is not complied with:

- The cheap prefabricated metal boxes being provided are not high quality design.
- The area is damp, with poor porosity, so metal containers will soon rust and become unsightly.

The proposals are likely to lead to harm:

- The poorly accessed stores are unlikely to be used, and therefore cycle parking is likely to be uncontrolled and cycles parked in public and prominent areas
- There are likely to be conflicts between cycles, pedestrians and vehicles.
- The lack of robust high quality design is likely to lead to a loss of storage provision during the life of the development.

As the proposals do not meet the requirements of Condition 7, the condition should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Condition 8: Pumping Station - Objection

The condition requires:

- *details of the pumping station*
- The reason is *'To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018'*.

The condition is not complied with as the details of the pumping station have not been provided.

- Instead of showing the pumping station, the drawings show an extensive brick enclosure (with a footprint larger than the nearest house) that replaces the fenced enclosure around the proposed pumping station shown on the RM layout.
- The brick enclosure and metal gates are not high quality design, appropriate to their rural context.
- The drawings indicate that, apart from the pump structure, there are other kiosks and structures within the same enclosure, and again details are not provided. The June 2020 scheme shows the number of 'kiosks' has increased since the RM scheme.
- The details of levels and excavations of the pumping station have still not been provided.

- The proposed development abuts the boundary with a neighbour, and therefore is likely to affect their boundary and amenity. The proximity is not assessed and there are no details of noise and other likely environmental effects on this and other nearby residents.
- There are indications on the plans submitted with these conditions that there is a circular zone of potential noise from this pumping station that extends over a neighbouring garden. The reproductions of the plans are so poor that the annotation cannot be read, and the information is not provided within this submission. Further noise information, details and remediation is required in order to minimise disturbance of neighbours.
- Details of the maintenance and management of the pumping station are missing and should also be provided to ensure the appearance, when acceptable, is maintained during the life of the development.

There are additional inconsistencies and elements of harm, raising objection as follows:

- The connection of drainage to the pumping station is inconsistent. The D+A statement says the drainage is proposed to go to manhole 7501. It does not do this. Drawing E17-084-141 P7 The drawings show the sewer pipe heading uphill to the old village drain heading west from Bartlow Road. Connecting drainage onto the Victorian 6" main was specifically not approved due to the environmental damage likely to be caused to the village and Conservation Area. Manhole 7501, required to be the connection under Condition 11, is on the newer 375mm pipe is further away and requires landowner consent to access this. This is where the sewer pipe must lead - south west of the site.
- It is critical that the submission details demonstrate that the proposed pumping station protects the rural landscape and key riverside views.
- It is also critical that the details demonstrate protection of the integrity of the aquifer and water supply. The submission does not show the structure itself and the excavation into the ground, which is critical to assess likely impact.
- Being located within the previously flooded area, the scheme should also demonstrate it will not cause flooding and/or contamination elsewhere.
- The elevation drawings instead shows a brick boundary enclosure wall some 13 metres long by 9 metres by 1.8 metres high, with a weldmesh pair of gates. This replaces the fence in the RM scheme. It is larger than the footprint of a house and its additional bulk within the key river view would impact on the appearance of the site, and its solidity is likely to impact on the flood performance of the site. It is on the site boundary so also likely to affect the amenity of neighbours and the retention and maintenance of the site boundary. The changes to the RM scheme therefore *'go to the heart of the permission'* and have not been publicly consulted on.
- The brick enclosure and its metal gates has an industrial character at odds with its domestic and rural context, exacerbated by the use of cheap detailing such as concrete cappings.
- Inside this boundary wall is another structure, and no details are provided of this. This is likely to be the pumping station.
- Behind and next to that structure are two 'kiosks'. Again there are no details provided of these structures.
- There are other structures described as slabs, but an attached drawing shows these slabs are actually parts of structures that are at least 1.8 metres high, so would also have a material impact on the appearance of the development.
- There is a new tarmac road which overlaps the access to the parking spaces for Plot 13. When the pumping station is in use, it is likely that the residents of Plot 13 will not be able to park. This change to the RM scheme is also not consulted on. The road is proposed in tarmac so will not be permeable, contrary to the flood calculations, and its appearance is poorly integrated with the finishes around it.

- The outer brick boundary wall is less than 1 metre away from the boundary with adjacent housing, so fails to provide sufficient space to retain and maintain the existing boundary/Protected hedge.
- There is insufficient space to maintain the wall, boundaries and hedging.
- The pumping station plan shows a drainage route which conflicts with the drainage condition which requires the connection to be in the new section of main (i.e. downhill of this site) See below.
- This pumping station is sited outside of the developable area, in the previously flooded area of the floodplain (Flood Zone 2)
- The developer asserted in the covering letter to s/2501/19/RM that consultees were content with the scheme, although Highways, Lead Local Flood Authority and others recommended refusal. Anglian Water objected to the proposed sewer connection. LPC was definitely not content. The consultees this time should be provided with full consistent details in order to make their decisions,
- As relevant consultees are not content, the foul water handling station would likely not be adopted, leaving its maintenance uncertain and likely to be a burden on the public purse.
- The scheme does not comply with the LPC specialist drainage report. The reason Anglia Water's objection to the wrong manhole being used for foul water, appears to have been dropped, was that the developer stated they will not now connect to Anglian Water's drainage at all. However, there is no deliverable alternative scheme provided and the drawings still show the drainage being directed towards the old Victorian 6" main, where it is likely to increase flooding of the village. That the drains terminate on the plans without any viable connection is of considerable concern.
- The planning application fails to provide any viable solution to the flooding and drainage issue, and instead leaves the development with a much higher risk of contamination and discharge of flood water into the Protected Chalk Stream and Cambridge Aquifer.
- The siting of the pumping station in a flood zone, into our drinking water aquifer and outside of the developable area, should be given due concern. This proposed design and failure to demonstrate a viable drainage scheme is of considerable concern to the parish.

The details of the proposed pumping station have not been provided and therefore the condition is not complied with.

In addition, the proposal includes new structures and roadway not publicly consulted on. The proposed route of the sewer pipe directly contravenes s/1963/15/OL condition 11. The submission and latest changes do not clarify the impact and viability of the pumping station and its drainage route, and are likely to result in harm to the appearance, landscape, the environment and amenity, contrary to HQ/1, CC/9 and NPPF 43 and 155 etc.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Condition 9: LEAP Proposals - Objection

The condition requires:

- *details of the proposed Local Equipped Area of Play to including the location, number and types of pieces of play equipment.*

- The reason is *'To ensure the Local Equipped Area of Play is satisfactory in accordance with Policy SC/7 of the adopted Local Plan 2018'*

Policy SC/7 requires that the play areas comply with the Open Spaces SPD, which requires good quality designs that *'meet the needs of local children; that they are attractive, safe and creative places where children and teenagers can enjoy physical activity, socialising and quiet contemplation. The design of equipped play areas is vital to ensuring the maximum possible benefit to physical development, fitness and the play experience.'*

The condition is not complied with as:

- There is a failure to provide a representative range of equipment suitable for a range of age groups, and teenagers are excluded by the design.
- The older children are not provided for and the Recreation ground is some 1.8km away - over 2km to the LVC sports fields and sports centre.
- Again the quality is low, being cheap wooden types liable to degenerate quickly in the damp areas of the site.
- The quantity of equipment is low for the expected number of children.
- The age range catered for is limited, without anything for older children, children or items suitable for other age groups (Trim Trails, etc).

The proposal therefore does not comply with policy SC/7 and the condition should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

In addition, the latest amendments of June 2020 propose the loss of a substantial central area of the public open space in order to locate a drainage pond with open underwater storage crates and concrete headwalls. We have raised a number of concerns about its safety within Condition 10, which need to be addressed. As a result, this open green space will not be fit for purpose and therefore does not comply with SC/7.

The change to the RM approved layout has not been publicly consulted on, and should be.

Conclusion

LPC therefore objects to the discharge of all conditions as premature and unsuitable.

- It is unlikely that the residents affected by this development and the changes since the RM layout are aware of the likely effect on their property and amenity, and they should be specifically consulted so they can give comment.
- Likewise the relevant statutory consultees should be consulted on the changes since RM, and appropriate consents obtained for the changes.

For more detailed reasons, including materials, drainage and drains, see the previous comments sent in connection with the series of applications and amendments.