



## OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL

As the parish council is a small organisation without the resources to employ a significant range of consultancy support, the approach adopted in response to the 3 planning applications is for a neighbourhood community response drawing on the individual contributions of local people which are summarised in this document. Warmington Parish Council's formal position in respect of the various applications is as outlined below. This submission recognises the interdependency of the 3 applications and deals with all of them concurrently.

### Recent history of Elton 1

In August 2018, Warmington Parish Council expressed specific concerns with respect to an application to extend the time limit for the Warmington Agricultural reservoir (Elton 1) as set out below which appear not to have been seriously considered by the planning authority and which has subsequently been ignored by the applicant.

*At its meeting of 15<sup>th</sup> August 2018, Warmington Parish Council, considered planning applications 18/00032/MINVOC | Variation of Condition 25 (End Date) of planning consent ref. 13/00074/MINVOC to retrospectively extend the end date of operations | Elton Quarry, Peterborough Road, Warmington, and 18/00031/MINVOC | Variation of Condition 26 (End Date) of planning consent ref. 13/00073/MINVOC to retrospectively extend the end date of operations | Elton Quarry, Peterborough Road, Warmington. In concluding that the council would object to the application, the following comments were made:*

- The engineering fill to complete the lining of the existing reservoir will need to be imported from elsewhere – it is unacceptable to suggest it comes from a neighbouring Elton 2 flood plain site which is yet to have a planning application submitted and where it is unlikely there will be suitable clay as this source might reasonably have been identified earlier in the lining project.*
- The extension to extract engineering fill from the site outlined in the current Minerals and Waste Plan Policy M7 must not under any circumstance be used as a Stalking Horse to facilitate any Elton 2 planning application. The parish council advises that the works under the extant planning should be completed before consideration of any potential future planning application.*
- The parish council is concerned that there is a lack of transparency and openness in relation to the application by Ingrebourne Valley and their Agent, which is typified by the lack of local liaison and absence of any reference to the Elton Quarry project on the Ingrebourne Valley company website.*

These points were submitted as concerns as part of the 18/00031/MINVOC and 18/00032/MINVOC planning consultations. [Appendix 1](#)



With respect to the three new proposals:

a) **19/00033/MINFUL:: (Elton2). Application 1:** *Phased mineral extraction, construction of a bailey bridge to cross a branch of the River Nene, importation of reclamation material including ancillary activities, with restoration to agricultural pasture and wet woodland.*

**We object to the proposal as set out below.**

b) **19/00034/MINVOC:: (Elton1) Application 2:** *Section 73 application to vary conditions 2, 3, 7 & 26 of planning permission 18/00032/MINVOC to enable a new replacement low profile processing plant to be erected as well as to import reclamation material, a proportion of which will need to be treated to make it suitable for restoration and an extension of the completion date to 31 July 2030*

**We object to the proposal as set out below.**

c) **19/00035/MINFUL: (Elton1) Application 3:** *Retrospective mineral application for an extension to the existing plant and ancillary works site in order to provide additional operational space for material treatment, stockpiling and temporary storage with restoration to agricultural land*

**We object to the proposal as set out below.**

We submit the following comments having regard to the order adopted by the applicant for the respective applications:

### **1. The National Planning Policy Framework (Feb 2019)**

We object to the proposal on the grounds of failure to comply with an expectation of sustainable development with specific reference to economic development and tourism matters. *Appendix 2*

### **2. Northamptonshire Minerals and Waste Local Plan (July 2017)**

We object to the proposal on the grounds of the failure to follow due process in allocating the Elton2 site in the Mineral and Waste Local Plan consultation process. *Appendix 3*

### **3. North Northamptonshire Joint Core Strategy (July 2016)**

We object to the proposal on the grounds of failure to achieve sustainable development specifically the delivery of economic prosperity. *Appendix 2*

### **4. The Rural North, Oundle and Thrapston Plan (July 2011)**

We object to the proposal on the grounds of its impact on the setting of a Grade II listed building, loss of amenity value, implications for Elton Hall Parkland setting, Fotheringhay Castle scheduled



ancient monument and the visual setting of Grade I listed St Mary and All Saints church in Fotheringhay. *Appendix 4 and Appendix 5*

## **5. Socio-Economic Effects**

We object to the proposal on the grounds of the failure to properly assess the economic effects of the applications, with specific reference to the documents listed (*Points 10 -13 below*) *Appendix 2, Appendix 11*

## **6. Community Engagement**

We object to the proposal on the grounds of the failure to follow due process by Northamptonshire County Council in validating the applications without ensuring that the application had achieved effective community engagement prior to the submission of the respective applications. *Appendix 6*

## **7. Environmental Statement**

We object to the proposal on the grounds of that the application only assesses effects on the application site and adjacent lakes/reservoir and fails to assess the effects on the character of the landscape within which it sits. i.e. the Nene Valley which can be considered as a valued landscape in terms of the NPPF . *Appendix 7 & Appendix 5*

## **8. Various Themes (Groundwater and surface water; ecology; landscape & visual; noise; air quality; transport; archaeology, and agriculture & soils)**

We object to the proposal on the grounds of the various thematic comments referred to below and specifically the failure to properly address economic development matters and the lack of fit with the emerging neighbourhood plan policy objectives. *Appendix 5. Appendix 8 Appendix 9 . Appendix 10*

## **9. Rights of Way**

We object to the proposal on the grounds that the application fails to properly consider the effects on the amenity value for people using the Nene Valley long distance footpath (PD3), Greenway bridleway (PD1), and the Blueway River Nene. *Appendix 2 Appendix 5 Appendix 11*

## **10. The Nene Valley Nature Improvement Area documentation**

We object to the proposal on the grounds that it fails to consider or address the objectives and content of the Nene Valley Nature Improvement Area *Appendix 2*



### **11. Bedfordshire, Cambridgeshire, Northamptonshire Wildlife Trust - Destination Nene Valley**

We object to the proposal on the grounds that it fails to consider or address the objectives and content of the Bedfordshire, Cambridgeshire, Northamptonshire Wildlife Trust - Destination Nene Valley *Appendix 2*

### **12. East Northamptonshire Council Economic development and tourism strategy (2017-2020)**

We object to the proposal on the grounds that it fails to consider or address the objectives and content of the East Northamptonshire Council Economic development and tourism strategy. *Appendix 2*

### **13. Warmington 2031 Neighbourhood Development Plan (2017-2031)**

We object to the proposal on the grounds that it fails to consider or address the objectives and content of the Warmington 2031 Neighbourhood Development Plan *Appendix 12*

### **14. If the planning authority determines to approve the applications, Warmington Parish Council requires that the following conditions are stipulated as part of either the conditions of approval and/or as legally enforceable agreements .**

Planning conditions to be attached to the consent and /or a separate legal document which imposes duties:

- Community mitigation
- Greenway mitigation
- Nene Way mitigation
- Blueway mitigation

#### *Appendix 13*

**Warmington Parish Council has an aspiration and expectation to be party to the negotiation process for any legal agreements including but not limited to a section 106 agreement and to be a party to any such agreements through the means of an LLG. Warmington PC has raised procedural objections to these applications. These procedural matters must be resolved before any grant of consent in order to avoid any potential legal challenge.**

### Objection to 18/00031/MINVOC

Warmington Parish Council objects to the proposals outlined in the application which in itself was an extension to the originally agreed end date on the following grounds:

There is no justified reason to extend the completion time of the finishing works to the existing reservoir for the length of time applied for – the council contends that 6 months is sufficient for the time extension and the conclusion of the project should be a matter of utmost urgency. In addition:

- The engineering fill to complete the lining of the existing reservoir will need to be imported from elsewhere – it is unacceptable to suggest it comes from a neighbouring Elton 2 flood plain site which is yet to have a planning application submitted and where it is unlikely there will be suitable clay as this source might reasonably have been identified earlier in the lining project.
- Forthwith, a Local Liaison Group (LLG) should be set up in accordance with the NCCMWLP 'Policy 25 Implementation' to monitor progress of restoration works and implementation of the Management Plan, this should include Parish Council representatives and others from the community with specialist knowledge together with operators, landowner and planning representatives.
- Appendix 5 Ecological Management Plan Section 5.0 ONGOING MANAGEMENT AND AFTERCARE should be amended to include the LLG as participants in the annual EMP Review meeting.
- The extension to extract engineering fill from the site outlined in the current Minerals and Waste Plan Policy M7 must not under any circumstance be used as a Stalking Horse to facilitate any Elton 2 planning application. The parish council advises that the works under the extant planning should be completed before consideration of any potential future planning application.
- The parish council is concerned that there is a lack of transparency and openness in relation to the application by Ingrebourne Valley and their Agent, which is typified by the lack of local liaison and absence of any reference to the Elton Quarry project on the Ingrebourne Valley company website.

# WARMINGTON PARISH COUNCIL



## **Elton 2 Quarry - 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Objections to socio economic and rights of way evaluation and failure to promote the sustainable development of the Elton Extension Site within the context of the NPPF and NJCS.**

Text

### Summary of Objection

The objection aims to illustrate the failure of the Applications to consider the contents of the ENC Economic Development and Tourism Strategy 2017/2020, supporting documents including the WNP 2017 to 2031, with specific reference to the delivery of Destination Nene Valley and Destination Warmington. The applications consequently fail to promote sustainable development within the context of the NPPF and NJCS.

The Socio-Economic assessment does not properly consider the amenity value and economic context within which the planning applications are submitted

The Rights of Way assessment does not properly consider the amenity value and economic context within which the planning applications are submitted.

### **A. PLANNING CONTEXT FOR SOCIO-ECONOMIC ASSESSMENT**

- 1. The NPPF and NJCS specifically refer to the need for planning applications to support Sustainable Development. Sustainable development requires that proper consideration is given to economic factors as part of the approach.**
- The ENC Economic Development & Tourism Strategy 2017 to 2020, expands on the vision of working with communities to sustain a thriving district through the priorities of 'Regeneration and economic development and tourism' to achieve sustainable development.

[https://www.east-northamptonshire.gov.uk/info/100002/business/608/economic\\_development\\_and\\_tourism\\_strategy](https://www.east-northamptonshire.gov.uk/info/100002/business/608/economic_development_and_tourism_strategy)

- Information about the Destination Nene Valley and the Nene Valley Nature Improvement Area are set out in the Appendix and links marked Destination Nene Valley (DNV).

[www.nenevalley.net](http://www.nenevalley.net)

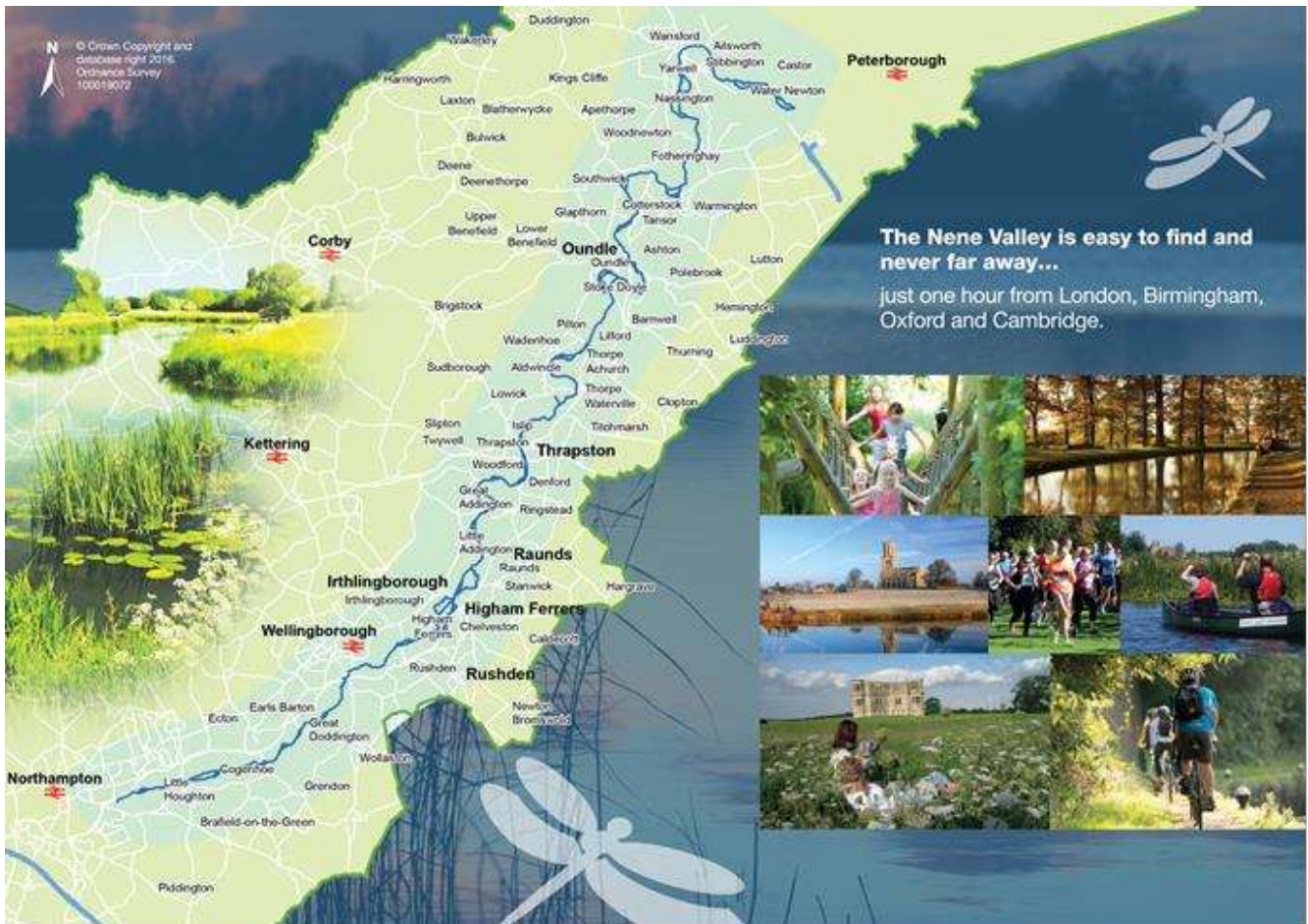
- The Nene Valley Nature Improvement Area recognises the valley as one of 12 flagship locations in England, and aims to enable enhancements which benefit wildlife, people and the economy. It focuses on the use of natural resources, as well as creating, restoring and connecting wildlife habitats.

<https://www.riverneneregionalpark.org/news/nvnia/nature-improvement-areas-are-boosting-wildlife-communities-and-economy/>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487239/nia-case-studies.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/487239/nia-case-studies.pdf)

<https://www.wildlifebcn.org/nene-valley-nia>

**Destination Nene Valley - East Northamptonshire Economic Growth, Tourism and Regeneration Strategy Map**



5. Northants County Council has produced a Heritage Strategy which reflects the strong offer in the area in relation to historic houses and gardens, churches, museums and archaeological sites. East Northamptonshire has roughly 1700 listed buildings (56 Grade 1 listed, including Warmington Church and Fotheringhay Church, 56 scheduled ancient monuments including Fotheringhay Castle as well as Elton Hall Park.)
6. Within the WNP 2031, Destination Warmington (DW) promotes economic development and tourism in Warmington as a place to go to rather than a place to go through. The Greenway, Nene Way and Blue Way are key elements for delivering Destination Warmington and along with the Water Meadows provide significant amenity value.
7. Warmington has a level of out-commuting. This can threaten the viability of local shops, post offices and pubs. Tourism makes a major contribution towards the economic well-being and quality of life of communities and businesses in rural areas such as the Parish of Warmington.
8. DNV and DW also encourage the diversification of the rural economy, provision of superfast broadband, woodland management for biofuels, eco-tourism, accommodation, provision of land and buildings for SMEs and home-working. Reference is also made to the development of a plan which would involve Northamptonshire Highways and other Town and Parish Councils installing a series of landmark sculptures on key sites along the Nene Valley
9. Visitor spend can make a significant difference to viability and is encouraged through the WNP Destination Nene Valley and Destination Warmington. Tourism makes a major contribution towards the economic well-being and quality of life of the communities and businesses in rural areas such as the Parish of Warmington. The Oundle International Festival, presents internationally renowned performances to over 3000 people per

year and uses local venues such as Fotheringhay Church or Warmington Church and attract visitors to the Warmington locality.

Estimated visitor spend across the East Northants/Destination Nene Valley area is £81.8m for 89,700 population.

(2010 – estimate – latest available data via STEAM)

<https://www.riverneneregionalpark.org/news/nvnia/nature-improvement-areas-are-boosting-wildlife-communities-and-economy/>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/487239/nia-case-studies.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/487239/nia-case-studies.pdf)

10. Nene Valley Nature Improvement Area Events are organised by Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire, who will provide displays which raise the profile of the Nene Valley, highlight the opportunities to see the wildlife along the river valley and increase awareness of the heritage and arts/culture activities along the river.

<https://www.wildlifebcn.org/nene-valley-nia>

The sole proposed mitigation for Elton 1 was a public bird hide, to be positioned adjacent to the bridleway PD1 which forms a core part of the Greenway. This Application destroys the value of this resource (which the Applicant Ingrebourne Valley have yet to build contrary to their existing planning approvals) by placing the Haul Road between the hide and the wetlands area which was to provide a natural resource to attract wildlife.

### **Socio-economic assessment**

11. The Application either fails to have considered or fundamentally conflicts with the intended use of the Elton 1 and 2 area as part of the Nene Valley Nature Improvement Area and the delivery of Destination Warmington and Destination Nene Valley within the context of the ENC Economic Development and Tourism Strategy 2017-2020 and WNP 2031.
12. **In conclusion, the Socio-Economic assessment does not properly consider the amenity value and economic context within which the planning applications are submitted.**

### **B. PLANNING CONTEXT FOR RIGHTS OF WAY ASSESSMENT**

13. **The NPPF and NJCS specifically refer to the need for planning applications to support Sustainable Development. Sustainable development requires that proper consideration is given to economic factors as part of the approach.**
14. As set out in the WNP, the WPC will work with partners to exploit new or existing Greenway, Nene Way and Blue Way opportunities where these will generate a regional or wider visitor demand which will support development of the local visitor economy as part of Destination Nene Valley and Destination Warmington.
15. **Greenway PD1**

The Greenway aims to provide walking and cycling routes that link towns and villages, together with key wild-life and heritage sites, along and across the River Nene valley for the benefit of both residents and visitors.

Based on the 2011 census data, there is projected to be a very high % of Warmington residents who could use at least part of the Warmington Greenway because walking and cycling is good for physical health and recreational



enjoyment on family or individual basis. The target percentage of potential Warmington Greenway users from Warmington is 939 persons representing 100% of children and adults as shown below.

Nene Way ramblers and other Visitors to the Warmington area will also benefit from increased awareness and access to the assets of the Warmington area such as the medieval buried village as well as local Pub and shops. Local population figures are shown below based on 2011 census data.

**Ref NOMIS Published 12/12/2017 adaptation of 2011 census figures**

**Total population = 939 or 100%**

Young children (0-9 years)	109 100%	Children (10-18 years)	89 100%	Adults (18-64 years)	521 100%	Older adults (65+years)	220 100%
----------------------------	-------------	------------------------	------------	----------------------	-------------	-------------------------	-------------

WPC supports the development of the Greenway to provide walking and cycling routes that link the village with towns and other villages, key wild-life and heritage sites, along and across the Nene river valley for the benefit of both residents and visitors.

**16. Nene Way PD3**

WNP supports the Red Kite Heritage Trail within the DNV Nenescape project, which explores the themes of “Listen to the Past”, “Explore the Now” and “Secure the Future” of the River Nene from Northampton to Peterborough.

The Warmington Greenway and Nene Way project will support ‘Destination Warmington’ which intends to attract additional visitors to the area of 8% year on year with an increased investment in the local economy year on year based on the Cambridge Economics Model as at August 2018.

Year 1 = 100 Visitors with minimum spend of £50 per trip with a % spend in Warmington £5,000 max

Year 2 = 108 Visitors with minimum spend of £50 per trip with a % spend in Warmington £5,400 max.

Year 3 = 117 Visitors with minimum spend of £50 per trip with a % spend in Warmington £5,850 max.

Year 4 = 126 Visitors with minimum spend of £50 per trip with a % spend in Warmington £6,300 max.

Year 5 = 136 Visitors with minimum spend of £50 per trip with a % spend in Warmington £6,800 max.

*The East of England region experienced an increase of 8% in overnight trips during 2015.*

*The average spend per night was up from £53.4 per night in 2014 to £57.7 in 2015.*

**(Reference Volume & value of trips to the East of England – Cambridge Economic Model Report on Hertfordshire 2015.)**

**17. River Nene Blueway**

WPC support the development of the Blueway along with other Councils and organisations to invest in and extend the use and navigation of the River Nene Blueway.

River Nene Blueway is an underutilised asset for active recreation. There is potential to improve portage points for canoe use along the Water Meadows stretch of the river. Other opportunities to increase the use of this Blueway, include, where appropriate, developing moorings, a marina and caravan, camping and better access for users with disabilities. Visitors can be encouraged to access the river valley by alternative means to cars.

WPC will work with partners including Elton Boat Club, Canoe Groups, Camping and Caravan Clubs and local Anglers to explore the opportunities for boaters, canoeists and anglers to encourage new developments to ‘add value’ to river frontages for access, visual and amenity benefit.

WPC will support such projects and partnership activity where it brings investment to enhance the environment and visitor infrastructure. WPC will support rural businesses, particularly food and drink and facilities for visitors and look at opportunities for developing a water space strategy as part of Destination Warmington.

## 18. Rights of Way Assessment

The Application notes the Rights of Way by referring to PD3 long distance Nene Way Path from Warmington to Fotheringhay and Bridleway PD1 Greenway from Warmington to Elton.

### Nene Way

19. PD3 Nene Way will need to be diverted for a number of years to enable the eastern and central areas to be worked and restored. The Applicant accepts that users will have a clear view of the extraction and reclamation works and that mitigation options are very limited. Screening barriers are not practical.

The long reach excavator loading the ADT's and the internal roads and associate transport movements will be seen. The tipping and loading of a minimum of 25 ADT's measured at 1 every 20 minutes is considered by the Applicant to be a low level of impact on PD3 Nene Way path users. The noise levels experienced by users will be well in excess of 55dB.

It is the intention of the Applicant to reinstate the PD3 Nene Way back to its original route to replicate the existing situation.

### Greenway

20. PD1 Greenway is a Bridleway for pedestrians, cyclists and horse riders. PD1 Greenway will need to be crossed and re-crossed by the Applicant's contractors for the full 10 years of the project to enable the western, eastern and central areas to be worked and restored. The Applicant accepts that PD1 Greenway users will have a clear view of the ADTs and be affected by multiple crossing of the PD1 Greenway at the access point to the site from the Plant site.

The mitigation proposed is the regular cleaning of the crossing point and signposting to warn both users and driver with the right of way for bridleway users.

The Applicant suggests that this appears to have worked satisfactorily for the removal of minerals and ongoing restoration of the reservoir. The reality is that poor historical management of this access road has led to damaged and missing signage, fencing and screening being reported by the WPC to the Applicant.

21. There is a potential additional noise nuisance for users from the crushing activity at the PD1 Greenway points nearest the Plant site.
22. As noted in PD3 Nene Way, for the PD1 Greenway crossing point, the tipping and loading of a minimum of 25 ADT's measured at 1 every 20 minutes is considered by the Applicant to be a low level of impact on path users. The sustained noise level at the PD1 crossing point is 77dB the momentary noise level when ADTs cross will be higher, this is not a low-level impact.
23. The proposed activity is not what is being promoted as part of Destination Warmington. Pedestrian, cyclists, horse riders are likely to be put off using the PD1 Greenway and PD3 Nene Way rights of way through Warmington.
24. This proposal will threaten the viability of the existing shops/post office/pub within the village. It will also undermine WNP DW proposals to increase the economic offer on the land to the west of the A605 and impact future use of the Grade 2 listed Warmington Mill as set out in the WNP Destination Warmington.
25. Other comments on these issues are as set out in the Appendix 12.

## Blueway

26. No regard is made by the Applicant to the rights of way and use of the River Nene Blueway. There is significant quiet enjoyment currently benefiting for example local anglers and Elton Boat Club Members on moorings adjacent to the Warmington Mill.

The Blueway is being promoted to pull in visitors to the area as part of Destination Warmington. Potential Blueway users will not be encouraged to visit Warmington by mineral extraction and associated activities.

27. Warmington Mill has been restored following a fire and is currently being marketed with a number of potential uses which would support the Destination Warmington objectives. The ability to attract/retain potential business will be significantly impaired if the setting of the Warmington Mill as a Grade 2 listed building is damaged by mineral workings for at least the next ten years.

The setting and vista for the Water Meadows (Elton 2 extension site) adjacent to the Mill were highly prized by the residents of Warmington as part of the WNP survey undertaken in 2018 and feature on the front cover of the Warmington 2031 WNP.

28.



29. Conclusion of Rights of Way Assessment

The Application fundamentally conflicts with the intended use of the Greenway PD1, Nene Way PD3 and Blueway River Nene as the mechanisms through which Destination Warmington can be delivered as part of Destination Nene Valley/Nenescape within the context of the ENC Economic Development and Tourism Strategy 2017 -2020 and WNP 2031.

30. The Rights of Way assessment does not properly consider the amenity value and economic context within which the planning applications are submitted.

## APPENDIX 3

Elton 2 Quarry - 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Objections to process in the allocation of the Elton Extension Site in the MWLP

*“There’s no point in acting surprised about it. All the planning charts and demolition orders have been on display at your local planning department in Alpha Centauri for 50 of your Earth years, so you’ve had plenty of time to lodge any formal complaint and it’s far too late to start making a fuss about it now. ... What do you mean you’ve never been to Alpha Centauri? Oh, for heaven’s sake, mankind, it’s only four light years away, you know. I’m sorry, but if you can’t be bothered to take an interest in local affairs, that’s your own lookout. Energize the demolition beams.”*

NCC - Northants County Council which is also the Mineral Planning Authority  
 MWLP - NCC Minerals and Waste Local Plan - which sets the policies for minerals planning  
 WPC - Warmington Parish Council  
 WNP - Warmington Neighbourhood Plan  
 WNPPG - Warmington Neighbourhood Plan Project Group  
 LLG - Local Liaison Group

Summary of objection

Since 1992 the landowner of the area which is the subject of these applications has been trying to get approval for a quarry and every application to do this has been opposed by Warmington residents for a variety of sound and material reasons. However, in 2004 permission was given for an agricultural reservoir to be constructed in a less sensitive but nearby area on the grounds that it would make the adjacent polytunnel operations a more secure economic proposition and avoid drawing water directly from the Nene. The construction was meant to take 5 years with restoration to a ‘nature reserve’ with a public bird hide as mitigating benefit to the village. Extraction of sand and gravel was a by product of these works and highway modifications were required to cater for HGVs using the site.

It’s now 2019 and there is no complete reservoir, no bird hide, and the polytunnel operation still draws water directly from the Nene. It remains impossible to cycle safely between Warmington and Elton by a direct route and the alternative bridleway route adjacent to the site is often unmaintained and restricted.

In 2014 a revised MWLP was adopted with no future site allocation for the area, but at the same time the landowner proposed a new quarry site for inclusion in a further update to the MWLP. This quarry covered the area which had been locally opposed since 1992. Neither the landowner or NCC thought that this should be brought to the attention of Warmington residents and the revised MWLP including this site was approved in 2017 without any effective consultation of the Warmington community.

The overwhelming impression is that the landowner/agent/operators and NCC are not working in an open and transparent way. This has been reinforced by the lack of any community consultation by the operator prior to the submission of these planning applications contrary to NCC’s own [Statement of Community Involvement](#).

This objection aims to illustrate that the process was flawed and that the site should not have been allocated within the MWLP without a wider public consultation. NCC have failed to support any community engagement in the planning of the current proposals for this site by validating the applications in the full knowledge that there has been no community involvement with them. To all intents and purposes this appears to reinforce the community opinion that NCC are failing to properly consider the community it purports to serve.

Planning History

In 1992 Elton Estates proposed flooding parts of the water meadows between Warmington Mill and Fotheringhay to create a Marina. This was strongly opposed by the village at the time both at a public meeting and to ENDC, on numerous grounds including the landscape, the vistas across the water meadows to the church at Fotheringhay, the disruption to the Nene Way, and the loss of open grassland used for recreation by villagers. The application was refused.

In 1996 an application for gravel extraction in the same area was also refused.

In 2002 an application for an ‘agricultural reservoir’ was submitted and this was presented as being essential for the economic success of adjacent poly-tunnel operations.

After much discussion involving the village and the PC, approval was given on 2nd July 2004 with multiple conditions including many to limit the effect on the local community, highways and the environment. These included a time span limitation of 5 years from the start to the end of works with a further 6 months for the site to be restored in accordance with an approved plan which included a public bird watching hide. An absolute end date of 1st March 2013 for works was also specified with a further 6 months to complete restoration (1st Sep 2013).

## APPENDIX 3

Despite the supposed 'need' for the reservoir no works were started until 2008.

In Nov 2008 there were major road works to the A605 to comply with the highway conditions for the extraction by allowing the safe export of the waste product (gravel and sand) and importation of the clay required to line the reservoir. These works caused considerable local delays at the time and reduced the available width of the carriageways making the bike journey to Elton even more dangerous as the loss of road width caused by the creation of the 'temporary' central island was reclaimed for vehicle use by moving the nearside lane marking leftwards to merge with the grass verge.

In 2014 a retrospective planning application was approved to extend the end date for extraction and restoration to 31st July 2018.

By Mid 2015 extraction was complete, this was confirmed by NCC to WPC on 13th Jan 2016.

In 2018 a further application for delay was approved to extend the end date for works to 31st July 2020 on the grounds that the operators had been unable to source the right type of clay to line the reservoir. This application contained an Elton 2 map and a reference to Elton 2 being a source of the clay although NCC stated this was not the plan. Both WPC and many individuals objected to these applications, the objections and the officer reports about the decision are not available for scrutiny contrary to normal planning practice at ENC.

[Government advice states](#) that the construction of an agricultural reservoir should take only 2-3years. The reservoir plans were made in 2002 so the claim that the right type of clay has not been sourced 17 years later is hard to credit but NCC have now twice approved delays which have extended the end date which is now 2020. These new applications will push that date back to 2030 and if previous performance is any guide to the future this will be subject to further extensive delays. Whole generations of villagers will grow up and leave, many will die before these 'temporary' works will finish. Comments made during the recent WNP consultations showed that many people regard the planning system as benefiting developers and ignoring the community. The continuing approvals for delays to the original plans without any penalty and the approval of this proposed expansion site despite the continuing lack of progress in finishing the original works only serve to reinforce those opinions.

#### The Site Allocation Process for the update to the 2014 MWLP

In **September 2014** NCC approved an updated version of the MWLP which included **Warmington (agricultural reservoir)** in discussions of sand and gravel production but did not designate the site, or any future extension to the site, as an 'allocated' site for future extraction.

In **October 2014** NCC made a 'Call for Sites' in preparation for an update to the very recent MWLP, this called for new sites for minerals and waste use. Elton Estates proposed a new site near the existing reservoir site on an entirely separate piece of land. This became known as the **Elton Extension**.

In **May 2015** the Elton Extension site made its first (limited) public appearance in the [NCC MWLP Issues and Options consultation](#). The initial [Stage 1 Screening](#) of the site had a 'red flag' for non compliance with the spatial strategy of the MWLP. This consultation had no public visibility in Warmington, neither the landowner, the operator, or the agent made any attempt to engage with the community or WPC. However, there were four comments made about the site in response to the consultation, two were neutral pending further assessment and two were negative - the Environment Agency considered the proposal unsound and Mick George said '*The access is not ideal and the site is not strategically located to serve markets*'. Three other prospective sites (Ashton, Welford and Denford) were also 'red flagged' for non compliance with the spatial strategy.

In **August 2015** the [Scoping report for the MWLP](#) stated that the existing allocated sites (not including The Elton Extension) would produce enough sand and gravel until the end of the period(2031):

*3.22 Minerals extraction and development within the county includes sand and gravel, limestone, ironstone and recycled aggregates. Economically, sand and gravel is by far the most important mineral resource that is found in the county. The three main types of sand and gravel include river sand and gravel, glacial sand and gravel, and soft sand. Northamptonshire currently has seven sand and gravel quarries. The total reserves for these sites, as of 31 December 2013, is around 3.89 million tonnes (Mt). Sales of sand and gravel peaked in 2004 but fell year on year until 2010. Since 2010 sales have increased steadily. The average aggregate sales for sand and gravel for the most recent ten year rolling period (2004 – 2013), and three year rolling period (2011 – 2013), are both 0.38 million tonnes per*

## APPENDIX 3

*annum (Mtpa). The sand and gravel provision rate in the adopted Minerals and Waste Local Plan (MWLP) is 0.50 Mtpa (based on the ten year average sales 2001 – 2010). Based on this provision rate there are currently sufficient permitted reserves to maintain the government recommended seven year landbank*

In **November 2015** the NCC Cabinet approved the Draft MWLP which resulted from the previous consultation and this included the new Elton Extension site. The accompanying [Technical Appendix](#) included a Stage 2 desktop assessment for this site which downgraded the 'red flags' to a 'yellow flag' when tested for compliance with the spatial strategy:

*“No, not located within the areas of focus however the site is an extension of an existing operation, which is in general compliance with the Local Plan”*

However, the other 'red flagged' sites (Ashton, Welford and Denford) were all rejected prior to Stage 2 assessments for non compliance with the spatial strategy:

**Land at Ashton Site** *is not in compliance with the adopted Minerals and Waste Local Plan (MWLP) Spatial Strategy as the site is not within an area of focus for extraction. There are also concerns over the quality of the sand and gravel deposits and no operator has been identified.*

**Welford Site** *is not in compliance with the adopted MWLP Spatial Strategy as the site is not within an area of focus for extraction. The site has been brought forward by the landowner but currently no operator has been identified.*

**Denford Site** *is not in compliance with the adopted MWLP Spatial Strategy as the site is not within an area of focus for extraction. There are also concerns over the quality of the sand and gravel deposits and no operator has been identified.*

The Stage 1 quality of extract result for Ashton was the same as for the Elton Extension site and so it would seem that Elton was taken forward solely because it could be re-defined as an 'extension' to an **existing** operation. However, this was not a true representation of the situation - the 'existing' operation was for the construction of an agricultural reservoir, the extract was a by product from digging the hole, and extraction was entirely complete by the time of this assessment. The site was **not** in use as a quarry and the associated plant site had no operating plant and was only serving as a storage area. The Stage 2 desktop assessment did not attempt to consult the community about the site and many of the assessments are open to challenge when community concerns are included. So at this stage the site was proposed by the landowner/operator, discussed with NCC and approved without any consultation with those who would be most affected, despite the known history of local opposition to development in the area.

It should be noted that the spatial strategy policy and the policy for approving sites were in place in the 2014 MWLP and have not been materially changed in the 2017 MWLP in respect of site location criteria. They state:

*Policy 2: Spatial strategy for mineral extraction The spatial strategy for minerals extraction within Northamptonshire is to focus extraction on the county's pre-glacial and glacial deposits together with the reserves from the river valleys of the Nene (west of Wellingborough) and the Great Ouse.*

**Policy 3: Development criteria for mineral extraction *Proposals for the extraction of minerals from non-allocated sites (including extensions to existing sites and extensions to allocated sites)... must demonstrate that the development does not conflict with the spatial strategy for mineral extraction,***

It is difficult to understand how this unallocated site suddenly became allocated when it was (and remains) contrary to the spatial strategy. The site is in the Nene valley to the EAST of Wellingborough. NCC have demonstrably lost focus financially but this seems to have been a more widespread affliction. The site fails to comply with NCC Policy 3 and should not have been allocated.

The subsequent consultation on the Draft MWLP included WPC as a consultee but NCC appeared to suggest to the chairman that there was no real need to make detailed comments on the allocation of any new site near the existing site because all matters would be considered if and when planning permission was sought:

*Email - NCC officer to the chairman of Warmington PC 13 January 2016*

*Dear.....*

## APPENDIX 3

*I remember when we spoke some time ago when the operator submitted the application to extend the time limit for operations (Ref. nos. 13/00073/MINVOC and 13/00074/MINVOC), which was eventually approved. Under those consents they have until 31<sup>st</sup> July 2018 to finish the development and restore the site. You are correct about mineral extraction having been completed at the permission site. The remaining stages of the development are to:*

- *import a sufficient amount of clay to complete the lining of the reservoir;*
- *drain the mineral working and install clay liner;*
- *undertake final shaping of the reservoir and adjoining land;*
- *let water levels rise in reservoir;*
- *install bird hide and undertake topsoiling, planting and seeding of margin habitats;*
- *monitor and manage the wildlife site interests for a period of 5 years (termed as 'ecological aftercare');*

*Presently we are in the process of agreeing the final restoration works sequence, ecological management plan and the ecological aftercare scheme which are required under planning conditions attached the planning permissions. We've been given the draft ecological management plan by the operator, have suggested changes (just before Christmas), and are expecting the final scheme for approval to be submitted by the end of this month. The final scheme will give dates for the completion of the above stages (all of which are required to be done by 31<sup>st</sup> July 2018).*

*Although I can't be sure, I'd envisage that it will take the operator maybe 6 – 9 months or so this year to obtain and stockpile a sufficient amount of clay to undertake the lining works. I would then think that the final landscaping and habitat creation works are likely to take place Spring – Summer 2017 – this is the sort of detail we are discussing with the operator now.*

*The matter of the proposed other working is part of the update to our Minerals & Waste Local Plan – I understand that the operator has put forward a nearby site for gravel extraction. The Draft Plan was approved at Cabinet on 10 November 2015. Consultation on the Draft Plan commenced on 3 December for ten weeks, closing on Thursday 11 February 2016.*

*Representations can be made online via our [consultation website](#). The link to the draft plan is:*

*<http://www.northamptonshire.gov.uk/en/councilservices/environ/planning/policy/minerals/pages/minerals-and-waste-local-plan-update.aspx>. If the site is allocated in the adopted plan this does not grant permission for a new site and all of the matters must still be considered through the planning application process, if the operator chooses to submit an application for the Mineral Plan allocated site.*

*Regards,*

*....*

*(NCC officer)*

It is relevant that when this email was written the site had undergone a detailed desk based (Stage 2) assessment and was already allocated in the draft plan which had been approved by Cabinet - it was not just 'a nearby site' and the author of the email must have known this. It is also notable that it was confirmed that mineral extraction was complete at the 'existing' site and that WPC was encouraged to believe that the remaining stages of the development and restoration would be completed by 31st July 2018.

In response to the Draft MWLP, WPC made comments about posting notices in Warmington but made no comments about the site itself, in contrast to the agent for the landowner/operator who made 9 specific objections to the draft plan that seemed designed to make development easier for operators.(see attached extracts)

In **May 2017** the MWLP was approved, at no stage during this process had the residents of Warmington been informed about the prospect of a new quarry or any delay to the restoration of the reservoir site. Whilst the MWLP passed examination and so ostensibly complied with the letter of the law in terms of public consultation requirements it was certainly not transparent and open and failed to ensure the community was aware of the proposed plans. It would be easy to blame WPC, but this is too simplistic, if NCC really wanted to involve the community it could have highlighted the proposals and their implications to WPC so that they received greater public scrutiny. However, the opposite happened as WPC were seemingly led to believe that no detailed response to the consultation was necessary or appropriate and the landowner, operator and agent felt no need to inform the community about their plans let alone consult them.

### Warmington Neighbourhood Plan

In 2017 WPC started the process of forming a Neighbourhood Plan and an initial scoping exercise reviewed all current plans including the NCC Minerals and Waste Plan (2014) which made no mention of any possibility of further works at Elton.

In May 2017 NCC approved a new Minerals and Waste Local Plan which included the Elton Extension for extraction works across the water meadows and the route of the Nene Way which forms the local footpath to Fotheringhay and provides the iconic view of the church across the open landscape.

## APPENDIX 3

In October 2017 at a weekend long introductory event for the Neighbourhood Plan all parts of the local plan were made available for residents to view together with summary displays, with an emphasis on housing developments as this was seen as the prime object of a Neighbourhood Plan. People were asked to raise comments on post-it notes to get some indication of what issues the community wanted the Neighbourhood Plan to achieve, the Elton Extension attracted more comments than anything else.

A letter to the NCC Assistant Director Environment, Planning and Transport in February 2018 confirmed that the Neighbourhood Plan could make no comment whatsoever about Minerals and Waste Planning. <sup>(1)</sup>

In April 2018 a 6 week whole parish consultation to gather evidence for the Neighbourhood Plan took place, 87.5% of respondents considered the view across the water meadows to Fotheringhay should be protected. In unprompted comments about open spaces within the village the water meadows (outside the village) was the 4<sup>th</sup> most commented on area with only the 3 areas directly related to Taylors Green (within the village) receiving more comments. A number of comments directly relating to the landowner associated with the quarry had to be redacted from survey results and members of the Neighbourhood Plan steering group were questioned as to why there was no mention of the proposed quarry extension in the consultation.

## Conclusion

1. The 2014 MWLP contained no provision for further extraction in the Warmington area, but immediately after its adoption a call for sites by NCC resulted in the proposal for a new quarry on land that had previously had all applications refused or withdrawn and was known to be sensitive.
2. This site failed to comply with the adopted spatial strategy and was 'red flagged' along with 3 other prospective sites for this reason. However, within a period of months the site became acceptable, was put into the plan as an allocated site, and was approved by NCC as part of the Draft MWLP despite a complete lack of effective community consultation.
3. WPC appears to have been under the impression that the allocation itself was not that important because all matters would need to be considered if and when planning permission was sought as described in the NCC email to WPC in January 2016. However, this has not proved to be the case as evidenced by the recent public LLG meeting held by WPC when the NCC representative used the allocation within the MWLP as justification for the proposals because the MWLP had passed examination.
4. The events surrounding the MWLP consultations are necessarily technical in parts and so must involve officers and operators working together at some level. However, this is no reason to exclude public participation from these discussions and this is what appears to have happened as those most likely to be affected by this site have been largely kept in the dark about it during the process of consulting on the now adopted MWLP.

The fact that NCC then validated the current planning applications knowing that there had been no community involvement prior to their submission, contrary to their own policies, appears to suggest that NCC considers commercial interests to be more important than the community that it is meant to serve.

## Notes

Note (1) - emails to/from NCC re WNP and MWLP

*Email from WNPPG to Assistant Director Environment, Planning and Transport 12 Feb 2018*

*To: ..... - Assistant Director, Environment, Planning and Transport*

*From: ..... - Warmington Neighbourhood Plan Project Group*

*Re: Northamptonshire Minerals and Waste Local Plan - Elton Extension Extraction Site - Warmington Neighbourhood Plan*

*Dear .....*

*I'm writing to you from the Warmington Neighbourhood Plan Project Group to seek some guidance on what (if any) comment or subordinate policy we can make about the effects of the Mineral and Waste Local Plan (MWLP) within our Neighbourhood Plan. The reason we are asking is that the proposed Elton Extension gravel/sand workings were the single most commented on item at our first community consultation and whilst we know the MWLP itself is not within the scope of a Neighbourhood Plan there are a number of Local Planning Considerations (Policies 18,20,21,25) within the MWLP that could impact on the detailed planning for this site with respect to mitigating the effects on the site, transport, and the community. It would appear to us that our Neighbourhood Plan consultations could form the best mechanism with which to capture the community's views on the application of these policies to these proposed*



APPENDIX 3

*workings, however we are not clear if we can then express these views as policies within the Neighbourhood Plan or we have to write them as 'aspirations' which we then ask the PC, together with ENC and yourselves, to respect when detailed plans for the workings are put forward.*

*There are many reasons why the proposed workings attracted so many (negative) comments but these were undoubtedly underpinned by a feeling that these plans had not been properly exposed to scrutiny by the local community. It must also be said that Elton Estates generally does not have a good reputation for community engagement amongst many parishioners and the operation of the existing site has done nothing to improve this.*

*There are multiple interactions between the proposed Elton Extension and the WNP that centre on the area of the Mill, the Nene Way, a proposed Greenway and the 'Elton Turn' onto the A605 which also attracted multiple comments during the first WNP consultation - it is locally regarded as a dangerous junction from which to turn right onto the A605 and many locals avoid the junction completely by taking a longer route, or instead turn left then right into the nearby private road entrance before turning round and joining the traffic towards Warmington. Whilst this junction is not within the Warmington Parish (or Northamptonshire) it falls within Elton Estates land and so perhaps could form part of a comprehensive set of mitigation measures to be associated with the proposed gravel workings.*

*It is hoped that the WNP can promote the start of a pragmatic dialogue about all these matters by engaging the community in the process. However if we are obliged to tell the community that they cannot have any say about any of these then it somewhat undermines the concept of community engagement that these Neighbourhood Plans were supposed to promote. Hence we are seeking some guidance.*

*I have attached a background note which may help to explain the position as we see it now.<sup>(2)</sup>*

*Yours Sincerely*

.....

*Reply from Mr ..... 20 Feb 2018*

*Dear Mr .....*

*Thank you for your email below which ..... has passed on to me to reply to. I apologise for the delay in replying but I have been off sick.*

*In relation to the generality of your request, the statutory regulations are very clear in that anything to do with minerals and waste planning cannot be covered in a Neighbourhood Plan. The Neighbourhood Plan is only permitted to take general local plan matters to a neighbourhood level. In that case even expressing aspirations would be in breach. It would also be the case that the Inspector would direct changes to be made if the plan before them explicitly covered minerals and waste matters and/or the matter of this mineral allocation.*

*The Neighbourhood Plan once adopted will have the same status within the development plan as other documents and if the Neighbourhood Plan was adopted by the time any planning application was submitted then we as the minerals planning authority would consider the policies within it- our committee and delegated reports on minerals and waste do often reference district local plan policies. The Neighbourhood Plan could therefore contain plan-wide policies/text that seek to address the issues you have raised, as long as they were not obviously written with the allocation specifically in mind.*

*Currently we do not know what the detailed plans for the proposed extraction will be and when any planning application may come forward and be consulted on. However the dates for your stages of consultation on the Neighbourhood Plan and the consultation on the planning application are probably unlikely to coincide.*

*I know the above is probably not the answer you were hoping for, but it was in relation to trying to build local consensus about where local housing should go that the neighbourhood planning regime was set up and consequently minerals and waste was specifically excluded.*

*If you require any clarification in relation to the above please come back to me.*

*Regards*

.....

*Head of Planning Services*

## Note (2) - The Background notes accompanying the email to NCC 12 Feb 2018

### WNP/MWLP Background Notes

#### Planning History

The planning history of this area is that in 1992 Elton Estates proposed flooding the area to create a Marina. This was strongly opposed by the village at the time both at a public meeting and to ENDC, on numerous grounds including the landscape, the vistas across the water meadows to the church at Fotheringhay, the disruption to the Nene Way, and the loss of open grassland used for recreation by villagers. The application was refused. An application for gravel extraction in 1996 in the same area was also then refused. In 2002 an application for an 'agricultural reservoir' was submitted and after much discussion involving the village and the PC this was permitted in 2004 with multiple conditions including highway modifications and a time limit (July 2014) to deal with the 'waste product' (the gravel and sand). In Nov 2008 there were major road works to the A605 to comply with the highway conditions and get the gravel extraction works up and running. These works caused considerable local delays at the time and permanently reduced the available width of the carriageways making the (previously hazardous but ok for a fit adult) bike journey to Elton even more dangerous. In June 2014 a retrospective planning application was made to extend the end date for extraction to 31st July 2018.

#### Consultation about the draft MWLP and existing works

Warmington PC were on the list of consultees for the the draft MWLP and considered the matter on 8th Feb 2016 (see minutes extract below). No comments were made about the plan however it was apparent from the next item in the minutes that the existing extractions were discussed in some depth - indicating that there was concern about the area (they are referenced by the 'reservoir'). The 'reservoir' was the justification for the extraction works by Elton Estates with the gravel being a 'by product' of the necessity to provide the reservoir for the nearby poly tunnels. The minutes of 8th Feb then state that a 4 year extension had been approved which gave an end date of 31 July 2018 with an expectation of landscaping and habitat creation works likely to be taking place in spring/summer 2017.

#### Condition 25 of this extension approval stated:

25. The development hereby permitted shall cease and the site be fully restored not later than 31 July 2018 or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is earlier.

The 'associated mineral extraction' ceased some years ago but the site has not yet been fully restored.

There is some doubt as to whether the PC at the time were aware of the implications of the inclusion of the Elton Extension in the MWLP, believing that no action was needed unless and until Planning Permission was sought and so the subject was not given any visibility within the community.

#### Our Understanding of the Effect of the Elton Extension in the MWLP

The Allocated Site status of this 'extension site' in the MWLP means that there may now be no end date in sight as it seems to pre-allocate Elton Estates outline permission to extend the existing extraction workings across the water meadows and pasture land to the west of the existing site, including across the Nene Way path (the section between Warmington and Fotheringhay which uses the Warmington Lock to cross the Nene), whilst continuing to use the existing facilities to move the extract onto the A605. This will mean the Nene Way will have to be diverted, possibly missing out Warmington completely as Fotheringhay is a featured place on the path but Warmington is only mentioned in passing. The outlook from the boat club and the Mill looking towards Fotheringhay will be dominated by these workings replacing the iconic view of Fotheringhay Church across the meadows that has existed for centuries. The prospect of increasing tourism or creating a pleasant cycle path and associated commercial area here must be in doubt. The MWLP is valid until 2031 so this area will be blighted even if Elton Estates do not immediately exercise their 'right' to extract in this area.

### WARMINGTON PARISH COUNCIL Minutes of the 8th February 2016

#### 699. DEVELOPMENT AND PLANNING MATTERS:

- a. 16/00087/FUL | Single storey rear extension | 6 School Lane Warmington – It was RESOLVED that the council has no objections to the proposals in the planning application nor further comment to make.
- b. Minerals and Waste Local Plan Update - Draft Plan for Consultation. The local plan was noted. There were no comments to make, other than the observation that any notices must be displayed within the actual parish in which

## APPENDIX 3

works are proposed. This is because there is some confusion about a notice in the neighbouring village of Fotheringhay which may have referred to the site near Eaglethorpe.

c. Feedback from concerns raised regarding reservoir north of Eaglethorpe: Applications to extend the time limit for operations (Ref. nos. 13/00073/MINVOC and 13/00074/MINVOC), which was eventually approved. Under those consents they have until 31st July 2018 to finish the development and restore the site. Mineral extraction has been completed at the permission site. The remaining stages of the development are to: - import a sufficient amount of clay to complete the lining of the reservoir; - drain the mineral working and install clay liner; - undertake final shaping of the reservoir and adjoining land; - let water levels rise in reservoir; - install bird hide and undertake topsoiling, planting and seeding of margin habitats; - monitor and manage the wildlife site interests for a period of 5 years (termed as 'ecological aftercare'); Northamptonshire County Council is in the process of agreeing the final restoration works sequence, ecological management plan and the ecological aftercare scheme which are required under planning conditions attached to the planning permissions. It is expected that the final scheme for approval will have been submitted by the end January. The final scheme will give dates for the completion of the above stages (all of which are required to be done by 31st July 2018). It's envisaged that it will take the operator maybe 6 – 9 months or so this year to obtain and stockpile a sufficient amount of clay to undertake the lining works with the final landshaping and habitat creation works likely to take place Spring – Summer 2017.

APPENDIX 3

Comments at Issues and Option Stage about the proposed Elton Extension

Who?	Comment	NCC Response
Historic England	Elton Extension - Several listed buildings and a scheduled monument are identified on the initial screening assessment, further assessment will be required to determine the impact upon heritage assets.	Information provided will be taken into account through site assessments as appropriate.
Natural England	Elton Extension – Adjacent to River Nene and presents environmental risks such as water quality which need to be assessed and managed as well as opportunities through a biodiversity focused restoration	Information provided will be taken into account through site assessments as appropriate.
Environment Agency	From the information available we consider the Elton Extension allocation as unsound as insufficient details regarding access has been provided. Access will need to be considered in detail for this site as the site is located on an island. The channel to the North is the navigation channel which will constrain the available accessibility options.	The area subject to extraction is likely to be a reduced area as compared to the site indicated in the I&O consultation document. The site is of sufficient size to allow for adequate stand-off distance to the navigation channel. Due to the early stages of the plan-making (and site investigation) process such detail is often not available at the very start. The Council will however make efforts to obtain more detail from the proponent in order to provide clarity. Processing would not be undertaken onsite, it would be transferred to the existing 26 processing site at Elton Estates – the option of transfer via conveyor (access to the east) is being investigated, further discussion regarding this matter would occur in line with preparation of the planning application. Considering the site location and that of the reservoir, existing processing plant site and local infrastructure it is likely that access would be from the east / south-east of the site – however Council will seek clarification on this matter from the proponent. Operational information (such as site phasing and timing of working – e.g. only during dry months due to low-lying lands) is normally fleshed out and addressed in detail at the planning application stage
Mick George	The access is not ideal and the site is not strategically located to serve markets.	Noted. Please refer above regarding access.

Comments at Draft Plan Stage from D K Symes and Elton Extension

Who?	Policy?	Type	Comment	Response
D.K Symes	Policy 2	Objection	The broad approach of the Spatial Strategy is supported, but again there needs to be a recognition that sites outside this broad area may be needed to maintain an adequate supply. Whilst the word 'focus' does indicate some flexibility, it would be helpful to add words along the lines of <b>... to focus the majority of extraction ... etc</b> which recognises and accepts there will be some extraction outside the areas shown on Plan 3.	The additional emphasis is not considered necessary as the plans strategy and policy have sufficient built-in flexibility to allow for proposals to come forward through the development application process.
D.K Symes	Policy 3	Objection	The above suggestion ( <i>refer to D.K Symes response made regarding Policy 2 "it would be helpful to add words along the lines of ... to focus the majority of extraction ... etc which recognises and accepts there will be some extraction outside the areas shown on Plan 3"</i> ) also provides additional flexibility to Policy 3, bullet point 1. Bullet point 2 refers to Local Plan Provision rates which are set out at Policy 1 and are likely to be reviewed annually by the LAA. It may be better to refer to the LAA figures rather than an 'adopted plan' figure that is likely to become out of date and is not flexible in response to changing market needs if an adequate supply is to be	The figures derived from calculating the 10 and 3 year average sales as part of the LAA are not subject to independent examination and so it would not be appropriate to "adopt" such a figure. It should also be noted that Inspectors are raising issues where this has been attempted (for example Oxfordshire) and NCC itself objects to other areas Minerals Plans where no set figure is shown in policy. The plans monitoring framework includes triggers for correction (for provision rates the trigger is if the average aggregate sales over a ten year period is consistently, over a three year period, different (+/- 20%) to the adopted provision figure) and remedial actions, including review where appropriate. The 2015 LAA reported that in order for sand and gravel sales to achieve the adopted provision rate of 0.5Mtpa there would have to be consistent production of 0.75Mtpa up to 2018. It is almost impossible now for this to be

APPENDIX 3

			maintained. A possible change in wording to ' <b>maintain an adequate supply of minerals in accordance with the provision rates in the Local Aggregates Assessment and / or ...' etc.</b> Does there need to be a reference to borrow pits in this Policy?	achieved however the council will continue to investigate emerging trends through the LAA and monitoring framework. The situation of crushed rock provision is similar. The current adopted provision rate was recently adopted as part of the partial review process and was subject to independent examination and the approach found to be sound.	
D.K Symes	Policy 4	Objection	The identification of specific sites is supported on the basis that they will come forward within the plan period in a timely manner. This policy should also refer to other (non-allocated) sites that may come forward which cross references to Policy 3.	The purpose of the policy (Policy 4) is to identify allocations for sand and gravel. As acknowledged in the response Policy 3 addresses unallocated sites. The plan should be read as a whole and so including cross references is not necessary in all cases.	
D.K Symes	Policy 8	Objection	There could be confusion with the reference to temporary facilities in the last two paragraphs, with the recycled materials being used on site and it would be helpful to make it clear that recycling at mineral extraction sites allows / encourages the recycled product to be removed from site by adding the words ' <b>prior to removal off site</b> '. It is noted the policy refers to secondary and recycled aggregate whereas the last paragraph recovery and recycling of inert materials. This could be interpreted as two 'different' activities producing secondary and / or recycled aggregate and it may be better to keep the definition of the activity consistent.	The policy states that such material could be blended to achieve high quality end use – this infers that material would be removed off site where a suitable quality was achieved and so amendment is not considered necessary. Agreed. Amendment proposed to ensure consistent referencing.	Amend Policy 8 last para to read: "Development of temporary facilities for the recovery and processing of recycled aggregate, including inert CD&E wastes, ..."
D.K Symes	Policy 9	Objection	The principle is supported. Regarding location in terms of the public highway it is suggested that ' <b>minimal use</b> ' could be changed to ' <b>less environmental impact on the public highway than should the supply come from a permitted site</b> '. This adds flexibility as well as reflecting the comments at para. 4.8 Does there need to be a reference to borrow pits in Policy 3?	The intent is for transport movements to be minimalised particularly where on the public highway network. The plan should be read as a whole and so cross references is not necessary.	
D.K Symes	Policy 24	Objection	The requirement for mineral extraction sites in river valleys not to be restored to predominantly open water needs to be qualified as there may be sound hydro geological reasons which prevent alternative restoration. Again flexibility is suggested by commencing the last paragraph of the policy with the words ' <b>Where practicable and environmentally acceptable sites for ... etc</b> '.	The policy is very flexible outlining a variety of acceptable outcomes. Where restoration to open water (incorporating other features) would benefit water catchment conservation / flood risk this would be considered on a merits basis in context of the local area and issues.	
D.K Symes	Policy 25	Objection	The requirement for the operator to provide data on throughput, markets etc. is commercially sensitive information as well as duplicating the annual monitoring returns. If this is to remain in policy then it needs to be qualified that the information will be	This policy provides a link to the monitoring framework for both minerals and waste. This is the approach currently employed by the council and there have been no issues reported regarding current practices handling confidential information and reporting of data.	

APPENDIX 3

			treated as confidential and will not be subject to the Freedom of Information Act.		
D.K. Symes	Policy 28	Objection	The policy does not reflect the guidance in the NPPF which recognises that prior extraction should be encouraged, not required. This important balance of potentially competing land uses is missing. Also, the NPPF notes that any prior extraction has to be practicable. Again this applies to both the extraction of the mineral as well as the delivery of the non-mineral development. For example if excavating part or all of the mineral renders the site unsuitable for the non-mineral development, then it is clearly not practicable and the minerals can be sterilised. The policy needs to be rewritten to correctly reflect the 'balanced' approach set out in the NPPF.	Prior extraction is not required/mandatory in all cases, this would not be practical. The policy states "will be sought where practicable". The policy intent is expanded on in para 6.95-6.96. This approach is in line with national policy and guidance.	

East Northamptonshire Council	Site Assessment M7 Elton	Observation	It is noted that the existing extraction site of Elton (parish of Warmington) is proposed to be extended. East Northamptonshire Council would be keen to ensure that appropriate end of life restoration is undertaken when extraction has ceased. This is to ensure that there is sufficient habitat impact mitigation and protection of the Nene Valley.	The plans policies require progressive restoration that gives consideration to local circumstances and maximises beneficial outcomes. In particular Policy 24 seeks to promote habitat enhancement in line with Biodiversity Action Plan targets and green infrastructure plan and supports support water catchment conservation and flood attenuation measures where appropriate.	
Natural England	Site Assessment M7 Elton	Observation	As detailed in our previous consultation response the policy for this allocation needs to be strengthened to ensure that any planning applications submitted should address water quality issues as the site is adjacent to the River Nene. This is also recommended in the Site Assessment undertaken for this allocation. We would also advise that restoration is focussed on achieving biodiversity outcomes as detailed in the Site Assessment as the site is in close proximity to a number of Local Wildlife Sites. The site is also currently managed under High Level Stewardship.	All planning applications must address water quality issues. The site assessment within the technical appendix address water quality and flood risk issues for this site and also identify that restoration should seek to achieve biodiversity outcomes. The site profiles are intended to act as a summary with the body of information regarding the assessment process set out in the technical appendix as such the need to include the above issues within the site allocations policy is not considered necessary, particularly when these issues are already adequately addressed through other local plan policies.	
D.K Symes	Site Assessments M7 Elton	Objection	The identification of this site is supported. The development requirements relating to the use of the existing infrastructure and road access are accepted, but in view of the 'extraction' area being within the floodplain it may be helpful to refer to the restoration being to an open body of water so there is no conflict with Policy 24.	Whilst some development requirements highlight potential restoration outcomes this is in a more general sense, i.e. to increase biodiversity linkages, and do not specify actual end use/outcomes. Such detail is more appropriate to be developed through the scoping and planning application stage.	
Warmington Parish Council	Site Assessment M7 Elton	Observation	The proposals for the Elton Extension in the draft M&W local plan are noted. Warmington Parish Council has no comments to make. However, whilst the plan notes that the site is in Warmington and in Fotheringhay parishes, please note that only a very small area - square metres - of the proposal encroaches into that parish. It is imperative that any site notices are displayed within Warmington CP.	Noted	

## **ARCHAEOLOGY AND THE HISTORIC LANDSCAPE**

What follows relates principally, but not exclusively, to the 2015 Archaeology Desk Based Assessment (DBA). It identifies a number of areas where this and other documents supporting the planning application have shortcomings, or are lacking

### Qualifications

Since 2016 I have run my own heritage consultancy, often working on applications from the minerals industry which are deemed to impact upon historic landscapes, and other cases where setting is an issue. Before that I worked for 20 years for Historic England (previously English Heritage) as a Senior Adviser in Listing Group. I have taught landscape history part-time for 30 years at postgraduate level, and have published extensively on England's post-Roman landscapes. I have been a resident of Warmington for ten years.

### Below Ground Archaeology

The DBA follows the standard industry model, and presents a compendium of data culled from the Historic Environment Record, some of which (e.g. re listed buildings in the core of Warmington) is irrelevant to the application. What it does show is that archaeological sites and finds of all periods from the Neolithic onwards have been recorded within a half-mile or so of the proposed extraction site. While geophysical survey failed to identify any features of possible archaeological origin across the proposed extraction site there must be a possibility that such may nevertheless be present, and the planning authority may choose to impose relevant mitigation conditions were planning permission to be granted.

### The historic landscape

What the Archaeology DBA – or any other supporting study - fails to adequately address is the character of historic land use of the application site, which is variously referred to as pasture, meadow and (erroneously) as part of Warmington's post-medieval open fields.

In fact, historically this (named on estate maps as 'Thistle Home Meadow' in 1621 and 'Thistleholme' in 1775) was part of the zone of flood meadows (not water meadows, which are something different, and found principally in Wessex) which produced the vital hay crop, the principal winter feed for animals. This would have been the parish's most valuable and highly regarded land. It would have been carefully managed on a complex rotation, and before 1621 may have been 'doled' as Sink Meadow alongside still was in 1775 map. That was a system which divided meadowland into individually-held strips, sometimes re-allotted annually, to ensure its equitable division between the village's farmers (T. Partida et al, *An Atlas of Northamptonshire: The Medieval and Early Modern Landscape* (2013), 32-3). Warmington's was one of the most extensive areas of meadowland along the River Nene, as shown on recent mapping of the historic landscape (ibid. Maps 11M and 12M; 11EM and 12EM). It is likely that it was this asset, above all others, which encouraged Peterborough Abbey, Warmington's medieval owner, to invest so much in its parish church, whose quality is recognised in its Grade I listing.

APPENDIX 4

The DBA notes that 'ridge and furrow' has been noted on air photos on the application site. This is improbable (the land is likely to have been too wet and low lying for arable cultivation); it is more likely to be channels cut for management of the meadowland, possibly relating to its doling.

Something which is rather underplayed is the evidence for the water channels servicing Warmington Mill. There was already a mill on the site as the DBA notes in 1621, and it is highly likely this was the site of the village's medieval mill, already in existence by 1086.

Setting

A formal assessment of the impact of the proposed development on the setting of heritage assets does not appear to have been undertaken. Here this is especially relevant in terms of the Grade-II listed Warmington Mill and to the Grade II-registered parkland of Elton Hall. It is also highly relevant in terms of Fotheringhay church, the tower of which rises above the meadowland as it is entered from alongside Warmington Mill. There is a well-established methodology for this, set out in Historic England's 'The Setting of Historic Assets: Good Practice Advice in Planning 3' (2017) <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/heag180-gpa3-setting-heritage-assets/>. I would expect the LPA to require such before determination.

Dr Paul Stamper, FSA 27 May 2019



**PLANNING REFERENCES: 19/00033/MINFUL, 19/00034/MINVOC & 19/00035/MINFUL**

**1. Government Policy**

The following list includes, but is not limited to, planning acts, policies and guidance which relate to the proposed development and provide grounds for objection.

- **National Planning Policy Framework, Feb 2019. (NPPF)**
  - Facilitating the sustainable use of minerals
  - Planning and Flood Risk
  - Conserving & Enhancing the Natural Environment
- **North Northants Joint Core Strategy 2011 – 2031, July 2018 (NNJCS)**
  - Water Environment, Resources & Flood Risk Management
  - Biodiversity & Geodiversity
  - Protecting & Enhancing Assets
  - Community Services & Facilities
  - Spatial Strategy
- **Northamptonshire Minerals & waste Local Plan, 2017 (MWLP)**
  - Natural Assets & Resources
  - Spatial Strategy For Mineral Extraction
  - Development Criteria For Mineral extraction
  - Conserving & Enhancing Northamptonshire’s Built & Natural Environment
  - Safe & Healthy Communities
  - Local Planning Considerations
- **East Northamptonshire Council Level 1 Strategic Flood Risk Assessment Review and Update August 2011**

**2. Proposals on the Development Plan**

- **Warmington Neighbourhood Plan 2031 (WNP)** - Approved by the Parish Council and submitted to East Northants Council for further consultation.
- **Warmington Village Design Statement (2004)**

**3. Previous Planning Decisions** (collectively known as “Elton 1”)

- 02/00846/CRA, 05/02356/NCC, 13/00073/MINVOC & 14/01140/NCC

**Key Objections:**

**1) Necessity for further mineral extraction**

Government policy seeks to maintain a steady and adequate supply of minerals for the needs of the construction market but also states that Planning policies should ensure that proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality (para 204 NPPF).

In the Environmental Statement (non-technical summary) produced in support of the application (para 3.3), it suggests that “*there is an urgent need for this mineral related development*”. This however is not supported by the Northamptonshire MWLP, which shows that total sand and gravel sales in Northamptonshire fell from 0.758 million tonnes in 2001 to 0.216 million tonnes in 2010. Indeed, a previous application to extend the deadline for completion of works associated with the plant site (material treatment, stockpiling and temporary storage) at Elton 1, even states that the extension was required

*“owing to the recent long period of downturn in the economy”* (Non- technical summary produced by D.K. Symes Associates, May 2014, Para 1.6).

According to the Northamptonshire MWLP, the six sand and gravel sites that had planning permission at the start of the plan (including Warmington Agricultural reservoir, “Elton 1”), will meet the required provision of 13.5 million tonnes plus maintenance of land banks, with an overprovision of 0.12 million tonnes, at the end of the plan period in 2031 (para 4.41). As a result of this, proposals for sand and gravel and crushed rock extraction at unallocated sites (including extensions to existing sites and extensions to allocated sites), will be required to robustly justify the requirement for extraction (para. 4.38).

The application to extract 850,000 – 900,000 tonnes of sand and gravel from land north of Eaglethorpe also contravenes the policy stance of the Northamptonshire MWLP to move away from river valley extraction to more upland (glacial) areas of Northamptonshire, where there would not be the same impact on overall landscape character (para 2.30, 2.31).

I therefore believe that the application does not fulfil the criteria of Policy 3 (Development criteria for mineral extraction) of the Northamptonshire MWLP in that it fails to comply with the spatial strategy for mineral extraction, and that it is not required to maintain an adequate supply of minerals. The planning decision should therefore be properly weighed against the detrimental impacts it will have, according to the NPPF.

## **2) Harm caused to the character or amenity of the area, community services and facilities**

### **Character & Amenity**

The area around Warmington Mill and the Flood Meadows to the north of Eaglethorpe are highly valued by residents of Warmington and visitors alike for its character and landscape values. It provides a peaceful respite from everyday life, where people come to walk, fish, observe the wildlife, and to spend quiet recreation time; it is a place that improves physical and mental wellbeing.

National Planning Policy (NPPF, 2019) highlights the importance of protecting the character and amenity of areas. The need to create places that are “safe, inclusive and accessible...with a high standard of amenity for existing and future users” is a key message contained within.

Local policy, including the Warmington Village Design Statement (2004), recognises the importance of the area around Warmington Mill and states that the “area remains important for informal recreation by villagers and others, as well as having important wildlife and landscape values. Further development in this area has the potential to result in the loss of this tranquil setting” (Chapter 2) and also that “Eaglethorpe and the river meadows are highly value by the community – their character should be maintained” (Chapter 5).

According to the more recent Warmington Neighbourhood Plan “The character of the village is formed in part by this countryside and the green open spaces which surround and extend into the parish and the Neighbourhood Plan seeks to ensure that this is maintained for future generations (Para 7.1). It also states that “The flood meadows are classed as an ‘Important Local Open space’ in accordance with the Community assets Policy 7 (paras 3.88 & 3.89 in the NNJCS)... it cannot be replaced with equivalent space elsewhere”. Indeed, 87% of respondents to the village survey (conducted as part of the drafting of the Neighbourhood Plan) identified the view across the water meadows to Fortheringhay church as one that should be protected from development (below).



While the Environmental Statement (non-technical summary) produced on behalf of the applicant is of the opinion that “The design and development of the site will not give rise to unacceptable impacts” (para 4.4), I would argue that given the planning application for phased mineral extraction covers the entire flood meadow (above) the development will become a significant and dominant feature of the landscape, will completely destroy the current sense of remoteness and will negatively impact on those who currently value the view.

The NNJCS acknowledges that “development can impact on the landscape through its effects on the character and the quality of the landscape and the degree to which development will become a significant or defining feature in the landscape, including skyline (where additional development appears disproportionately dominant), and loss of sense of remoteness. Visual impacts concern the degree to which proposed development will become a feature in particular views (or sequences of views) and the impacts this has on people experiencing views”(para 3.23). Indeed, the Landscape and Visual Impact Assessment (April 2019) acknowledges that “The landscape is very mature and has not changed in any notable way for many decades resulting in a tranquil, riparian landscape of good scenic quality”. It recognises that “There would be direct and obvious adverse effects on the grassland areas and the existing character of the site due to the Proposed Development” and that “The Proposed Development would result in visual disturbance at many points along this path (The Nene Way), with views of plant machinery and dumper trucks at work ... The contrast between the existing undisturbed view and the view once operations commence would be notable.... The character of the woodland would change completely as a result of felling and subsequent extraction works.” Elsewhere in the report and relating to the area around the agricultural reservoir (Elton 1) it says “The haul route and the plant site are currently disturbed and the Proposed Development would not affect the essential character of the areas, except for introducing more movement in the form of vehicle and dumper trucks”. The reality is that these areas were disturbed as a result of permitted mineral extraction that was granted in 2004, and is still unrestored and inaccessible to the public 15 years later. I believe it would be more accurate to say that the effect on the landscape here is one of continued disturbance and one which could last for a further 10 years.

Northamptonshire MWLP (Policy 21: Landscape character) that states that “Development should mitigate potentially adverse impacts on the local character and distinctiveness of Northamptonshire’s landscape where necessary during the development, operational life, restoration, aftercare and after-use”. The planning application does indeed contain mitigating measures and plans for restoration and aftercare; but given that the proposed extraction and processing works are estimated to last for 9 years plus a further year to complete final restoration works, and with an aftercare plan lasting for a further 5 years, ‘temporary’ disruption to the area will be for a minimum of 15 years. Sadly this means that older members of the community will be forevermore denied the amenity that this area provides should work commence, and the younger generation, who will grow up and no doubt move away in the intervening years, be denied the opportunity for enjoying quiet recreational time in a rural landscape on the edge of their village.

### **Community Services and Facilities**

The NNJCS defines community services and facilities as those that “provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community” (para 3.77). It

## APPENDIX 5

recognised that “the loss of services and facilities can have a significant impact on people’s quality of life and the overall viability of communities”. In addition, Objective 12 of the Northamptonshire MWLP “is about ensuring that minerals and waste development, either alone or cumulatively, does not damage existing or planned amenity, or cause health and safety difficulties” (para 3.15)

The value that local residents place on the landscape of the area affected by the proposed planning applications has already been highlighted. It is also important to note the existence of the Public Right of Way (the Nene Way) that crosses the flood meadow and links Warmington to Fotheringhay (application 1) and the Public Bridleway (PD1), which runs adjacent to the proposed haul road causeway and the existing plant site (application 2), and its proposed extension (application 3). Not only do these rights of way provide a community service and facility as defined by the NNJCS, and link the villages of Warmington, Fotheringhay and Elton; they also attract many visitors to the area – including rambling groups. Visitors support the village economies through revenue spent at the village stores and public houses, contributing to their economic viability and thus preserving the very important rural community facility that they provide for residents. It is the view of the WNP that “Warmington should be a place where visitors and residents wish to come and experience the best of East Northamptonshire countryside and outdoor pursuits” (para 10.1) and in order to ensure economic development “The current services provided by the Red lion and Glebe Stores should be supported and potentially enhanced” (para 10.5).

I acknowledge that the current public rights of way will remain open in the proposed planning application, albeit diverted in the case of the Nene Way, but I strongly question who would choose to use these facilities when the views over a currently tranquil landscape would be replaced by “views (some very close up) of dump trucks hauling soil, overburden and mineral to the plant site area and .....views of dumper trucks going over the Bailey bridge”( Landscape and Visual Impact Assessment, April 2019), and when the enjoyment of a walk in the countryside would be compromised by the disturbance created by noise, dust, air pollution from exhaust emissions and potential safety hazards associated with the extraction activity. This is in conflict with the spatial strategy of the NNJCS, which seeks to enhance “the green infrastructure framework of countryside, open spaces, waterways and other natural, historic and recreation assets including the Nene Valleys. These are promoted for their importance for biodiversity, leisure, tourism and green economic uses and as an important element in maintaining the urban-rural character of the area”. (Para 5.4d).

The Greenway route aims to provide a strategic, attractive and safer cycling and walking route between Northampton and Peterborough and across the river valley of the Nene, and is proposed, in part, to follow the route of the existing public bridleway (PD1). This project is fully supported by Warmington Parish Council, and the residents of Warmington. In the village survey, 92.17% of respondents thought the WNP should include policies to improve safe pedestrian & cycle access, including the provision of links to other public footpaths & Public Rights of Way.

As acknowledged in the Environmental Statement (non-technical summary) produced on behalf of the applicant (para 5.26) “The bridleway is crossed by the internal road – the crossing point is in the same location as that used for the construction of the reservoir”. The same report also estimates 50 movements of Articulated Dump trucks per day transporting minerals from the extension area and the delivery of reclamation material, and therefore crossing the bridleway. I was a regular walker on the bridleway when the reservoir was under construction (Elton 1), and can truthfully state that there were times when it was impossible to use due to the mud generated by the dump trucks transporting wet material between sites. In addition, to emerge from the wooded part of the bridleway at a point where the articulated dump trucks were crossing at right angles and negotiating an incline, became less of a relaxing walk in the county-side and more a game of dare. Despite signage giving pedestrians priority, I personally didn’t fancy my chances against a 45 tonne, 3 axel articulated dump truck. Whether this bridleway continues to be used as it is

currently, or whether it becomes part of the Greenway route, there is without doubt a safety issue to be considered.

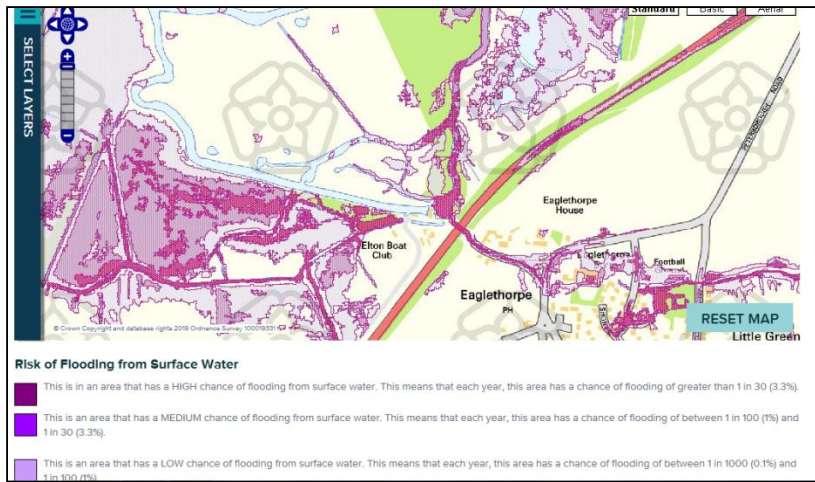
Alongside the NPPF, the NNJCS aims to ensure “quality of life and safer and healthier communities’ by ‘protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, or other pollution, loss of light or overlooking”. The granting of this planning application for mineral extraction and associated activities would be to the detriment of the quality of life currently experienced by residents of Warmington by changing the character of the area in which we live, by preventing us from continuing to enjoy access to the quiet recreational leisure activities that are currently on our doorsteps, that could potentially risk our safety, that could prevent the development of projects which would further benefit the health and wellbeing of the community, and even risk the economic viability of the businesses that are so important to the fabric of rural communities.

**3) Flood Risk**

The site identified for proposed mineral extraction (Application 1) lies primarily within an area categorised as Flood Zone 3b according to The East Northamptonshire Level 1 Strategic Flood Risk Assessment Review i.e. land where water has to flow or be stored in times of flood. It is bounded by the north-easterly flowing River Nene and associated channels on all sides. According to the indicative flood maps published by the Environment Agency, the area is shown to be at ‘high’ risk of fluvial river flooding, occurring when the capacity of the river channel is exceeded and causing water to flow into the floodplain (below left) and also groundwater flooding that regularly occurs when the water table rises above surface elevations (below right).



Within the Flood Risk Assessment (April 2019), it is accepted that groundwater flooding would be expected during the operational phase of the development when river levels are high. The flood risk from this source is highlighted as significant and for these reasons, “It is proposed to construct a side wall barrier of alluvial clay to reduce the level of groundwater inflow into the extension area and thereby reduce constraints on the operations” (Environmental Statement, non- technical summary para 5.2). It is also noted that water levels within the River Nene are controlled by multiple sluice gates, one of which controls feeding waters from the Warmington Dyke. The flood risk from this source is also classed as significant. Both the Flood Risk Assessment Report and the Hydrogeological Impact Appraisal detail methods to ensure operations are not disrupted by flooding, that a suitable flood warning system is in place and provision is made to prevent danger to workers on site, but I see no evidence that the increased risk of flooding in the nearby hamlet of Eaglethorpe, due to impediment of flood flows and reduction of flood storage capacity resulting from the mineral extraction activity, has been considered.



Risk of Flooding from Surface Water  
[Northamptonshire County Council Flood Toolkit]

Eaglethorpe has been identified as an area that has a high chance of flooding from surface water, caused by water that has not entered a natural drainage channel or storm water management system, flowing over the surface of the ground (above). At times when both ground water and river levels are high, flood water collects in the underpass that connects Eaglethorpe to the area around Warmington Mill to the south of the excavation site, because the natural drainage systems are at capacity and surface water has nowhere to go. This is a regular occurrence during winter months and is generally a minor inconvenience, although there are times when the depth of water means that the area is inaccessible to pedestrians (below left). When these conditions arise, and are exacerbated by further heavy precipitation, surface water run-off flows from Warmington down Eaglethorpe and towards the underpass, with man-hole covers lifting and moving due to capacity being reached and exceeded in the storm water management system. At these times, the flood water extends back from the underpass and along Eaglethorpe making vehicular access to properties impossible (below right).



This is the current, thankfully infrequent, situation but one which gives great concern if it is to become more frequent or more severe as a result of development on the flood plain and the consequent impact on the areas natural flood and drainage system. These concerns are supported and elevated when the following comments (made by consultants on behalf of the applicant) are taken into consideration:

“surface runoff would likely be increased by an increase in the area of impermeable surfaces through imported materials with a lower permeability” (Flood Risk Assessment), and

“The site will be restored with inert soil which could form a barrier to groundwater flow” (Hydrogeological Impact Appraisal)

I fail to see how the construction of a side wall barrier of alluvial clay to reduce the level of groundwater inflow and using imported materials with a lower permeability to replace the sand and gravel extracted, can do anything other than form a barrier to groundwater flow on the flood plain and result in rises in the level of rivers surrounding the area, with a knock on effect of increasing the risk of fluvial river flooding and surface water flooding in the residential hamlet of Eaglethorpe.

The NNJCS recognises that “Flood risk can arise from fluvial sources (rivers), through surface water flooding (usually arising when rainfall overwhelms drainage systems) and groundwater flooding (when the water table rises above the ground surface). The location of development can play a significant role in flood risk management” (para 3.53). It also reiterates that “Development can have a significant impact on water resources, from putting additional strain on existing supplies, to affecting flood patterns by changing both the way that water flows across and percolates into land. It is essential to protect and enhance the quality and quantity of both ground and surface water ..... and manage flood risk” (para 3.49). Furthermore the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)” (para 155). I strongly believe that the proposals for Elton 2, particularly in relation to Application 1 are in conflict with Government Policy regarding flood risk.

#### **4) Wildlife and Conservation**

According to the NPPF, Feb 2019, “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site” (para 177). In addition to the NPPF, Circular 06/05 paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat”.

The Ecological Impact Assessment (April 2019) submitted on behalf of the applicant confirms the presence of a number of protected species as defined by Standing Advice issued by Natural England, and thus categorises the site encompassed by the planning application as being “of value at the local level” in relation to otters and badgers. The surveys undertaken have also identified four amber listed (13) bird species and one red listed (12) species, which were recorded as breeding in the area. The previous 2015/2016 survey conducted by the same consultant confirmed that the site supports 27 notable species of wintering birds (including two which are Schedule 18 bird species) therefore the effect of mineral extraction activity is reported as being significant at the county level in this respect.

In relation to habitat, The Ecological Impact Assessment (April 2019) concludes that the proposals WILL result in the loss of an area of approximately 14 hectares of improved grassland that is particularly suitable for wintering birds. A further 4.2 hectares (approximately) of broad-leaved planted woodland, which currently provides suitable nesting habitat, will also be removed. The aquatic, riparian and terrestrial habitats on and adjacent to the site provide opportunities in which a range of bird species can forage, commute and nest and disturbance to, or removal of, these habitats is also classed as being “significant at the local level”. Activity associated with the continued mineral extraction works will also have other potential negative impacts on wildlife and habitat through soil compaction, plant movements, noise,

## APPENDIX 5

vibration and dust. Not only does the area covered by the planning application contain habitats and species considered significant at local level in terms of biodiversity, and some that are protected in lines with Natural England Standing Advice, they are contributing factors to the very character of the area that is valued highly by residents and visitors.

It is acknowledged that mitigation and compensation measures have been included in the planning application, sensitive working methods suggested and enhancement measures included in the aftercare plan once excavation works have ceased; The Ecological Impact Assessment (April 2019) suggests that “post operation, the site will be restored to pasture and new wet woodland will be planted, therefore there will be no long-term loss in habitats as a result of the proposals” .

The applicant is keen to stress the ‘temporary’ nature of the disruption but given the works and aftercare plan, even if completed on schedule and without applications for extensions (as occurred with Elton 1), temporary in this instance is a minimum of 15 years. That is 15 years of disturbance to habitat and species, 15 years that local residents will be denied the level of amenity that is currently experienced and appreciated and, given that a number of bird species found here are currently red or amber listed, who is to say that the biodiversity of the area will not be permanently affected. This planning application is not supported by National Planning Policy, which seeks to protect, conserve and enhance the natural environment and aims to “prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution” (NPPF, 2019).

### **5) Previous Planning Decisions**

Planning permission for the construction of an Agricultural Reservoir (Elton 1) was granted in September 2004 (EN/02/0846C). An application to extend the end date to 2018 was subsequently, and retrospectively, made in June 2014 (NCC Ref: 13/00073/MINVOC, ENC Ref: 14/01140/NCC). Permission was granted.

In the Non-technical summary produced by D.K. Symes Associates (May 2014) in support of the application to extend the deadline to 2018 it stated that “It is relevant to note....there is no ‘new’ development proposed as a result of this application” (Para 2.1.1) and that “There are no new or proposed schemes that are adjacent or close to the project that have any cumulative impacts” (Para 2.10.1). A further extension of the original planning permission was due to be submitted to the Minerals Planning Authority in 2018 to extend the works by a further two years to 2020, allegedly due to a lack of suitable engineering fill. The required engineering fill was anticipated to be extracted from the adjacent Elton 2 extraction site now subject to a separate planning application.

15 years on from the initial granting of planning permission for Elton 1, the site remains unrestored and the detrimental impact on the visual landscape, the loss of amenity and the disturbance to flora and fauna remains. The area encompassed by Elton 1 is partly included in the current planning application for Elton 2 and will be affected by the construction and use of a Bailey bridge, the proposed haul road causeway and the extension to the adjacent plant site – with a suggested completion date of 31<sup>st</sup> July 2030 - and subject to a further 5 year aftercare plan before restoration is complete.

It is my opinion, based on the above facts, that the planning application for the construction of an agricultural reservoir was a guise for mineral extraction. 30 years of works and disruption can in no way be described as ‘temporary’, and the way in which Section 73 applications to vary conditions have been repeatedly sought and granted, sets a precedence for what can be expected should the current application be granted. It is also clear that there was always a long term plan by the applicant to extend works to Elton 2 despite comments to the contrary in 2014, and there will most definitely be a cumulative negative impact.

### **Conclusion**



APPENDIX 5

As a resident, and despite the mitigating measures contained within the planning application, I do believe that the quality of life that I currently experience and the enjoyment of my property will be diminished as a result of the mineral extraction and associated activity that forms the basis of the planning applications submitted. Disturbance by noise, dust and air pollution from exhaust emissions will be experienced and exacerbated by the prevailing westerly wind direction. I am also extremely concerned that activity that impacts on the normal operation of the flood plain and river system will lead to a greater flood risk in Eaglethorpe and thus the ability to access my property by vehicle or by foot. However, the main focus of my objection to the granting of planning permission relates to the way in which the proposed development will negatively impact on the appearance and amenity of the surrounding area for me, the community of Warmington and visitors to the area, and on the basis of how the application contravenes a wide range of local and national planning policies.

Eaglethorpe is a quiet residential area within the rural village of Warmington that is highly valued for its historic (including listed) buildings, landscape values and wildlife. It forms part of the Nene Way and, aside from its human inhabitants, it is also home to a rich variety of wildlife and habitats. Development on and around the flood plain, for the extended period of time proposed, would have a significant detrimental impact on a valued local asset. It will fundamentally change the character of the area, and will severely impact on the enjoyment of those currently living in and visiting the area.

I conclude by quoting again paragraph 204 of the NPPF:

“Planning policies should .... ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”

I therefore respectfully request again that permission be refused regarding applications 19/00033/MINFUL, 19/00034/MINVOC & 19/00035/MINFUL.

**Elton 2 Quarry - 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Objection concerning failure to involve the community in the Elton 2 planning application process contrary to NCC policy**

*This note concerns the consultation process surrounding the three planning applications that comprise Elton 2 (19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL). It does not discuss the consultation for the MWLP in any depth. However, that consultation could also be regarded as deficient and in many respects caused the immediate problems discussed here. The MWLP consultation process as it concerns Elton 2 is discussed in a separate but associated objection.*

NCC - Northants County Council which is also the Mineral Planning Authority  
MWLP - NCC Minerals and Waste Local Plan - which sets the policies for minerals planning  
WPC - Warmington Parish Council  
WNP - Warmington Neighbourhood Plan  
WNPPG - Warmington Neighbourhood Plan Project Group  
LLG - Local Liaison Group

**Summary of objection to planning application process**

The strategic need for mineral extraction may outweigh local concerns but these applications are flawed both in substance and in the process that allowed them to proceed beyond the validation stage. NCC has a duty to provide and implement comprehensive policies to ensure an adequate supply of minerals but it also has a duty to the communities it serves and in this case it has failed in this duty by acting contrary to its own [Statement of Community Involvement \(2012\)](#). Unless and until this failure is addressed these applications should be rejected or withdrawn.

**NCC Statement of Community Involvement**

The NCC Statement of Community Involvement discusses how the community should be involved in the development of plans, and in the consideration of planning applications. The current (2017) MWLP passed examination using this Statement as evidence of adequate consultation in the forming of the plan however in regards to this specific site allocation there is little evidence of any real community consultation, this is the subject of a separate but associated objection.

Specifically concerning planning applications process, the Statement of Community Involvement states:

**3.8 Significant proposals/applications are:**

Mineral related applications:	Applications for mineral extraction of over 2 hectares in area on a site where there is no existing planning permission
-------------------------------	---

***Comment:*** *These applications concern a new 19 hectare island site which has been largely undisturbed for over 400 years. The site was submitted in response to the October 2014 'Call for Sites' which asked for **new** sites to be proposed for consideration in an updated MWLP. There was no existing planning permission on this site but there were permissions to extract as a by product of construction on a nearby site - Warmington (agricultural reservoir) - however this site was not allocated for*

*further extraction in the then current MWLP (approved September 2014). There can be no doubt that this site is **significant** under this definition.*

**3.9** Where a proposal/application is deemed to be **significant** by the planning authority, developers/applicants (and this includes the county council or its agents in relation to county council development) **will be expected to undertake community engagement and involvement in drawing up their proposals. Developers/applicants will need to submit with their planning application a ‘Statement of Local Engagement’ showing how they have engaged in the community in their proposals and how it has changed as a consequence.**

Planning applications deemed significant that are not accompanied by a Statement of Local Engagement when submitted may incur difficulties in being registered as a valid application by the planning authority. Developers and applicants should consider the benefits of involving the community in developing proposals and preparing schemes even when the proposal is not deemed to be ‘significant’.”

**Comment:** *The applicant has submitted a Statement of Local Engagement but it does not show any engagement with the community about **this** proposal, neither does it demonstrate how it has changed any plans as a result.*

*There has been **ZERO** community involvement with this application, indeed the landowner and operator expressly and definitively excluded all community involvement on the grounds of confidentiality until after the applications were submitted.<sup>(1)</sup>*

*Moreover the plans submitted with this application have been revised from a general plan previously included in applications to extend the time limit to complete the reservoir works (18/00031/MINVOC and 18/00032/MINVOC). This revision moved the planned ‘haul road’ southwards from a position to the north of the wetlands area to a new position which entirely negates the value of the proposed public bird hide which was the **ONLY** mitigating obligation imposed on the operators for the 5 years of disruption to amenity due to the reservoir construction. That was in 2004, now in 2019, some 15 years after the start of the ‘5 year project’, the bird hide has yet to be built despite the planning condition that it **must** be built and available within 6 months of the cessation of mineral extraction (i.e. by mid 2016).*

**3.10** Various methods may be used by developers/applicants in seeking to involve the community at an early stage in drawing up their proposals. The following methods, and others, could be used to engage the community:

- Letters and leaflets that together with easily readable plans and diagrams explain proposals in a clear and straightforward manner.
- Public meetings.
- Public exhibitions.
- Citizen’s workshops.

**Comment:** *There were no leaflets, public meetings, public exhibitions or citizen’s workshops prior to this application. As a result of the previous applications to extend the time for the reservoir works (18/00031/MINVOC and 18/00032/MINVOC), a condition was imposed upon the operator to arrange and hold a Local Liaison Group*

*(LLG) meeting within three months of the decision notice (by 26th January 2019). NCC were asked when this meeting would happen on 18 December 2018, 27 January 2019 and 5 February 2019, but no meeting was held until 28th March 2019 and this only happened because WPC insisted and arranged the meeting. The meeting primarily discussed the Greenway proposals for the bridleway PDI for which the operator is partly responsible, and the design and positioning of the bird hide which was a condition of the original permission in 2004 (and subsequent time extension permissions in 2014 and 2018). These conditions required the hide to be built within 6 months of the end of extraction from the reservoir (which was in 2015). Discussion of the substance of any Elton 2 application was **expressly excluded** from the LLG meeting on the grounds of confidentiality<sup>(1)</sup> and it was stated that nothing should be disclosed until **after** the applications had been made public.*

*NCC were fully aware of the sensitivity of this site and the concern about the lack of community engagement in the allocation of the site in the MWLP, the WNPPG wrote to the Assistant Director Environment, Planning and Transport in February 2018<sup>(2)</sup> to establish what, if anything, could be said in the WNP about this and a reply was received acknowledging the concerns but stating that **nothing** could be said in the WNP about the MWLP, even to the extent of not allowing the WPC to declare any aspiration in regards to any matters associated with it such as aspiring to seek mitigation for loss of amenity.*

*However, despite NCC having full knowledge of the community concerns they have subsequently concurred with the operators wishes to exclude the community from being involved **before** submitting the applications (as required by the NCC Statement of Community Involvement) and allowed the validation of these applications **in direct contravention of their own policies.***

***This procedural failure should invalidate these applications.***

### Applicant Statement of Community Engagement

The applicant has included a Statement of Community Engagement within their application and it can only be presumed that NCC used this as a reason to validate the applications however it fulfills none of the requirements of the NCC policy.

The statement (Section 9) submitted in the application says:

9.1 Depending on the size and type of the proposed development project there are different requirements for community engagement. For example, larger projects will be required to have considerable consultation before any application is submitted. Smaller projects may just require neighbourhood notifications.

**Comment:** *This application is **significant** and so the community should have been consulted **prior** to any application and the applicant should then have demonstrated within the application what changes had been made as a result of the consultation. As shown above the exact opposite happened with the **community being expressly excluded** from the process and the only visible change being detrimental to the community.*

9.2 The development of the extension area has been widely consulted as part of the Mineral Plan process which identified the area as suitable for mineral extraction, with processing taking place within the plant site and access previously used for mineral from the construction of the reservoir.

**Comment:** *The 'wide' consultation did not involve the community and had significant shortcomings. Neither the landowner nor the operators or the agent informed WPC or anyone in Warmington about the possibility of a new site and when WPC asked about the future of the reservoir site the answer from NCC gave the impression that the possibility of a new quarry site was not a matter of concern requiring a response to the Draft Plan consultation because everything could be dealt with if and when planning permission was sought:*

*Email NCC to the chairman of Warmington PC 13 January 2016*

*Hi .....*

*I remember when we spoke some time ago when the operator submitted the application to extend the time limit for operations (Ref. nos. 13/00073/MINVOC and 13/00074/MINVOC), which was eventually approved. Under those consents they have until 31<sup>st</sup> July 2018 to finish the development and restore the site. You are correct about mineral extraction having been completed at the permission site. The remaining stages of the development are to:*

- import a sufficient amount of clay to complete the lining of the reservoir;*
- drain the mineral working and install clay liner;*
- undertake final shaping of the reservoir and adjoining land;*
- let water levels rise in reservoir;*
- install bird hide and undertake topsoiling, planting and seeding of margin habitats;*
- monitor and manage the wildlife site interests for a period of 5 years (termed as 'ecological aftercare');*

*Presently we are in the process of agreeing the final restoration works sequence, ecological management plan and the ecological aftercare scheme which are required under planning conditions attached the planning permissions. We've been given the draft ecological management plan by the operator, have suggested changes (just before Christmas), and are expecting the final scheme for approval to be submitted by the end of this month. The final scheme will give dates for the completion of the above stages (all of which are required to be done by 31<sup>st</sup> July 2018).*

*Although I can't be sure, I'd envisage that it will take the operator maybe 6 – 9 months or so this year to obtain and stockpile a sufficient amount of clay to undertake the lining works. I would then think that the final landscaping and habitat creation works are likely to take place Spring – Summer 2017 – this is the sort of detail we are discussing with the operator now.*

*The matter of the proposed other working is part of the update to our Minerals & Waste Local Plan – I understand that the operator has put forward a nearby site for gravel extraction. The Draft Plan was approved at Cabinet on 10 November 2015. Consultation on the Draft Plan commenced on 3 December for ten weeks, closing on Thursday 11 February 2016. Representations can be made online via our [consultation website](http://www.northamptonshire.gov.uk/en/councilservices/environ/planning/policy/minerals/pages/minerals-and-waste-local-plan-update.aspx). The link to the draft plan is: <http://www.northamptonshire.gov.uk/en/councilservices/environ/planning/policy/minerals/pages/minerals-and-waste-local-plan-update.aspx>. If the site is allocated in the adopted plan this does not grant permission for a new site and all of the matters must still be considered through the planning application process, if the operator chooses to submit an application for the Mineral Plan allocated site.*

*Regards,*

*.....*

*Principal Development Control Officer*

**WPC made no comment about the site itself in response to the Draft Plan, believing this to be unnecessary in view of the above advice which seemingly misled them into thinking a detailed response was not necessary. However at the time this email was sent the**

*new site had **already** been included within the plan having previously been judged as unacceptable in the Stage 1 screening for the Issues and Options consultation for the plan update in May 2015, but having been accepted into the plan with a Stage 2 assessment which changed the previous Red Flags to a Yellow Flag within this assessment. This assessment was complete and the site was allocated within the Draft Plan approved by Cabinet in November 2015, so the phrase ‘..I understand that the operator has put forward a nearby site for gravel extraction..’ is true but entirely misleading in that the site had already been defined, assessed and approved by NCC.*

9.3 A meeting was held with Parish Council to discuss the position with the reservoir, the location and provision of the bird hide agreed as part of the reservoir works as well as advising that the Elton 2 application was shortly to be submitted.

**Comment:** *This meeting only happened because WPC pressed NCC and the operator. It was not held within the timescale required by the planning condition attached to the decision notice allowing the extension of the time limit for constructing the reservoir. Discussion of the details of the Elton 2 plans were **specifically excluded**<sup>(1)</sup> from the discussions. There was a discussion about the bird hide including the specific location and design feature but this only serves to further illustrate the operator’s (and NCC’s) failures to respect the conditions of the permissions which state:*

**23.** A bird hide with public access linked to the existing public bridleway shall be provided as part of the restoration works. Further details of the hide and public access link including design, minerals, colour and location shall be submitted and agreed with the Mineral Planning Authority **and implemented within the six month restoration period referred to in condition 26 of this permission.**

**26.** The development hereby permitted shall cease and the site be fully restored, not later than 31 July 2018 **or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is the earlier.**

***The Bird Hide should have been available for public use in 2016, 6 months after the mineral extraction had ceased - which was mid 2015 as confirmed by NCC in their email to WPC on 13 Jan 2016***

9.4 Currently a further date is being arranged with the Parish Council to have an open meeting at which details of the application can be discussed and any questions addressed. The dates offered by the Parish Council are in mid or late May. Attention is drawn to this timeline as it would be helpful to keep open or extend the formal consultation period for the response from the Parish Council.

**Comment:** *This meeting was subsequently organised by WPC on its own initiative in line with Policy W1 of the emerging WNP. The operator submitted the application without any detailed discussion about the proposal **before** the meeting. The meeting was very well attended and was the first time many people became aware of, or saw any*

*details of these proposals. The impression given at the meeting by the NCC representative was that the proposal would almost certainly go ahead because it was already in the Minerals Plan - compare this to the advice from NCC about the Draft Plan in the email to WPC in January 2016, and Para 4.40 of the MWLP.*

*As a result of this meeting and the public interest that was generated, together with the lack of real community consultation in the MWLP process (as outlined in the associated objection), WPC requested that NCC extend the consultation timescales for this application. A group of residents started trying to analyse the proposal with a view to providing objective advice to other residents who wished to comment. WPC received assurance that comments could be submitted up until the date of the Development Control Committee considering the proposals and this advice was passed on to the public by various means. On 10th June it was announced by NCC that this extension was only for WPC and not for the public, this potentially meant that many people who were concerned but waiting for objective advice would be denied the chance to comment or would have to put in a rushed or ill considered comment. This reinforced the views amongst many residents that the consultation process is designed to ensure that NCC and the applicants do not get adverse comments.*

*As a result of multiple emails objecting to this restriction on comments from the community it was agreed that the public could comment up until the date of the Development Control Committee meeting but that the public consultation dates on the NCC Planning website pages would not be changed to reflect this (meaning that anyone who was unaware of the change would be discouraged from commenting).*

*Unlike other Planning Authority websites such as ENC, the NCC Planning website does not show comments on applications and this further reinforces the feeling that NCC has something to hide. All comments whether for or against an application should be in the public domain at an appropriate time i.e during the consultation process and prior to any decision being made.*

9.5 The current permissions require a liaison group to be established to inform the local community of the progress of the development and to address any matters that might be raised. The company are fully in favour of liaison groups and will actively manage a liaison group for the life of the development.

**Comment:** *There are no current permissions for Elton 2, the current permissions refer only to the reservoir site for which there has only been one LLG meeting which only happened because WPC insisted that the operators complied with a planning condition. The only tangible result of the LLG (design and positioning of the bird hide) has already been overtaken by this application and the operators are no nearer to fulfilling their planning obligations to have a publicly accessible bird hide in place 6 months after extraction ceased (ie by mid 2016). Furthermore NCC seem completely unwilling to take any enforcement measures to make the operators comply, on the contrary they seem to have supported this application without any reference to the community and without any regard to the previous record of the operator in failing to meet many of their planning conditions, or to construct the 'essential' reservoir in a timely and efficient manner.*

### Additional Factors

1. Application 2 (19/00035/MINFUL) which proposes the use of additional land (3ha) for the processing plant states that it is a retrospective application because the land is already used. This is not true, only one small part of the land is currently enclosed within the soil bund delineating the site, the remainder is directly accessible from the bridleway PD1. This application by itself constitutes a 'significant' planning application. The land in question is not shown on the only pre-application plan -D K Symes 95010/PE/1 dated 8/1/2016 - submitted with the applications for the time extension for the existing reservoir works (18/00031/MINVOC and 18/00032/MINVOC), it has no extant planning permissions, it is a new, and significant, site.
2. The information provided on the NCC website is in scanned pdf format that does not allow text searching or copying which makes commenting on the application more difficult than necessary, this discourages proper comment as one is required to retype whole sections in order to comment on them properly.
3. The public consultation ended on 12th June but NCC continues to work with the operators on this application (as evidenced by a planned meeting about the Transport part of the application on 9th July and notified to Elton PC by Cambridgeshire Highways Authority). Whilst it is right and proper that NCC discusses plans with developers to ensure positive outcomes this appears to the community as NCC working with the operators to ensure their application succeeds despite its shortcomings, whilst excluding the community from any chance to comment on the modified applications. A number of the Appendices containing 'detailed' consultant reports are woefully deficient at addressing the real issues: the noise statement uses an out of date map with the haul road in the wrong place to assess noise but excludes any assessment for the bird hide at which the noise would exceed 57db (BS5228-1), and the boat moorings and the 2 significant footpaths at which noise could exceed 77dB. It includes noise from dewatering pumps contrary to the information given at the LLG meeting that these will not be used, but does not include any noise from the 'crusher' that is required to deal with larger construction waste. The transport statement presents a completely false situation by stating there were only 2 accidents whereas there were 14 including one fatality in the area specified over the period of the works and over 24 if the zones surrounding the Warmington roundabout (where HGVs have to turn) and the 'Elton Turn' are included together. **It is not NCCs place to make up these deficiencies on behalf of the operators in private whilst excluding the community.**

### Conclusion

NCC has a definitive position that governs how communities should be involved in planning applications. This position is defined in the Statement of Community Involvement (2012) document. This document has been successfully used in the formation and examination of previous plans and applications but has been ignored by both the applicant and NCC in the preparation and validation of these planning applications. The effect of this has been to positively exclude community involvement in this significant proposal. The situation has been exacerbated by two other factors. Firstly, a prior lack of community involvement in the updating of the MWLP despite the fact that NCC knew that there was historic local concern about the area now forming the 'new' site. And secondly the repeated failures of the operators of the existing reservoir site to abide by the planning conditions associated with



the existing permissions and the failure of NCC to enforce them - perhaps best illustrated by the lack of the public bird hide many years after it should have been provided. The consequences of these failures are that the community in general have an almost complete lack of faith in the planning system. This will not be addressed unless and until these applications are rejected or withdrawn so that they can be submitted to proper public scrutiny and consultation before any resubmission. Any other solution would represent a failure of NCC's duty to the communities it serves.

#### Notes

Note (1) - As evidenced by emails to WPC and other interested parties including NCC, for example about the proposed Elton 1 LLG agenda:

*26th March 2019*

*"I am a bit concerned that what was to be an LLG meeting on the Bird hide and Elton 1 has widened considerably in scope.*

*I am sure that Andy or James will comment but I do not know to what extent they are able to discuss Elton 2, as the planning application has not yet been submitted and presumably this is confidential."*

*27th March 2019*

*"Point 4 with regards to Elton 2 was to give a very simple update at the end of the meeting with regards to timescales for submission, as [REDACTED] states the application is yet to be submitted and I would also caveat this further with the fact that, my Director and [REDACTED] are yet to approve the final planning statement."*

Note(2) - emails to/from NCC re WNP and MWLP

*Email from WNPPG to Assistant Director Environment, Planning and Transport 12 Feb2018*

*To: Mr ..... - Assistant Director, Environment, Planning and Transport*

*From: ..... - Warmington Neighbourhood Plan Project Group*

*Re: Northamptonshire Minerals and Waste Local Plan - Elton Extension Extraction Site - Warmington Neighbourhood Plan*

*Dear Mr .....*

*I'm writing to you from the Warmington Neighbourhood Plan Project Group to seek some guidance on what (if any) comment or subordinate policy we can make about the effects of the Mineral and Waste Local Plan (MWLP) within our Neighbourhood Plan. The reason we are asking is that the proposed Elton Extension gravel/sand workings were the single most commented on item at our first community consultation and whilst we know the MWLP itself is not within the scope of a Neighbourhood Plan there are a number of Local Planning Considerations (Policies 18,20,21,25) within the MWLP that could impact on the detailed planning for this site with respect to mitigating the effects on the site, transport, and the community. It would appear to us that our Neighbourhood Plan consultations could form the best mechanism with which to capture the community's views on the application of these policies to these proposed workings, however we are not clear if we can then express these views as policies within the Neighbourhood Plan or we have to write them as 'aspirations' which we then ask the PC, together with ENC and yourselves, to respect when detailed plans for the workings are put forward.*

*There are many reasons why the proposed workings attracted so many (negative) comments but these were undoubtedly underpinned by a feeling that these plans had not been properly exposed to scrutiny by the local community. It must also be said that Elton Estates generally does not have a good reputation for community engagement amongst many parishioners and the operation of the existing site has done nothing to improve this.*

*There are multiple interactions between the proposed Elton Extension and the WNP that centre on the area of the Mill, the Nene Way, a proposed Greenway and the 'Elton Turn' onto the A605 which also attracted*

WARMINGTON PARISH COUNCIL

OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL

APPENDIX 6

*multiple comments during the first WNP consultation - it is locally regarded as a dangerous junction from which to turn right onto the A605 and many locals avoid the junction completely by taking a longer route, or instead turn left then right into the nearby private road entrance before turning round and joining the traffic towards Warmington. Whilst this junction is not within the Warmington Parish (or Northamptonshire) it falls within Elton Estates land and so perhaps could form part of a comprehensive set of mitigation measures to be associated with the proposed gravel workings.*

*It is hoped that the WNP can promote the start of a pragmatic dialogue about all these matters by engaging the community in the process. However if we are obliged to tell the community that they cannot have any say about any of these then it somewhat undermines the concept of community engagement that these Neighbourhood Plans were supposed to promote. Hence we are seeking some guidance.*

*I have attached a background note which may help to explain the position as we see it now.<sup>(3)</sup>*

*Yours Sincerely*

.....

*Reply from Mr ..... 20 Feb 2018*

*Dear Mr .....*

*Thank you for your email below which ..... has passed on to me to reply to. I apologise for the delay in replying but I have been off sick.*

*In relation to the generality of your request, the statutory regulations are very clear in that anything to do with minerals and waste planning cannot be covered in a Neighbourhood Plan. The Neighbourhood Plan is only permitted to take general local plan matters to a neighbourhood level. In that case even expressing aspirations would be in breach. It would also be the case that the Inspector would direct changes to be made if the plan before them explicitly covered minerals and waste matters and/or the matter of this mineral allocation.*

*The Neighbourhood Plan once adopted will have the same status within the development plan as other documents and if the Neighbourhood Plan was adopted by the time any planning application was submitted then we as the minerals planning authority would consider the policies within it- our committee and delegated reports on minerals and waste do often reference district local plan policies. The Neighbourhood Plan could therefore contain plan-wide policies/text that seek to address the issues you have raised, as long as they were not obviously written with the allocation specifically in mind.*

*Currently we do not know what the detailed plans for the proposed extraction will be and when any planning application may come forward and be consulted on. However the dates for your stages of consultation on the Neighbourhood Plan and the consultation on the planning application are probably unlikely to coincide.*

*I know the above is probably not the answer you were hoping for, but it was in relation to trying to build local consensus about where local housing should go that the neighbourhood planning regime was set up and consequently minerals and waste was specifically excluded.*

*If you require any clarification in relation to the above please come back to me.*

*Regards*

.....

*Head of Planning Services*

**Note (3) - The Background notes accompanying the email to NCC 12 Feb 2018**

WNP/MWLP Background Notes

### Planning History

The planning history of this area is that in 1992 Elton Estates proposed flooding the area to create a Marina. This was strongly opposed by the village at the time both at a public meeting and to ENDC, on numerous grounds including the landscape, the vistas across the water meadows to the church at Fotheringhay, the disruption to the Nene Way, and the loss of open grassland used for recreation by villagers. The application was refused. An application for gravel extraction in 1996 in the same area was also then refused. In 2002 an application for an 'agricultural reservoir' was submitted and after much discussion involving the village and the PC this was permitted in 2004 with multiple conditions including highway modifications and a time limit (July 2014) to deal with the 'waste product' (the gravel and sand). In Nov 2008 there were major road works to the A605 to comply with the highway conditions and get the gravel extraction works up and running. These works caused considerable local delays at the time and permanently reduced the available width of the carriageways making the (previously hazardous but ok for a fit adult) bike journey to Elton even more dangerous. In June 2014 a retrospective planning application was made to extend the end date for extraction to 31st July 2018.

### Consultation about the draft MWLP and existing works

Warmington PC were on the list of consultees for the the draft MWLP and considered the matter on 8th Feb 2016 (see minutes extract below). No comments were made about the plan however it was apparent from the next item in the minutes that the existing extractions were discussed in some depth - indicating that there was concern about the area (they are referenced by the 'reservoir'). The 'reservoir' was the justification for the extraction works by Elton Estates with the gravel being a 'by product' of the necessity to provide the reservoir for the nearby poly tunnels. The minutes of 8th Feb then state that a 4 year extension had been approved which gave an end date of 31 July 2018 with an expectation of landscaping and habitat creation works likely to be taking place in spring/summer 2017.

### Condition 25 of this extension approval stated:

25. The development hereby permitted shall cease and the site be fully restored not later than 31 July 2018 or when the associated mineral extraction has ceased for a period in excess of 6 months, whichever date is earlier.

The 'associated mineral extraction' ceased some years ago but the site has not yet been fully restored.

There is some doubt as to whether the PC at the time were aware of the implications of the inclusion of the Elton Extension in the MWLP, believing that no action was needed unless and until Planning Permission was sought and so the subject was not given any visibility within the community.

### Our Understanding of the Effect of the Elton Extension in the MWLP

The Allocated Site status of this 'extension site' in the MWLP means that there may now be no end date in sight as it seems to pre-allocate Elton Estates outline permission to extend the existing extraction workings across the water meadows and pasture land to the west of the existing site, including across the Nene Way path (the section between Warmington and Fotheringhay which uses the Warmington Lock to cross the Nene), whilst continuing to use the existing facilities to move the extract onto the A605. This will mean the Nene Way will have to be diverted, possibly missing out Warmington completely as Fotheringhay is a featured place on the path but Warmington is only mentioned in passing. The outlook from the boat club and the Mill looking towards Fotheringhay will be dominated by these workings replacing the iconic view of Fotheringhay Church across the meadows that has existed for centuries. The prospect of increasing tourism or creating a pleasant cycle path and associated commercial area here must be in doubt. The MWLP is valid until 2031 so this area will be blighted even if Elton Estates do not immediately exercise their 'right' to extract in this area.

### WARMINGTON PARISH COUNCIL Minutes of the 8th February 2016

#### 699. DEVELOPMENT AND PLANNING MATTERS:

- a. 16/00087/FUL | Single storey rear extension | 6 School Lane Warmington – It was RESOLVED that the council has no objections to the proposals in the planning application nor further comment to make.

b. Minerals and Waste Local Plan Update - Draft Plan for Consultation. The local plan was noted. There were no comments to make, other than the observation that any notices must be displayed within the actual parish in which works are proposed. This is because there is some confusion about a notice in the neighbouring village of Fotheringhay which may have referred to the site near Eaglethorpe.

c. Feedback from concerns raised regarding reservoir north of Eaglethorpe: Applications to extend the time limit for operations (Ref. nos. 13/00073/MINVOC and 13/00074/MINVOC), which was eventually approved. Under those consents they have until 31st July 2018 to finish the development and restore the site. Mineral extraction has been completed at the permission site. The remaining stages of the development are to: - import a sufficient amount of clay to complete the lining of the reservoir; - drain the mineral working and install clay liner; - undertake final shaping of the reservoir and adjoining land; - let water levels rise in reservoir; - install bird hide and undertake topsoiling, planting and seeding of margin habitats; - monitor and manage the wildlife site interests for a period of 5 years (termed as 'ecological aftercare'); Northamptonshire County Council is in the process of agreeing the final restoration works sequence, ecological management plan and the ecological aftercare scheme which are required under planning conditions attached to the planning permissions. It is expected that the final scheme for approval will have been submitted by the end January. The final scheme will give dates for the completion of the above stages (all of which are required to be done by 31st July 2018). It's envisaged that it will take the operator maybe 6 – 9 months or so this year to obtain and stockpile a sufficient amount of clay to undertake the lining works with the final landshaping and habitat creation works likely to take place Spring – Summer 2017.

# ELTON QUARRY

Submission by Philip Brashaw BSc (Hons) BLD CLMI

Objecting to planning applications 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Elton Quarry, Peterborough Old Road, Eaglethorpe, Warmington, PE8 6SN

## 1. INTRODUCTION AND SUMMARY

This statement sets out reasons for my objection to planning applications 19/00033/MINFUL (Application 1), 19/00034/MINVOC (Application 2), and 19/00035/MINFUL (Application 3). Application 1 is for a new quarry west of the existing extracted quarry, within the open pastoral landscape of the Nene Valley, and is dependent on Applications 2 and 3 (material treatment and stockpiling areas), and they are therefore described as one 'site' within this submission, and referred to as 'Elton 2'. 'Elton 1' refers to the existing completed gravel extraction site (not yet fully restored) adjoining Elton 2, and covering part of the same plant area.

I am a resident of Warmington and have lived in the village since 2002. I am also a professional Landscape Architect. My submission sets out key aspects against the proposed development primarily on matters of landscape and visual impacts, amenity and recreation impacts, and the restoration proposals. These are areas within my professional expertise. I also

This submission focuses on the adverse effects that the proposed developments would have on an area of landscape within the Nene valley between the villages of Warmington, Elton and Fotheringhay, and on people using this area of landscape for recreation and other activities.

Key issues from landscape, visual and amenity perspectives are:

- a) The site and the Nene Valley between Warmington, Elton and Fotheringhay is a 'valued landscape' in respect of the National Planning Policy Framework (NPPF) February 2019, paragraph 170a.
- b) The proposed development would cause significant adverse effects on landscape character and on this valued landscape.
- c) The proposed development would cause significant adverse visual effects, particularly on users of public footpath reference PD3 / MY5 and the Nene Way long distance walking route which run through the proposed extraction area and would be diverted during part of the extraction period, and on users of public bridleway reference PD1 which runs across the access road and along the western boundary of the Application 3 (plant site).

- d) The proposed development would cause significant adverse effects on recreational amenity of both local people using the footpath and bridleway across the site, and walkers from further afield using the Nene Way, due to the proposed physical diversion, and changes to noise, views air quality and physical disturbance by extraction related traffic.
- e) The Planning and Environmental Statement and separate Landscape and Visual Impact Assessment (LVIA) submitted with the planning application do not properly assess landscape value, whether the area is a 'valued landscape' in terms of the NPPF, effects on landscape character or effects on the amenity of people using the Nene Valley long distance footpath.

### Landscape and Visual Impact Assessment

A stand alone Landscape and Visual Impact Assessment (LVIA) April 2019 prepared by DB Landscape Consultancy Ltd on behalf of Ingrebourne Valley Ltd (the Applicant) was submitted with the planning application. Whilst the LVIA provides a reasonable assessment of effects on a number of receptors:

- a) It does not undertake a detailed or proper assessment of landscape value following methods which have become recognised and confirmed by inspector's decisions on planning appeals, following guidance set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA) published by the Landscape Institute and Institute of Environmental Management and Assessment (2013).
- b) The planning applications documents, including the LVIA, do not consider whether or not the site and its setting could be defined as a valued landscape in accordance with the NPPF paragraph 170a.
- c) In assessing effects on landscape character, the LVIA presents a flawed approach by only assessing effects on the character of the application site and adjacent lake, and fails to assess effects on the character of the landscape within which it sits i.e. the Nene Valley which I consider is a valued landscape.
- d) There are therefore significant and important gaps in information within the planning application in relation to landscape impacts and impacts on a valued landscape.

### Rights of Way

Effects on users of rights of way are discussed in section 19 of the Planning and Environmental Statement. It is poor for the following reasons:

- a) It fails to provide an assessment of impacts, only describing changes.
- b) It only describes changes to views and to the route of the path. It fails to consider the impacts due to changes to noise and air quality.

### Conclusions

The conclusions of the Planning and Environmental Statement are set out in section 20. The conclusion with regards to environmental impacts is contained within the following two disingenuous sentences:

*“The overall conclusion is that the impacts from the proposal can be mitigated successfully.” (para 20.4)*

*“The proposal is in accordance with the Development Plan, that there is an immediate need for further reserves of sand and gravel and it has been demonstrated that the site can be developed without causing any unacceptable impacts.” (para 20.5)*

I disagree that *“impacts from the proposal can be mitigated successfully”* or that *“the site can be developed without causing any unacceptable impacts.”*

## 2. MY QUALIFICATIONS AND EXPERIENCE

I have 33 years’ experience as a Landscape Architect and I have a Bachelor of Science Honours Degree in Environmental Science from the University of East Anglia and a Bachelor’s degree in Landscape Design from the University of Manchester. I was elected as a Chartered Member of the Landscape Institute in 1990.

My experience ranges from strategic planning and masterplanning, to landscape character assessment, landscape and visual impact assessment, design, implementation and landscape management. I have been responsible for a wide range of projects including the planning, design and implementation of residential and other developments, and projects relating to health, business, leisure, community, employment, energy, infrastructure and minerals. The major proportion of my work involves advising landowners, developers and planning authorities on environmental and development issues and the landscape planning of new developments.

I am an Associate at LDA Design, based in Peterborough, where I have worked since 2002.

I have given landscape evidence at a number of planning appeals including Public Inquires and Hearings, as well as Development Consent Order Examinations. I gave evidence at two public inquires in 2018 that are of particular relevance to this planning application in determining whether the site is part of a valued landscape in terms of the NPPF. In both of these cases I represented Fareham Borough Council against appeals by two separate developers for housing development in the edge of the Meon Valley. The developers’ landscape witnesses argued that the areas proposed for development did not lie within a valued landscape and separated the sites from the valley in their assessments in a manner not dissimilar to the LVIA for Elton quarry. I argued that the Meon Valley is a valued landscape, that the sites are an integral part of it, and that the approach within the LVIA to assess the developed areas separately from the valley is flawed. Both Inspectors agreed with me and refused the applications on landscape grounds. The Inspector’s decisions are included in Appendices 1 and 2 (hereafter referred to as the Meon Valley decisions).

### 3. DEFINITION OF A 'VALUED LANDSCAPE'

In section 15 Conserving and Enhancing the Natural Environment of the NPPF, paragraph 170 states:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);"*

The text within this paragraph remains unchanged from the previous version of the NPPF dated July 2018. This replaces a similar paragraph (109) of the 2012 NPPF, with the addition of the final bracketed clause.

The Meon Valley decisions that I was involved with confirmed that sites or landscapes do not need to be designated as being valued within the Development Plan for them to be valued landscapes in terms of the NPPF. Neither of the appeal sites or Meon Valley within which they lie are designated as being valued within the Development Plan for Fareham. The fact that the Nene Valley between Warmington, Fotheringhay and Elton is not designated as being valued on landscape grounds does not therefore mean that it is not a valued landscape in terms of the NPPF paragraph 170a.

None of the versions of the NPPF from 2012 to 2019, nor current relevant Planning Practice Guidance which supports the NPPF, provide a definition of what constitutes a 'valued landscape'. However, clarification was provided by the High Court judgment of Mr Justice Ouseley (Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) ("Stroud")) in February 2015. This judgment clarifies that 'valued' landscape does not automatically equate to a 'designated' landscape (paragraph 13: *"The NPPF is clear: that designation is used when designation is meant and value is used when value is meant and the two words are not the same"*).

In the absence of an agreed definition or any formal guidance on the meaning of 'valued' in the context of the 2012 NPPF paragraph 109, the Inspector in the Stroud case determined that *"... to be valued would require the site to show some demonstrable physical attribute rather than just popularity"*. The concept of 'demonstrable physical attributes' that make the landscape in some way out of the ordinary, or 'beyond mere countryside' (Stroud) paragraphs 9, 13-16. This has been adopted in some subsequent appeal decisions as the basis upon which eligibility for valued landscape 'status' should be considered.

Other recent appeal decisions and High Court judgments have clarified that a site (especially one that is small-scale, e.g. a single field) should not be assessed in isolation for the purposes of judging its value but should be evaluated within the context of the wider landscape of which it is an integral part. This is of great importance and relevance



in informing the landscape value of the proposed Elton 2 quarry site which is an integral part of the landscape of the Nene Valley.

For example, the Inspector in the case of the Appeal decision for land north of Aylesbury Road, Wendover (APP/J0405/W/16/3158833) in October 2017 determined:

*"...The small site itself may not exhibit any of the demonstrable physical features but as long as it forms an integral part of a wider 'valued landscape' I consider that it would deserve protection under the auspices of paragraph 109 of the [2012] Framework... When assessing what constitutes a valued landscape I consider it more important to examine the bigger picture in terms of the value of the site and its surroundings. That is not to borrow the features of the adjoining land but to assess the site in situ as an integral part of the surrounding land rather than divorcing it from its surroundings and then to conduct an examination of its value."* (Paragraphs 65-66)

In a subsequent High Court judgment concerning this case (CEG Land Promotions II Ltd and Secretary of State for Communities and Local Government and Aylesbury Vale District Council [2018] EWHC 1799 (Admin)), Mr Justice Ouseley supported the Inspector's approach in this matter, saying:

*"...the site's definition by the red line on the application form took the form it did in order to incorporate landscape mitigation measures and footpath provision. It would be bizarre if the way in which the red line was drawn, defining the site on whatever basis was appropriate, and which need have nothing to do with landscape issues, crucially affected landscape evaluation. It would be equally bizarre to adopt a wholly artificial approach to landscape evaluation where, in most cases, a development site is but part of a wider landscape. In my judgment, the Inspector, in the case before me now, has analysed the issue very well and come to the entirely correct conclusion."* (Paragraph 59)

A further example confirming this approach is the Appeal decision for Land east of Park Road, Didcot in June 2018 (APP/Q3115/W/17/ 3188474) (Didcot), where the Inspector concluded that, *"... Determining whether a landscape should be considered to be valued is likely to be based on a consideration as to whether the wider landscape of which the appeal site forms part is valued rather than whether the appeal site of itself merits such a notation."*

This was reiterated at the two Meon Valley appeals I gave evidence at in 2018. For example at the Old Street site (APP/A1720/W/18/3200409) the Inspector determined:

*"Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity. Furthermore, that it is not necessarily the site itself that is important in that judgement but rather the wider landscape of which the site is an integral part."* (Paragraph 31) (see Appendix 1).

Determining whether the Application Site should be considered to be valued must therefore *"be based on a consideration as to whether the wider landscape of which the appeal site forms part [the Nene Valley] is valued rather than whether the appeal site of*

*itself merits such a notation.*" (Didcot). This is important in assessing the value of the Nene Valley and the Application Site as I demonstrate below.

The LVIA submitted with the planning applications for Elton 2 do not consider whether or not the application site forms part of a valued landscape.

The LVIA assesses impacts on landscape character by only assessing impacts on the site and adjacent quarried lake (i.e. in isolation from the valley setting which they are an integral part of). Tables 1 to 4 of the LVIA assess the value and sensitivity of the landscape for separate parts of the application site or existing extraction area being restored to a lake.

- a) The grassland (western area proposed for gravel extraction)
- b) The woodland (eastern area proposed for gravel extraction)
- c) The lake (not within the application site)
- d) The plant site/haul road

It does not assess the value or sensitivity of the Nene Valley of which these areas form an integral part.

In Tables 5 to 10 the LVIA then assesses impacts on the character of these areas of land. **The LVIA fails to assess the value and sensitivity of, or the impacts on, the Nene Valley of which these areas of land form an integral part. This is a significant flaw in the LVIA and the planning application.**

#### 4. ASSESSING LANDSCAPE VALUE

The LVIA does not properly assess the value of the landscape of the application site or the landscape within which it lies. The assessment of landscape value I have found is in Table 4 where it firstly identifies whether the landscape or the land parcels are designated, and then states the following in relation to the grassland area proposed for gravel extraction under the heading 'other criteria indicating value':

*"Moderate - good level of scenic beauty, some historical links to the wider landscape of Elton Hall. Med - high level of local consensus on value of the grassland"*

This is a poor assessment of the value, of the landscape of the application site and the Nene Valley, with very little detail, analysis or evidence.

##### GLVIA: Box 5.1

Published guidance on Landscape and Visual Impact Assessment (GLVIA, paragraphs 5.19-5.31) provides an approach to establishing the value of landscape that is now widely adopted as best practice by landscape professionals and practitioners and endorsed in Inspectors' appeal decisions.

The guidance defines landscape value as:

*“the relative value that is attached to different landscapes by society, bearing in mind that a landscape may be valued by different stakeholders for a whole variety of reasons ...Value can apply to areas of landscape as a whole, or to the individual elements, features and aesthetic or perceptual dimensions which contribute to the character of the landscape ... Landscapes or their component parts may be valued at the community, local, national or international levels ...”* (paragraph 5.19)

It goes on to say that:

*“... a review of existing landscape designations is usually the starting point in understanding landscape value, but the value attached to undesignated landscapes also needs to be carefully considered and individual elements of the landscape – such as trees, buildings or hedgerows – may also have a value. All need to be considered where relevant.”*

The guidance emphasises that the fact that an area of landscape is not designated, either nationally or locally, does not mean that it does not have a value (GLVIA paragraph 5.26). This is particularly so in areas of the UK where in recent years relevant national planning policy and advice has, on the whole, discouraged local designations unless it can be shown that other approaches would be inadequate. The European Landscape Convention promotes the need to take account of all landscapes, with less emphasis on ‘the special’ and more recognition that ordinary landscapes also have their value, supported by the landscape character approach. This is supported by NPPF paragraph 170 (b), which states:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*

Box 5.1 of GLVIA (reproduced below) provides guidance on the range of factors that are generally agreed to influence value and can help in the identification of ‘valued landscapes’. The guidance emphasises that these criteria are not exhaustive and need to be interpreted to reflect the policy context and circumstances prevailing in particular places. However, they provide a useful and generally accepted guide to the range of demonstrable attributes that might elevate a non-designated landscape above ‘the ordinary’, in respect of qualifying as a ‘valued landscape’ in NPPF terms. This approach has been affirmed by a number of Inspector’s decisions at planning appeals.

**Box 5.1** Range of factors that can help in the identification of valued landscapes (GLVIA, page 84)

- **Landscape quality (condition):** A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements.
- **Scenic quality:** The term used to describe landscapes that appeal primarily to the senses (primarily but not wholly the visual senses).
- **Rarity:** The presence of rare elements or features in the landscape or the presence of a rare Landscape Character Type
- **Representativeness:** Whether the landscape contains a particular character and/or features or elements which are considered particularly important examples.
- **Conservation interests:** The presence of features of wildlife, earth science or archaeological or historical and cultural interest can add to the value of the landscape as well as having value in their own right.
- **Recreation value:** Evidence that the landscape is valued for recreational activity where experience of the landscape is important.
- **Perceptual aspects:** A landscape may be valued for its perceptual qualities, notably wildness or tranquillity.
- **Associations:** Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the area.

## 5. THE VALUE OF THE NENE VALLEY BETWEEN WARMINGTON, FOTHERINGHAY AND ELTON

I now address the value of this landscape which includes the application site and whether it can be defined as a 'valued landscape'.

As noted in paragraph 2.39 of the LVIA the application site is located within Landscape Character Type (LCT) 18: Broad River Valley Floodplain defined by Northamptonshire's Current Landscape Character Assessment (2005), and it is clearly part of the Nene Valley.

Elton Park to the north-east is a Registered Park and Garden, which is a heritage and landscape designation. I am not aware of any other landscape designations covering the site or this part of the Nene Valley, although there are some heritage designations.

I now consider each of the Box 5.1 criteria in turn. As noted above, the site should not be assessed separately from the Nene Valley for this purpose. The Applicant has not undertaken such a detailed assessment in the LVIA or elsewhere in the planning application documents. I have used GLVIA's terms for value from International, National, Local to Community (GLVIA paragraph 5.19 quoted above).

**Table 1: Evaluation of the Nene Valley between Warmington, Elton and Fotheringhay in accordance with Box 5.1 of GLVIA**

<b>Factor</b>	<b>Evaluation</b>	<b>Value</b>
<b>Landscape quality (condition)</b>	<p>West of the A605 the Nene Valley is an intact, rural landscape with distinctive topographic unity and sense of place, based around the open pasture and arable fields of the valley floor and the very gently sloping valley sides. It has a predominantly unspoilt character (with very little intrusion from built development or other urbanising or detracting features) and strong natural qualities. Noise from traffic on the A605 is apparent from close to the road but not from much of the valley, and moving traffic is screened from the majority of views.</p> <p>Overall, the valley landscape is well-managed and in good condition. The main detracting feature in the locality are the A605 and the recently worked Elton 1 gravel quarry site.</p>	Local
<b>Scenic quality</b>	<p>The Nene Valley is of high scenic quality, with long views between Fotheringhay and Warmington in particular, including views of the distinctive church tower at Fotheringhay and church spire at Warmington, and the historic buildings at and adjacent to Warmington Mill. These views occur from the well used Nene Way long distance footpath which runs between Fotheringhay and Warmington and crosses the Application Site.</p> <p>Consultation responses to the draft Warmington Neighbourhood Plan (WNP) confirmed that the view from Warmington Mill to Fotheringhay across the application site is highly valued by local people. In Appendix 3 of the draft WNP confirms that this view received the most responses in support of its value of any views in the parish, with reasons given including beauty, history, recreation and tranquillity.</p>	Local
<b>Rarity</b>	<p>The open pastoral landscape of the Nene Valley is under threat from, and being eroded by, gravel extraction sites. Elsewhere along the Nene, gravel extraction has removed most of the historic meadowland: the Warmington-Elton-Fotheringhay block is a relatively rare survival. Here the landscape is very little changed in recent centuries, demonstrably so since 1621.</p>	Local
<b>Representativeness</b>	<p>The pasture and open fields, and areas of trees, are representative of the Nene Valley. Gravel extraction in this open pastoral part of the valley between these villages would not be (the existing gravel extraction site for Elton 1 being enclosed and visually separate from the open pastoral areas which include the Elton 2 extraction area).</p>	Local
<b>Conservation Interests</b>	<p>The assets within the setting of the proposed gravel workings are the Grade II-listed mill, and the Grade II-registered Elton park. Fotheringhay and Warmington's Grade I listed churches are important historic landmarks clearly visible in views from the Nene Way, which would be adversely affected by views of the gravel extraction within the Nene Valley in the foreground.</p> <p>The Ecological Impact Assessment (EIA) submitted with the planning application (ECOSA, April 2019) illustrates that the application site and the Nene Valley within close proximity to it are of ecological value. For example</p>	Local

<b>Factor</b>	<b>Evaluation</b>	<b>Value</b>
	the River Nene is a County Wildlife Site of County value (paragraph 4.3.2). A variety of bird species were recorded on the site, with oystercatcher, mute swan, reed bunting and skylark Red and Amber Listed species breeding on the proposed exaction part of the site (Table 4). The meadows provide wintering bird habitat, and the EIA identifies that its loss during operation of the quarry would be significant at County level (paragraph 5.8.1). the EIA identifies that there are also otters, Great Crested Newts, badgers and other species on the site.	
<b>Recreation value</b>	<p>The Nene Way runs along the Valley and is an important long distance walking route, running for 114 miles between Badby in Northamptonshire and the Wash. It crosses the open pasture area of the application site and the wider valley between Warmington and Elton, and is a highly valued recreational and Green Infrastructure (GI) resource.</p> <p>The Nene Valley in this location is valued by boaters (Elton Boat Club lies adjacent to the application site with clear views across it from boats), and the local angling club fishes the river from within the site and elsewhere in the valley (which appears to have been overlooked within the planning application documents). This part of the Nene Valley is also used for geocaching.</p> <p>The valley has a high recreational value.</p>	Local
<b>Perceptual aspects</b>	Despite the A605, the valley is peaceful (with limited ‘man-made’ noise) and the sense of ruralness, seclusion and wildness is enhanced by the abundant wildfowl and other bird life seen on the river and meadows (including those within the application site). Traffic moving on the A605 is barely visible from the Nene Way between Warmington Mill and Fotheringhay and there is an overall predominant sense of a rural and tranquil landscape.	Local
<b>Associations</b>	I am not aware of any specific associations with famous artists or writers.	Community
<b>Overall value</b>		<b>Local</b>

The valley is also highly valued by local people, and particularly for local walks between villages and within the Nene Valley, and by recreational boaters. The Warmington Village Design Statement states:

*“The regular winter flooding of meadows and pastures close to the Nene has inhibited development in proximity to the river. Accordingly, the area around Warmington Mill and its millpond has experienced little development pressure and this quiet area remains important for informal recreation by villagers and others, as well as having important wildlife and landscape values. Further development in this area has the potential to result in the loss of this tranquil setting.” (page 8)*

And:

*"The distinctive landscape of the Nene Valley should be maintained and enhanced"*  
(General Principle 14 on page 19)

As noted above consultation responses to the draft Warmington Neighbourhood Plan confirmed that the view from Warmington Mill to Fotheringhay across the application site is highly valued by local people, receiving the most responses in support of its value of any views in the parish, with reasons given including beauty, history, recreation and tranquillity.

This part of the Nene Valley also has an economic value to the village of Warmington and Northamptonshire. Warmington Parish Council promotes Warmington as a destination for visitors to seek to bring revenue to the village, for example at the two village shops and the pub (Red Lion), and an important part of this is visitors using the Nene Way long distance walking route and bridleway PD1. The attractive tranquil Nene Valley between Warmington, Elton and Fotheringhay has an economic value for the village, which is an important part of the economic and tourism value for Northamptonshire.

On the basis of this evaluation, I am in no doubt that, in terms of NPPF paragraph 170, the Nene Valley between Warmington, Fotheringhay and Elton (including the Application Site) is a 'valued landscape' resource of at least local importance, with many physical, aesthetic and perceptual attributes that elevate it above the ordinary.

## 6. ASSESSMENT OF LANDSCAPE EFFECTS

It is my professional opinion that the proposed development would cause significant adverse effects on landscape character of the Nene Valley during the construction and restoration phase and during the early years following completion of restoration before landscape planting and seeding establishes and matures. Most importantly:

- a) this would affect the character of the open meadows and riverside landscape between the historic settlements of Warmington, Elton and Fotheringhay in an area enjoyed by many people walking along this section of the Nene Way; and
- b) this would cause significant adverse effects on a 'valued landscape'.

The introduction of gravel extraction, with its associated mechanical plant and noise, would significantly adversely affect all of the factors which contribute to the value of this 'valued landscape'. For many years, before the restoration and landscape proposals have matured, the proposals would significantly adversely affect these factors as follows:

- the landscape quality and scenic quality would be significantly adversely affected by introduction of gravel extraction and associated plant and noise into the rural tranquil landscape, affecting an area of the Nene Valley much more extensive than the site itself.

- The extension of gravel extraction onto the open pastoral landscape between Warmington, Elton and Fotheringhay would erode the character of this landscape, adding to incremental erosion of the historic character of the Nene Valley. It would adversely affect the rarity and representativeness value.
- The proposals would adversely affect the historic landscape of the open pastoral and arable landscape between the three villages, and the settings of listed buildings and Grade II-registered Elton park, and views of these assets. They would also adversely affect the ecological value during the extraction phase. The proposals would therefore adversely affect the conservation value of the Nene Valley between the tree villages.
- The recreation value of people using the public rights of way and the Nene Way long distance walking route would be significantly adversely affected by the physical diversion of public footpath PD3, and of changes to views, noise and air quality experienced by people using these routes.
- The relative wildness and tranquility of this landscape would be significantly adversely affected by the industrialisation of this currently rural tranquil landscape, by the introduction of gravel extraction, with its associated mechanical plant and noise.
- The role that this landscape plays in contributing to the local economy is likely to be harmed. People may avoid travelling between Fotheringhay and Warmington (walking on the Nene Way) and Elton and Warmington (cycling or walking on bridleway PD1), choosing to avoid the disturbance caused by the extraction works. This could reduce the numbers of people using the shops and Red Lion, reducing their income. Warmington Mill is empty and seeking new tenants since Fired Earth and Aga moved out and the presence of the quarry so close is likely to make us unattractive to potential tenants. This would in turn mean that there would be no employment opportunities for local people at the Mill, and any economic benefits from people at the Mill using the facilities in Warmington would be lost.

## 7. ASSESSMENT OF VISUAL EFFECTS

I agree with the conclusions of the LVIA that, during the quarrying and restoration phase, there would be a number of significant adverse visual effects. I agree with the following concluding paragraph 8.12:

*“Due to the need to avoid storing soil and overburden around the application area periphery due to its location in the floodplain, stripping, woodland felling and subsequent extraction works would be directly visible from a number of locations, including from the River Nene around the northern and western edges of the area, a long stretch of the Nene Way and from residents, boat owners and shop visitors in the vicinity of Warmington Mill. There would be Significant adverse effects on visual receptors at these locations ...”*



These significant adverse effects would occur for much of the quarrying and restoration phase which is identified as 9 years, plus one year to complete restoration (LVIA paragraph 4.17). Although temporary, this is a long time in the lives of local people. In addition, there is a high likelihood that the Applicant would apply for extensions of time as has occurred at Elton 1. Also, extending the quarrying operations from within the existing visually enclosed working areas of Elton 1 into the open pastoral landscape of the area proposed for Elton 2 would set a precedent for continuing long-term extraction in other areas of this part of the 'valued landscape' of the Nene Valley.

## 8. RESTORATION PROPOSALS

Should the project be given permission I consider that the permanent restoration proposals could be improved. The western area which is currently shown as 'restored to agriculture' on Plan Number 95010/E2/R/1 could include new habitats such as wet scrapes (shallow pools and wetland) for birds and other wildlife, and a circular walking trail (suitable for wheelchair and buggy access) around the site for the benefit of local people and visitors.

## 9. ROAD ACCESS FROM THE A605

I note that the application considers that the existing road access onto the A605 has operated without incident and is therefore safe for the proposed extension quarry.

I disagree. I used to cycle safely along the A605 between Warmington and Elton. When the new junction and traffic island were implemented the tarmac strip between the solid white lines and the road verge, outside main carriage way was removed. For a while I continued to cycle here, but found it too dangerous because cyclists now have to move into the main carriageway and there is now no room for motorised vehicles to safely pass them near the traffic island. More than once I had vehicles slowing to cycle speed to follow me through this pinch point and felt at risk so have now stopped cycling between Warmington and Elton. I wrote to the Highways Authority about this at the time and received a response that a safety audit had been undertaken and found the junction to be safe. However I do not believe it properly considered cyclists and I do not consider that the current application has done so either.

I propose that a new off-road cycleway is provided between Warmington and Elton, and that the Applicant contributes to the proposed 'greenway' that Warmington Parish Council is promoting along bridleway PD1 which crosses and runs alongside the site (and which would be adversely affected by it as currently proposed). This could be a significant positive contribution that the development and land owners could make to help mitigate and compensate for some of the adverse impacts on the local community and recreational amenity.

## 10. PLANNING POLICY

The proposals would be in contravention to the following policies:

### **National Planning Policy Framework Paragraph 170:**

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*(a) protecting and enhancing valued landscapes ...*

*(b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland”*

The proposals would not protect or enhance this valued landscape and would cause significant harm to landscape character. They would harm this valued landscape for many years if not permanently.

### **North Northamptonshire Joint Core Strategy 2011-2031: Policy 3 – Landscape Character:**

*“Development should be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area which it would affect. Development should:*

*a) Conserve and, where possible, enhance the character and qualities of the local landscape through appropriate design and management;*

*b) Make provision for the retention and, where possible, enhancement of features of landscape importance;*

*c) Safeguard and, where possible, enhance important views and vistas including sky lines within the development layout;*

*d) Protect the landscape setting and contribute to maintaining the individual and distinct character, and separate identities of settlements by preventing coalescence;*

*e) Provide appropriate landscape mitigation and/or suitable off-site enhancements; ...”*

The proposed development would not conserve or enhance the character and qualities of the local landscape, retain or enhance a landscape of importance, safeguard important views (for example across the Nene Valley and to the historic buildings in Fotheringhay and Warmington), or protect or enhance the setting of the village of Warmington. It would harm all of these important elements of this valued landscape for many years if not permanently. In addition, the restoration proposals would not provide good landscape mitigation and, if the quarry is granted permission, enhancements for wildlife and public amenity should be provided by improved design proposals.

The planning applications should therefore be refused.

UL

## 11. APPENDIX 1

Appeal decision for land west of Old Street, Stubbington, Hampshire  
(APP/A1720/W/18/3200409)

---

## Appeal Decision

Inquiry Held on 11-14 December 2018

Site visit made on 14 December 2018

**by Christina Downes BSc DipTP MRTPI**

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

**Decision date: 22 January 2019**

---

**Appeal Ref: APP/A1720/W/18/3200409**

**Land west of Old Street, Stubbington, Hampshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Bargate Homes against the decision of Fareham Borough Council.
  - The application Ref P/17/1451/OA, dated 1 December 2017, was refused by notice dated 23 March 2018.
  - The development proposed is the construction of up to 160 residential dwellings, access from Old Street, landscaping, open space and associated works.
- 

### Decision

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

### Procedural Issues

2. The application was submitted in outline with all matters save for access reserved for consideration at a later stage. It was accompanied by an illustrative masterplan and I have taken this into account insofar as it demonstrates how the site could be developed if the maximum number of dwellings were to be built. There is no evidence to support justification for any lower number and, in such circumstances, it is reasonable to assume that if planning permission were to be granted the maximum number could be built.
3. Before the Council made its decision, the number of dwellings was reduced to up to 150. This was to take account of Great Crabthorn, which is a 17<sup>th</sup> century Grade II listed building. Its original setting would have included the surrounding rural landscape although this has now been compromised by modern development on the eastern side of Old Street. Nevertheless, the open fields to the west, including the northern part of the appeal site, make a contribution in terms of setting. The aforementioned revision would allow this area to be kept free of built development. The setting of Great Crabthorn would thus be preserved.
4. The inquiry was closed on 14 December 2018. However, I allowed further time to complete the Planning Obligation by Unilateral Undertaking (UU), following its discussion at the inquiry. The Deed includes covenants that provide for open space, an ecological buffer, affordable housing, a travel plan, primary education and highways works, including improvements to encourage sustainable travel modes. These provisions were discussed at the inquiry and I

- am satisfied that together with a planning condition on sustainable drainage, the covenants in the UU would be capable of addressing reasons for refusal c)–h) and j)–m).
5. The UU also includes mitigation in respect of the impact on the Solent and Southampton Water Special Protection Area, Ramsar site and Site of Special Scientific Interest. There is no dispute that if I were minded to allow the appeal I would need to re-consult with Natural England and undertake an Appropriate Assessment under the Habitats Regulations. The proposal includes a number of mitigation measures, including an ecological buffer on the western side of the site and cat protective fencing. However the *People over Wind* judgement<sup>1</sup> makes clear that the Appropriate Assessment must precede a consideration of the effectiveness of these measures in terms of protecting habitat integrity. The process cannot be pre-judged and so reason for refusal i) remains outstanding.
  6. Reason for refusal b) relates to design. Following discussions during the course of the inquiry the Council is satisfied that this objection could be addressed through the use of planning conditions and I agree with that judgement.
  7. Bearing all of the above points in mind, the main issues on which this appeal turns concern the effect on the Meon Valley landscape, whether there would be harm to a valued landscape and the effect on the strategic gap. Before considering these matters I address the planning policy context.

## Reasons

### ***Planning policy and approach to decision making***

8. The relevant parts of the development plan comprise the *Local Plan Part 1: Fareham Borough Core Strategy* (LPP1) (2011) and the *Local Plan Part 2: Development Sites and Policies* (LPP2) (2015). The appeal site is outside the settlement boundary of Stubbington and within the strategic gap. It lies within the countryside for planning policy purposes. Policy CS14 in LPP1 and policy DSP6 in LPP2 apply strict controls to new development in such areas. There is no dispute that the appeal proposal would conflict with these policies. Policy CS22 concerns development in strategic gaps and the parties do not agree whether it would be offended.
9. The Council is unable to demonstrate a five year supply of deliverable housing sites. This is on the basis of a requirement taken from Office for National Statistics (ONS) housing projections on account of the requirement in the adopted development plan being out-of-date. The best case on the Council's assessment is a supply of some 3.8 years, which is derived from the 2016 ONS projections. The Appellant considers the situation is considerably worse at around 2.5 years on the basis of the 2014 ONS projections<sup>2</sup>. Whichever is correct the shortfall is substantial and this is agreed by both main parties.
10. In view of the deficit the Council's housing supply policies are out-of-date. This is a material consideration of some importance when considering the weight to be given to the location of the appeal site outside of the settlement boundary and within the strategic gap. However, that does not mean that the protection

---

<sup>1</sup> Court of Justice of the European Union *People over Wind, Peter Sweetman v Coillte Teoranta* C-323/17.

<sup>2</sup> Both positions are based on an assessment at 31 March 2018.

of landscape character and the separation of settlements is a matter to be set aside. The National Planning Policy Framework (the Framework) recognises the intrinsic character and beauty of the countryside and seeks the protection and enhancement of valued landscapes. Whilst strategic gaps are not specifically referred to, it endorses the creation of high quality places, which would include respecting the pattern and spatial separation of settlements.

11. Policy DSP40 in LPP2 is specifically designed to address the situation where there is a five-year housing supply shortfall as is the case here. It allows housing to come forward outside of settlements and within strategic gaps, subject to a number of provisions. It seems to me that this policy seeks to complement the aforementioned policies in situations where some development in the countryside is inevitable in order to satisfy an up-to-date assessment of housing need. It assists the decision maker in determining the weight to be attributed to the conflict with restrictive policies such as CS14, CS22 and DSP6 and provides a mechanism for the controlled release of land through a plan-led approach. Policy DSP40 is in accordance with Framework policy and reflects that the LPP2 post-dates the publication of the Framework in 2012. Conflict with it would be a matter of the greatest weight.
12. There is no dispute that the only criterion in policy DSP40 that the proposal may offend relates to the effect on the landscape and strategic gap. If it does not conflict with the provisions of this policy, it seems reasonable to conclude that the proposal would be in accordance with the development plan as a whole.
13. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development by applying a "tilted balance" to cases where housing supply policies are out-of-date. However, the presumption does not apply if the proposal conflicts with protective policies and this includes where development requires Appropriate Assessment. At the present time paragraph 177 makes clear that this is regardless of whether or not the assessment results in a favourable outcome. The benefits and harms will therefore be weighed against each other in this case and the "tilted balance" is not engaged.

### ***The effect on the Meon Valley landscape***

14. The appeal site comprises some 10.5 hectares of land on the western side of Old Street, which is bordered by a screen of hedges and trees. It is divided into two parcels separated by a hedged track known as Marsh Lane. The northern field is used for the grazing of horses. The southern field is overgrown with rank vegetation, although the evidence indicates that it has been cultivated in the past. The southern boundary runs along a dry valley that cuts into the site. Houses in Knights Bank Road occupy the southern slope of this small valley and the boundary is relatively open at this point. Immediately to the west is the Titchfield Haven National Nature Reserve (NNR), which occupies the flat valley floor of the River Meon close to its confluence with the Solent. This provides feeding grounds and overwintering habitat for internationally protected waders and waterfowl and is within the Solent and Southampton Water Ramsar Site and Special Protection Area.
15. The Meon Valley is a major landscape feature that runs through the Borough and slices through the coastal plain. The *Hampshire Integrated Character Assessment 2012* is a county-wide study that recognises the Meon Valley landscape character area as a major river valley with the two main landscape

types being the flat valley floor and the coastal plain. It identifies a strong sense of seclusion and an intimate rural landscape character. At the local level, the 1996 *Fareham Borough Landscape Assessment* (the 1996 LCA) was adopted as supplementary guidance and provided the evidence base for the now superseded Fareham Local Plan Review (2000). This was updated and expanded in the 2017 *Fareham Landscape Assessment* (the 2017 LCA), which forms part of the evidence base for Fareham's emerging Local Plan. It is appreciated that this is as yet only at the very early stages and has not been subject to scrutiny through the examination process. However, from my reading the basic analysis in the 2017 LCA is very similar to its predecessor.

16. In all three assessments the Meon Valley landscape character area has similar boundaries but it seems to me that the two Borough assessments provide a finer grain analysis. In the 2017 assessment the Meon Valley is divided into two local landscape character areas. The appeal site is within the Lower Meon Valley, which includes the section south of Titchfield. Whilst such division did not occur in the 1996 LCA it did identify clear differences between parts of the valley. The Appellant complains that the 2017 assessment does not identify existing detractors to landscape character such as the intrusion of urban development and fringe farmland. However, the 1996 assessment regards the smaller enclosed pastures bordering the valley south of Titchfield as functioning to buffer such intrusion and this is a point picked up in the later work. In the 1996 assessment the reference to detractors in the central section of the Meon Valley seems to me to refer to the part further to the north.
17. The Lower Meon Valley is characterised by its distinctive valley floor with open floodplain pasture and wetland communities at Titchfield Haven. Here the natural qualities of the valley and the sense of tranquillity and remoteness are most strongly evident. The valley sides are relatively shallow and it is clear from the topographical map and on the ground that they have a distinctive concave profile. The steeper well vegetated slopes at the bottom become gentler further up the valley sides. This means that the valley floor is not always visible from the upper slopes but there are clear views from one side to the other providing a strong sense of cohesiveness to the landscape unit.
18. The eastern valley sides include a mosaic of small-scale pasture land bounded by strong field hedges and tree lines. The 2017 LCA subdivides the local landscape character area into three sections comprising the flat valley floor and the landscape either side. These form a gentle transition from valley side into the landscape of the wider coastal plain, although from observation this is more evident in some places than in others.
19. The appeal site seems to me to include many of the characteristics of the valley side landscape type described above. There are two well-contained fields with relatively strong hedge and tree boundaries along Marsh Lane, Old Street and parts of the northern, western and southern boundaries. In visual terms the flat valley floor can be viewed from many parts of the site, including from within the areas proposed for development. The opposite valley sides are also clearly seen from most places. These features provide a perception that the site is part of the valley landscape compartment. Whilst the slope is gentle in the eastern part of the site it continues to rise beyond the Old Street boundary and reflects the concave profile that is typical of the valley side in this part of the valley.

20. It is acknowledged that the site suffers from some detracting influences. The proximity of residential development along Old Street and Knights Bank Road inevitably has a negative effect, although this is ameliorated to a considerable degree along Old Street by virtue of the hedge line and trees. The most exposed part of the site is in the south where the houses built on the southern slopes of the dry valley are quite prominent. There is also a background hum of traffic noise close to the eastern boundary. However, from my site observations these detractors are localised and do not extend across much of the proposed development area. The sense of tranquillity and remoteness so typical of the lower parts of the valley is not particularly evident. However, I observed a strong sense of being in the countryside in general and the valley in particular from most parts of the site.
21. I acknowledge that the boundaries between one landscape type and another are often indistinctive, especially at the edges. However, in this case for all of the reasons given above I did not detect visual or topographical differences that would signal a change from valley side to coastal plain landscape type across the appeal site. In my judgement it is all reflective of the valley side landscape type and forms an integral part of the Lower Meon Valley landscape.
22. Generally development does not extend down the sides of the Lower Meon Valley but the threat of such urban expansion is mentioned in both the *Hampshire Integrated Character Assessment* and the 2017 LCA. The settlement of Stubbington itself is mainly situated above the 10 metre AOD contour. The main exception to this prevailing development pattern is the residential area of Hill Head immediately to the south of the appeal site, which includes the housing along Knights Bank Road. Here dwellings extend down the slope to the valley floor. There is tree screening along the residential boundaries but nevertheless the effect of this incursion is not a positive one in landscape terms.
23. In order to assess the effect of the proposed development, the Appellant has submitted a Landscape and Visual Assessment (LVA). Both landscape experts agreed that the sensitivity of the Lower Meon Valley landscape receptor is moderate-high. The magnitude of change from development in the short term was agreed to be medium. On completion the effect would be moderate adverse on the evidence of the Appellant and moderate-major adverse on that of the Council. I am more inclined towards the Council's judgement in this respect but whichever is preferred it seems to me that the overall effect would be significant and harmful.
24. There was also no agreement about the longer term effect on the landscape and whether the proposed mitigation would result in a reduction in effect to minor adverse as contended by the Appellant. Changes would mainly result from additional tree planting around the western edge of the proposed housing area, which is intended to reach a height of 15-20 metres. This would eventually soften the effect of development in visual terms. However, it would remain the case that there would be a permanent change to a substantial part of the site from valley side to a housing estate. Not only would the open fields be lost to built development but also there would be the noise, activity and lighting that such uses would entail. In the circumstances of this case I would agree with the Council that there is unlikely to be much diminution in landscape effect as a result of mitigation.



25. As views into the valley from outside of it are relatively limited the visual effects of the proposed changes to the landscape would be experienced mainly from viewpoints on the opposite side of the valley, although overall there would be the benefit of considerable distance. From these places the existing properties along Old Street and Knights Bank Road can be clearly seen on the skyline. Even though they stand within a treed setting there is particular prominence in places due to the presence of light coloured facing materials.
26. Existing trees and vegetation, especially on the lower valley sides, means that from many public viewpoints only partial views of the appeal site are evident. Parts of public Footpath No 51 is bordered by an unmanaged hedge along its eastern side, which restricts relevant views from many points. Most of those who use this route are likely to value the sense of remoteness and thus to have a high sensitivity to change. However, the magnitude of change would be relatively small in most views as the new housing would be seen within the context of a wide panorama. The proposed planting would further reduce the adverse effect once established. Some observers would be more sensitive to change than others but overall I consider that the effect would be of minor significance, especially in the longer term.
27. Entry to the NNR is not free so views are not strictly speaking publicly available. On the other hand the entry fee is relatively modest and from what I heard at the inquiry the facility attracts a considerable number of visitors who enjoy use of the bird hides and the pathways. I consider that these people are likely to have a heightened appreciation of the natural environment and a greater awareness of changes to their surroundings. Furthermore, many will observe wildlife through binoculars thus bringing more distant views into sharper focus.
28. From various points in the NNR, including the Spurgin and Pumfrett hides, which I visited, the eastern valley sides are clearly evident above the band of trees and vegetation on the lower slopes. I noted that at the southern end the residential area of Hill Head, which extends close to the valley floor, is particularly apparent. However, walking north the surroundings become more rural, existing development is less obvious and by the time I reached the Spurgin Hide much of the appeal site had come into view. The viewing window of the hide faces in an easterly direction and the proposed development would be evident on the gently sloping valley side and at depth. Notwithstanding the existing housing on the skyline, I consider that it would be viewed as an unwelcome intrusion in the rural landscape to these highly sensitive viewers. Whilst I appreciate that the mitigation planting would eventually reduce the impact, the upper parts of the new buildings would still be clearly apparent. I therefore consider that the visual effect has been underestimated in the LVA. In my judgement there would be a moderate adverse effect that would reduce to a moderate-minor adverse effect once mitigation planting had matured in around 15 years.
29. For all of the above reasons I conclude that there would be unacceptable harm to the attractive landscape of the Lower Meon Valley. Overall this would be a long term, permanent and adverse change in terms of the resource itself. For many of those who use and enjoy the landscape the effects would be relatively small, especially in the longer term. Nevertheless highly sensitive viewers in the NNR would experience a greater degree of detriment and this adds to the harm that would arise from the proposed development.

**Whether the proposal would harm a valued landscape**

30. Paragraph 170 of the Framework indicates that valued landscapes should be protected and enhanced in a manner commensurate with their statutory status or identified quality in the development plan. Parts of the Lower Meon Valley are protected for their ecological importance but the landscape is not specifically recognised for its quality in the current development plan. This is because local landscape designations fell from favour in national planning policy. Previously the Lower Meon Valley had been identified as an Area of Special Landscape Character in the now superseded *Fareham Borough Local Plan Review 2000* supported by the 1996 LCA.
31. In view of the policy in paragraph 170 the matter of landscape value will no doubt be considered through the emerging Local Plan process. That is the proper forum for any designation to be made. However, until that time it is difficult to understand why there would be a change in terms of intrinsic value. Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity. Furthermore, that it is not necessarily the site itself that is important in that judgement but rather the wider landscape of which the site is an integral part. It was agreed that the criteria in the 1996 LCA that led to the identification of the Area of Special Landscape Character were similar to those in Box 5.1 of the Landscape Institute's *Guidelines for Landscape and Visual Impact Assessment* (2013). Both landscape experts used Box 5.1 in their evaluation.
32. Having considered all of the evidence and the assessments against the Box 5.1 criteria, I have no doubt that the Lower Meon Valley is a valued landscape. The Appellant's landscape expert judged it to have high value and did not seem to dispute that the western part of the appeal site is part of the valley side landscape type and could be considered as part of a valued landscape. The dispute related to the eastern part of the site on which the development is proposed to be built. For the reasons I have already given I do not agree that there is a distinction in terms of landscape type or character within the site. On the contrary I consider that the appeal site overall possesses sufficient physical attributes to be deemed as an integral part of the Lower Meon Valley and contributes to its valued landscape.

**The effect on the strategic gap**

33. The Meon Gap lies between Fareham/ Stubbington and the Western Wards/Whiteley. Policy CS22 requires the integrity of the gap to be maintained and the physical and visual separation of settlements to be respected. In terms of separation of settlements there is no dispute that there would be no diminution either in physical or visual terms if the development were to go ahead. The policy indicates that the gap boundaries will be reviewed to ensure that no more land than necessary is included in order to maintain gap function.
34. When considering the effect on integrity it is important to note that the policy does not embargo development altogether but rather requires that it should not cause significant harm. Protecting integrity will therefore be case specific. Harm to gaps arises from a diminution of spatial function and so it is difficult to understand how integrity could be significantly affected in the event that this is maintained. In this case it seems to me that the settlement pattern would be protected whether or not the proposed development went ahead.

35. It should be remembered that gap policy is a spatial tool. The Council referred to the role of the gap in maintaining the character or setting of Stubbington. This is considered in the 2017 LCA where the strategic gap designation is reviewed. However, the document makes clear that its purpose is to consider what role the landscape plays within the strategic gaps. It is not intended to examine the designation criteria or the broad areas identified. This is important to note because it is landscape rather than spatial considerations that are key to settlement character and setting. The character and setting of Stubbington is not pertinent to gap designation or function in policy CS22.
36. I appreciate that a review of gap boundaries was undertaken in 2012 and that no changes were recommended in relation to the land immediately adjacent to Stubbington. However, for the reasons I have given I do not consider that the proposed development of the appeal site would adversely affect the integrity of the Meon Gap. The proposal would thus accord with policy CS22 in LPP1.
37. A recent appeal decision related to development at Meon View Farm, which is to the north of the appeal site but in the same part of the Lower Meon Valley. In her decision the Inspector dismissed the appeal on the grounds of harm to the countryside and strategic gap. I do not know what evidence was before my colleague but her conclusion that the integrity of the gap would be undermined referred to the erosion of its function of physically and visually separating settlements. In the case of the present appeal the Council has agreed that such coalescence would not occur.

### **Overall Conclusions and Planning Balance**

38. The appeal site is an integral part of the Meon Valley landscape character area and in particular the lower section south of Titchfield. This landscape is valued for its quality, even though there is no designation in the current development plan. The proposed development would be unacceptably harmful to the character of the Lower Meon Valley and would fail to protect this valued landscape. The proposal would therefore conflict with policies CS14 in LPP1 and policy DSP6 in LPP2 and be contrary to Framework policy relating to the countryside and landscape.
39. However, due to the housing land supply situation in Fareham Borough the conflict with those policies has reduced weight and policy DSP40 is engaged. In cases such as this development outside the urban area is permitted subject to five provisions, all of which must be met. For the reasons given above, the location of the site in the strategic gap would not be an impediment. However, the proposal would fail to minimise any adverse impact on the countryside. In the circumstances there would be conflict with this policy and the development plan as a whole.
40. The proposal would deliver up to 150 new dwellings in an accessible location that would be likely to be available for occupation within the next five years. It would therefore make an important contribution to addressing the Council's housing shortfall, which on any basis is substantial. Furthermore, 40% of the dwellings would be affordable housing with a tenure mix that would meet the Borough's housing needs. There is a very considerable affordable housing deficit and this is getting worse year on year. 5% of the dwellings would also be self and custom build, which is encouraged as a source of supply by the Government and for which there is an unmet demand in the Borough.

41. The proposal would have a range of economic benefits. It would, for example, provide new jobs during the construction period and thereafter. There would be a contribution to economic growth and the generation of household expenditure would help support the local economy and provide local jobs.
42. The proposal would deliver additional green space in the Stubbington ward where there is a deficit. The buffer zone between the housing area and the NNR would be managed to enhance its ecological value and therefore there would be a net gain to biodiversity in accordance with the provisions of the Framework. These social, economic and environmental benefits of the scheme can be afforded substantial weight in the planning balance.
43. There was a great deal of concern from local people about the effect of the development on the NNR. I have taken account of the visual implications in my conclusions on landscape. However, subject to the various safeguards proposed through planning conditions and the UU I consider that the proposed development could be designed so that significant harm would not be caused to this ecological resource. It is not therefore a matter that counts against the scheme. In this case it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my conclusions on this appeal.
44. Notwithstanding the substantial benefits that would flow from the proposed development there would also be very substantial harms. In this case the conflict with the development plan and the environmental harm that would ensue to the countryside within the valued landscape of the Lower Meon Valley is of compelling importance and outweighs the many advantages of the scheme. I have considered all other matters raised but have found nothing to change my conclusion that this would not be a sustainable form of development and that the appeal should not succeed.

*Christina Downes*

INSPECTOR

**APPEARANCES**

## FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Stinchcombe	Of Queen's Counsel, instructed by the Senior Solicitor at Southampton and Fareham Legal Services Partnership
<i>He called:</i>	
Mr P Brashaw BSc(Hons) BLD CMLI	Associate at LDA Design
Mr A Blaxland BA(Hons) DipTP DipMgt MRTPI	Director of Adams Hendry Consulting Ltd
*Mr R Wright BSc MSc MRTPI	Fareham Borough Council
*Ms H Hudson	Solicitor at Fareham Borough Council
*Ms R Lyons BA(Hons) MSc MRTPI	Affordable Housing Strategic Lead, Fareham Borough Council

## FOR THE APPELLANT:

Mr Christopher Boyle	Of Queen's Counsel, instructed by
<i>He called:</i>	
Mr L Morris BSc(Hons) PGDipLA MA PIEMA CMLI	Director of WYG
Mr M Hawthorne BSc(Hons) MRTPI	Director of WYG
Mr D West MenvSci(Hons) CEnv MCIEEM	Associate at WYG
Mr S Brown BSc(Hons) DipTP MRTPI	Principal at Woolf Bond Planning
*Mr T Alder LLB	Solicitor at Bargate Homes
*Mr T Moody BA(Hons) MRTPI	Associate Planner with WYG

## INTERESTED PERSONS:

Commander A Norris RN	Local resident
Mr M Jackson	Local resident
Mr B Duffin	Past employee and current volunteer at the Titchfield Haven National Nature Reserve
Mr B Hutchison	Chair of the Hill Head Residents' Association
Ms P Charlwood	Local resident also representing 35 other local households
Mr J Moss	Local resident
Mr M Rose	Local resident
*Ms T Cuff BSc	Countryside Planning Officer at Hampshire County Council

\* Took part in the Planning Obligations/ Conditions sessions only

## **DOCUMENTS**

- 1 Statement delivered orally to the inquiry by Commander Norris
- 2 Statement delivered orally to the inquiry by Mr Jackson
- 3 Additional housing land supply position statement agreed by the Council and the Appellant
- 4 Further additional housing land supply position statement agreed by the Council and the Appellant
- 5 Statement delivered orally to the inquiry by Mr Hutchison
- 6 Press release regarding the emerging Local Plan and plans of developable and discounted housing sites, submitted by Mr Hutchinson
- 7 Statement delivered orally to the inquiry by Mr Duffin, including various attachments
- 8 Statement delivered orally to the inquiry by Ms Charlwood, including photographic attachments
- 9 Community Infrastructure Levy compliance schedule, submitted by Mr Stinchcombe
- 10 Note on the New Homes Bonus, submitted by Mr Boyle
- 11 Proposed conditions schedule submitted by the main parties
- 12 Appellant's written agreement to pre-commencement conditions, submitted by Mr Boyle
- 13 Copy of Technical Note 05 (also included as Core Document A2.4), setting out the proposed highway improvements, submitted by Mr Boyle
- 14 Illustration of a design for the proposed fence to deter cats
- 15 Addendum to the shadow Habitat Regulations Assessment in Appendix B to Mr West's proof of evidence. Submitted by Mr Boyle
- 16 Planning Obligation by Unilateral Undertaking dated 20 December 2018. Submitted following the close of the inquiry with the agreement of the Inspector

## **PLANS**

- A Application plans
- B Plans booklet
- C Plan including the proposed open spaces, buffer zones, vista and landscape screen
- D Map of the Stubbington area

12. APPENDIX 2.

Appeal decision for Land east of Posbrook Lane, Titchfield, Fareham, Hampshire  
(APP/A1720/W/18/3199119)



---

## Appeal Decision

Inquiry Held on 6 - 9 November 2018

Site visit made on 9 November 2018

**by Kenneth Stone BSc Hons DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> April 2019**

---

**Appeal Ref: APP/A1720/W/18/3199119**

**Land east of Posbrook Lane, Titchfield, Fareham, Hampshire PO14 4EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Foreman Homes Ltd against the decision of Fareham Borough Council.
  - The application Ref P/17/0681/OA, dated 9 June 2017, was refused by notice dated 14 December 2017.
  - The development proposed is described as an 'Outline Planning Application for Scout Hut, up to 150 Dwellings, Community Garden, associated landscaping, amenity areas and means of access from Posbrook Lane in addition to the provision of 58,000 square metres of community green space'.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was submitted in outline with all matters reserved for future consideration with the exception of access. The access details are shown on the plan 'Proposed Site Access 16-314/003E' which along with the 'Site Location Plan 16.092.01E' are the plans that describe the proposals. An illustrative plan was submitted and the latest iteration was 16.092.02F. However, this was for illustrative purposes only to demonstrate one way in which the site could be developed but does not form part of the formal details of the application.
3. Prior to the commencement of the Inquiry the Council and the appellant entered into a Statement of Common Ground. The original application had been submitted with the description of development in the banner heading above. The parties agreed that there was no requirement for the Scout Hut and removed this from the illustrative master plan and amended the description of development to reflect the amended proposed development.
4. I am satisfied that the proposed alteration to the scheme, which does not amend the red line boundary and makes only a minor adjustment to the overall scheme, is not material. I am satisfied that there would be no material prejudice to parties who would have wished to comment on the proposals and that the amended illustrative plan was available as part of the appeal documents and therefore available for parties to view and comment on. I have therefore considered the appeal on the basis of the amended description which



read as follows: 'Outline application for up to 150 dwellings, community garden, associated landscaping, amenity areas and a means of access from Posbrook Lane.'

5. In the Statement of Common Ground the Council and the Appellant agree that an Appropriate Assessment would be required in the light of The People Over Wind Judgement<sup>1</sup>. During the Inquiry a shadow Habitats Regulations Assessment document was submitted (APP4) to enable an Appropriate Assessment to be made. In this regard I consulted with Natural England to ensure that I had the relevant information before me if such an assessment were to be required. The main parties were given the opportunity to comment on Natural England's consultation response.
6. By way of an e-mailed letter dated 5 November 2018 the Secretary of State notified the appellant, pursuant to regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information was required. The further information was publicised on 4 January 2019, a period of 31 days was given for the receipt of comments and the parties were given a period following the end of the publicity period to collate and comment on the matters raised.
7. I have had regard to all the Environmental Information submitted with the appeal including the original Environmental Statement, the Additional Information, the Shadow Habitats Regulations Assessment, the further responses and the parties' comments in reaching my conclusions on this appeal.
8. The Council has drawn my attention to a recent appeal decision, at Old Street, APP/A1720/W/18/3200409, which had been published since the Inquiry was conducted and in which similar issues were considered in respect of the Meon Valley. The parties were given the opportunity to comment on this decision.
9. The Government published a revised National Planning Policy Framework (the Framework), and updated guidance on how to assess housing needs as well as results of the Housing Delivery Test along with a technical note on 19 February 2019. The parties were given the opportunity to comment on how these may affect their respective cases. I have had regard to this information and the comments of the parties in reaching my decision.
10. I closed the Inquiry in writing on 19 March 2019.

### **Main Issues**

11. In the Statement of Common Ground the appellant and Council agree that with the completion of a satisfactory legal agreement reasons for refusal e through to I would be addressed. No objections to the Unilateral Undertaking were raised by the Council and these matters were not contested at the Inquiry. It was also agreed in the Statement of Common Ground that reason for refusal d could be overcome by the imposition of an appropriately worded condition, and I see no reason why this would not be appropriate.
12. On the basis of the above the remaining outstanding matters and the main issues in this appeal are:

---

<sup>1</sup> The Court of Justice of the European Union judgement in the People over Wind and Peter Sweetman v Coillte Teoranta, case C-323/17

- The effect of the proposed development on the character and appearance of the area, including having regard to whether or not the site is a valued landscape and the effect on the strategic gap;
- The effect of the proposed development on the setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II\* listed buildings; and
- The effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL).

### Reasons

13. The development plan for the area includes The Local Plan Part 1: Core Strategy (2011 -2026) (LPP1), The Local Plan Part 2: Development Sites & Policies (2015) (LPP2) and The Local Plan Part 3: Welbourne Plan (2015) (LPP3).
14. LPP3 specifically addresses a new settlement at Welbourne and does not include policies that bear directly on the effects of the development the subject of this appeal. Its relevance is however material in the context of the wider housing land supply issues in the area.
15. In terms of LPP1 policy CS14 seeks to control development outside defined settlement boundaries seeking to resist proposals which would adversely affect its landscape character and function. While policy CS22 advises land within strategic gaps will be treated as countryside and development proposals will not be permitted where it affects the integrity of the gap and the physical and visual separation of settlements.
16. In LPP2 Policy DSP6 further advises in respect of residential development outside of defined urban settlement boundaries that it should avoid a detrimental impact on the character or landscape of the surrounding area. DSP5 addresses the protection and enhancement of the historic environment. In considering the impacts of proposals that affect designated heritage assets it advises the Council will give great weight to their conservation and that any harm or loss will require clear and convincing justification, reflecting the statutory and national policy positions.
17. Policy DSP40 in LPP2 includes a contingency position where the Council does not have a 5 year supply of housing land. It is common ground between the parties that the Council does not have a 5 year supply of land for housing albeit the extent, length of time this may persist and consequences are disputed. I address these latter matters further below however insofar as the parties agree that the Council cannot demonstrate a five year supply of housing land the contingency position in policy DSP40 is engaged and this advises that additional sites outside the urban area boundary may be permitted where certain criteria are met.
18. An emerging draft Local Plan, which in due course is anticipated to replace LPP1 and LPP2, was launched for consultation in autumn of 2017 but has now been withdrawn. At the time of the Inquiry I was informed that a further review is to take place following revisions to the National Planning Policy Framework and the Government's latest consultation in respect of housing figures. The Council propose to consult on issues and options relevant to the progression of the Council's new development strategy following the outcome

of the Government's recent consultation. Consultation on a new draft Local Plan is not now anticipated until the end of 2019.

19. The Titchfield Neighbourhood Plan 2011 – 2036 (TNP) is also emerging; it was published for consultation in July 2018 with a further draft submitted to the Council for a compliance check, in October 2018, prior to consultation as the submission draft. At the Inquiry it was confirmed that further documents were submitted to the Council and that the TNP complied with the Statutory requirements. The Council undertook Consultation on the submission draft between November 2018 and January 2019 but at this point in time the plan has not yet been submitted for independent examination. The TNP includes a plan identifying the strategic gap, the Meon gap, and the Defined Urban Settlement Boundary (DUSB) as well as housing policies which review the DUSB (DUSB 1) and address windfall sites (H1), affordable housing (H2), Local Need (H3) and Development Design (H4).

*Character and Appearance, including Valued Landscape and Strategic Gap*

20. The appeal site is an area of some 6.6 ha of open grazing field on the east side of Posbrook Lane. The land gently slopes from its north-west corner towards its eastern edge. The site is segregated from Posbrook Lane by a hedgerow but for the most part the site is open with little demarking fences, trees or hedge rows. There is some evidence of a previous subdivision of the site on a modern fence line however only limited post foundations remain and generally the whole site has a reasonably consistent grazed grassland appearance.
21. To the north, the appeal site abuts the settlement edge of Titchfield at an estate called Bellfield. The urban edge is open and harsh with little by way of softening landscaping. Towards the south-western corner the site abuts a cluster of buildings that includes the farmstead of Posbrook farm and which includes two Grade II\* listed buildings (the Farmhouse and the southern barn). The boundary between these is screened for the most part by a substantial tree and hedgerow belt. Beyond these and towards the south are open agricultural fields. To the east the site slopes down to the Titchfield Canal, valley floor and River Meon beyond.
22. The Meon Valley is a major landscape feature that runs through the Borough and slices through the coastal plain. The parties agree that the site is located within the Lower Meon Valley Character Area but disagree as to the finer grain character type as detailed in the 1996 and 2017 Fareham Landscape Assessments. The appellant points to the 2017 Assessment identifying the western part of the appeal site as being identified as open coastal plain: Fringe Character with a small portion of the site being open valley side. The Council contend that the whole site is more appropriately identified as open valley side.
23. The difference in opinion and identification relates to the influence of the urban settlement boundary, the topography of the site and other landscape features in the surroundings. The fact that the 2017 classification is based on somewhat historic data does call into question the accuracy at the finer grain. There is some evidence in terms of photographs and on site that the site was subdivided and that there may have been different practices implemented which resulted in parts of the site having a different appearance and therefore leading to a different classification at that stage. On site I was firmly of the view that the site was of an open character with little in the way of field boundaries, hedges or other landscape features to different areas of the site.

Whilst there was a break in the slope this was minimal and did not change the characterisation from a gentle slope. There were minor variations across the site and I was not persuaded that this was such a feature that would change the character type of the site. Finally, in the context of the urban settlement edge influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge. This however is a distinct break with the open rural field which then flows to the open agricultural fields beyond the farmstead cluster and the lower valley floor below. In my view in the wider context the urban influence is given too much weight in the appellants' assessment and in association with the sub division of the site into smaller fields adds to the reduced weight given to the effect of the proposed development.

24. The proposed development would result in the provision of a suburban housing estate of up to 150 units on an open field that would substantively change the character of the field. The field appears, when looking south and east, as part of the broader landscape compartment and part of the Lower Meon Valley landscape. Views back towards the site would result in the perception of the intrusion of housing further into the valley and valley sides to the detriment of the character of the valley. The characteristics of the site are consistent with those of the Meon Valley and representative of the open valley side which includes sloping landform, a lack of woodland with views across the valley floor and is generally pastoral with some intrusive influences of roads or built development.
25. The visual effects of the development would be evident from a number of public footpaths both through and surrounding the appeal site as well as along Posbrook Lane, to the south and from the valley floor and opposite valley side. The further encroachment of built development into the countryside would detract from the rural appearance of the area.
26. The potential for landscaping to screen and reduce the visual effects and to a certain extent provide some positive contribution was advanced by the appellants. Whilst additional landscaping along the proposed urban edge would produce an edge that was more screened and in effect a softer edge than present is undeniable and would of itself improve the appearance of the existing urban edge. However, this needs to be weighed against the loss of the open field separation of elements of built development and the creeping urbanisation of the area. Whilst planting would assist in reducing the direct line of sight of houses in the longer term there would still be effects from noise, activity, illumination in the evening along with the localised views that would inevitably and substantively change.
27. I would characterise the landscape and visual effects as substantial and harmful in the short to medium term, albeit this would reduce in the longer term, I would still view the adverse effect as significant.
28. There is some dispute as to whether the site is a valued landscape. The Lower Meon Valley is a significant landscape feature and both parties assessed the site against the box 5.1 criteria in Guidelines for Landscape and Visual Impact Assessment. In this context it is a reasonable conclusion that both parties accept that the Lower Meon Valley has attributes that are above the ordinary. There is some debate as to whether the appeal site contributes to these or is part of that as a valued landscape. On the basis of the evidence before me I

have no difficulty in accepting that the Lower Meon Valley is a valued landscape in the context of the Framework and this is a conclusion consistent with my colleague in the Old Road decision. From my visit to the site and the evidence presented to me I am of the view that the appeal site shares a number of those attributes including the nature of the rural landscape and topography, its scenic quality and that it is representative of the valley sides character type. The site does form part of the broad visual envelope of the Lower Meon valley and part of the landscape compartment and therefore should be considered as part of the valued landscape.

29. Turning to the issue of the strategic gap. The appeal site is located in the Meon Valley strategic gap. The purpose of the strategic gap as identified in policy CS22 is to prevent development that significantly affects the integrity of the gap and the physical and visual separation of settlements. Whilst the Council sought to broaden this out to include the setting of settlements that is not how the development plan policy or indeed its policy justification is written. This states the gaps help to define and maintain the separate identity of individual settlements and are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green corridors. To go beyond these factors in assessing the development against policy would be introducing tests that are not within the development plan.
30. The proposed scheme would extend the urban edge of Titchfield further into the gap than it presently is. There would however be no perception of coalescence or indeed any visual reduction of the separate settlements (I do not see the cluster of buildings as a separate settlement in this context). There would be no demonstrable reduction in the physical separation and the gap's integrity would not be significantly affected. Whilst there would be a minor outward extension in the context of the settlement pattern and separation of settlements the proposed development would be minor and would not result in a significant effect.
31. Overall for the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the area. This would result in harm to a valued landscape. There would however be no significant effect on the strategic Meon Gap. Consequently, the proposed development would conflict with policies CS14 and DSP6 which seek to protect the character and appearance of the area of land outside the defined urban settlement boundary but would not conflict with policy CS22.

*Setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II\* listed buildings*

32. South of Titchfield on the east side of Posbrook Lane there is an historic farmstead that includes the listed buildings of Great Posbrook and the southern barn at great Posbrook farm. Both of these are Grade II\* which puts them in the top 8% or so of listed buildings in the Country. They are a significant and invaluable resource.
33. The list description for Great Posbrook identifies it as a C16 house altered in the C19 with evidence of elements of C17 and C18 interior details. There is some question mark over the precise dating of the origins of the building with the Council pointing to evidence that it dates from early C17. While the alterations have created two parallel ranges the earlier T shaped form is unusual and is of particular architectural importance because of its rarity. The

- main parties' experts agree that the building is of considerable historic interest due to its fabric, architectural composition and features.
34. The list description for the southern barn identifies it as a late medieval aisled barn. However, the Council point to more recent dendrochronology which indicates that it is likely to be late C16 or early C17 with the eastern end being C18. It is a substantial historic barn with considerable vernacular architectural interest being a good and relatively rare example of a high status English barn. Its size and scale demonstrating its association with a high status farm.
  35. The listings make reference to other buildings in the cluster forming the farmstead including a store shed, small barn, cartshed and pigsties but note that these are of local interest only. The main listed buildings together with the buildings of local interest form an early farmstead with a manorial farmhouse, significant barn and numerous other buildings. There have been recent interventions as part of enabling development which resulted in the demolition of modern farm buildings the conversion of some of the historic buildings and the construction of new buildings to provide for additional residential occupation on the site. Much of the new building footprint was related to original buildings in an attempt to reinstate the historic arrangement of farm buildings in a courtyard pattern.
  36. The significance of the listed buildings and the farmstead derives from the age, architectural quality, size, scale and relationship of buildings. There is a functional relationship with the adjoining land which was likely farmed as part of the farm holding and reasonable evidence to suggest that there may be an associative link with Titchfield Abbey which adds and contributes to this significance. There has been some more recent and modern infill development and recent housing within the farmstead adjacent and in the wider setting which has a negative impact and detracts from the significance. The wider setting of the site within a rural landscape assists in understanding the scale and status of the land holding, sets the farmstead in an appropriate open rural agricultural setting and separates it from the close by settlement of Titchfield. This contributes to the overall significance of these assets.
  37. The proximity of the settlement of Titchfield and the exposed urban edge already have a negative impact on the wider setting of the heritage assets bringing suburban development close to the farmstead and reducing the wider rural hinterland.
  38. The appeal site is formed by open land that wraps around the northern and eastern edge of the cluster of buildings within which the farmstead is set. It lies between the southern edge of Titchfield and the northern edge of the cluster of buildings and abuts the northern and eastern boundary of the farmhouse.
  39. It is common ground that the proposals would not result in physical alterations to the listed buildings. There would be no loss of historic fabric or alterations to the architectural quality or form of the actual buildings. Similarly there would be no direct alteration of the farmstead.
  40. Both parties also agree that the proposal would be located within the setting of the listed buildings and the farmstead. There is also agreement that the proposal would result in harm to the setting of the listed buildings by virtue of built development being closer to the buildings and reducing the rural setting of the buildings. Whilst both parties accept that the harm would be less than

substantial in terms of the Framework, the dispute arises in respect of the level of that harm. The appellant broadly contends that there are limited aspects where the effect would be perceived or experienced and with appropriate landscaping the effect would be reduced over time such that it would fall at the bottom end of the spectrum of less than substantial harm, albeit acknowledging that some harm would be occasioned. The Council on the other hand would put the harm more to the middle of the range that would be less than substantial and contend there are a number of areas where the perception would be significant, that the landscaping may reduce the effect over time, but not remove it, that the noise, activity and illumination associated with a suburban housing estate would further add to that impact and that the effect of changing that land from open rural land to suburban housing would fundamentally alter the setting and obliterate some of the functional and associative links with the adjoining land, albeit different degrees of weight were ascribed to the various elements of harm.

41. There is no dispute that the site would result in the introduction of housing on the area of land adjacent and bordering the farmstead and main farmhouse. This would bring the settlement of Titchfield up to the cluster of buildings and in effect subsume that once separate element into the broader extent of the settlement. This would reduce the connection of the existing farmstead and listed buildings to the rural hinterland and obscure the separation from the nearby settlement. The character of that change would be noticeable and harmful. It would be perceived when travelling along Posbrook Lane when leaving or entering the village and would be readily appreciated from Bellfield and the adjacent existing settlement edge. There are also public footpaths running through the land. These would be both static and kinetic views when moving along and between the various views. This would be a significant and fundamental change.
42. When viewed from the south, along Posbrook Lane and the public footpaths, travelling towards the farmstead and Titchfield the size and scale of the barn are fully appreciated, there are views available of the manorial farmhouse within these views and together the site is recognisable as a distinct farmstead. Whilst the urban edge of Titchfield is also visible it is appreciated that there is a degree of separation. The proposed development would intrude into these views and in the short to medium term would be readily distinguishable as suburban housing. In the longer-term landscaping may reduce this negative effect by the introduction of a woodland feature at its edge, which the appellant argues is reflective of the historic landscape pattern in the area. However, this would introduce a sense of enclosure around the farmstead and listed buildings that would detach them from the rural hinterland and reduce that historic functional connection with the adjoining open land. Whilst there is evidence of small wooded areas in the historic mapping these were freestanding isolated features and not so closely related to areas of built development. The point of the historic pattern in the area is the farmstead with open land around that was once farmed by the manorial farm and which would not have included such features in such proximity to the main farmstead.
43. There would also be views of the relationship between the farmhouse and the proposed development in views on the public paths to the east. Again, these would be significant and harmful in the short to medium term. There may be some reduction in that harm as landscaping matures but even with dense planting and the softening of the existing urban edge it will be an undeniable

fact that suburban development has been undertaken and that there is no separation between the settlement of Titchfield and the historic farmstead including the listed buildings.

44. For the reasons given above I conclude that there would be harm to the setting of the listed buildings and historic farmstead. I would characterise that harm as less than substantial as this would not obliterate the significance of these historic assets. The proposal would however have an adverse and harmful effect on the setting of these assets which would affect their significance given the contribution that the setting makes to that significance. The urbanisation of the remaining area that separates the farmstead and listed buildings from the settlement is significant and whilst the rural hinterland remains to the south and west the dislocation from the existing built up area is an important and fundamental component of that setting that would be lost as a result of the development. The effect is therefore significant and would not in my view be at the lower end of the less than substantial scale as contended by the appellant but more in line with that suggested by the Council. The proposal would therefore conflict with development plan policy DSP5 which seeks the protection and enhancement of heritage assets and is consistent with national policy.
45. These are two Grade II\* listed buildings and the Framework advises that great weight should be given to a designated heritage asset's conservation, any harm should require clear and convincing justification and assets should be conserved in a manner appropriate to their significance. I also have regard to my statutory duty in respect of listed buildings and their setting. The courts have also held that any harm to a listed building or its setting is to be given considerable importance and weight. These matters are reflected in my planning balance below, which includes the Framework's 196 balance.

*Best and Most Versatile Agricultural Land*

46. The appellant undertook a survey of agricultural land and this assessment is provided in appendix SB3 of Mr Brown's proof. This identifies the limited amount of Grade 3a land (4.1 Ha) that would be affected by the development and sets this in the context of Fareham. In my view this does not trigger the sequential test in the Framework footnote 53 as significant development.
47. It is accepted that whilst there is a loss of BMVAL and that this is a negative to be weighed against the scheme it would not of itself amount to such that would justify the dismissal of the appeal. This is a point that was not refuted by the Council who accepted that it may not justify dismissal but should be weighed as a negative factor in the overall balance against the development.
48. I have no substantive evidence to depart from those views and the approach adopted is consistent with that of a colleague in an appeal at Cranleigh Road (APP/A1720/W/16/3156344).
49. The appellant's report concluded that given the grade of land, the small scale and the overall comparative effect on such land in Fareham, whilst it is a negative, it should be afforded no more than limited weight. I concur with that assessment for the views given and therefore ascribe this loss limited weight in my overall planning balance.



**Other Matters**

50. The Council and appellant agree that the Council cannot demonstrate a 5 year housing land supply. Time was spent at the Inquiry considering the extent of the shortfall based on, amongst other matters, the correct buffer and the correct household projection base date to use. The publication of the Housing Delivery Test results confirmed that Fareham is a 5% buffer Authority. The government also confirmed that it is the 2014 based household projections that should be used as the basis for calculation of the five-year requirement under the standard method. On this basis both parties agree that the minimum five-year requirement would be 2,856 in the period 2018 to 2023.
51. The updated position of the parties is thus a 3.08 years supply taking the appellants position or a 4.36 years supply if the Council's position were to be adopted. I have been provided with further supply evidence in relation to the Old Street Inquiry which calls into question some of the supply side dwellings included in the Council's figures which were permitted since April 2018. Excluding these the appellant suggests the Council's figures would drop to 4.08 years supply.
52. Whichever figures are adopted it is clear that the Council cannot identify a five-year supply of available housing land and that the shortfall is significant. The provision of additional housing in an area where there is a significant housing shortfall in my view translates into a significant positive benefit for the scheme in terms of the overall planning balance.
53. The appeal site is located where there is potential for a significant effect on a number of European designated wildlife sites which comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) potential Special Protection Areas (pSPAs) and Ramsar sites. The proposal has been subject to Habitats Regulation Assessment and a shadow Appropriate Assessment process by the appellant. Given the requirement for further publication of environmental information in association with the Environmental Statement consultation was undertaken with Natural England as the Nature Conservation Body to ensure there was no further procedural or administrative delay at the end of the process. However, given the conclusion of my assessment of the effect of the development on the wider landscape and the designated heritage assets I am not minded to allow the appeal. On this basis an Appropriate Assessment does not need to be carried out, as it is only in circumstances where I am minded to grant consent that such an assessment is required to be undertaken. Moreover, in the interim the Framework, paragraph 177 has been amended to advise that it is not the requirement to conduct Appropriate Assessment but the conclusion that following that assessment there is an identified likely significant effect on a habitats site where the presumption in favour of sustainable development does not apply. In these circumstances this matter does not therefore affect the approach to my planning balance.

**Benefits of the Scheme**

54. As noted above the provision of housing in an Authority area where the Council cannot identify a five-year housing supply is a significant benefit of the scheme. The Statement of Common Ground signed by the parties makes it clear that there is a significant need for affordable housing. The provision of 40% of the total number of units provided as affordable housing, secured

through the planning obligation, is therefore also a significant positive benefit of the scheme.

55. The appellant contends that there would be between 360 and 465 direct, indirect and induced jobs created by construction. It is further contended that there would be an on-going £4.1m gross expenditure per annum from future residents. It is further contended that the landscaping and ecological mitigation would improve the appearance of the harsh urban edge currently created by Bellfield. These are benefits that accrue from this development and are therefore reasonable to add as positive contributions in the planning balance. They are of a scale which reflects the scale of the development.
56. For these reasons the social benefits from additional housing and affordable housing are of significant positive weight, the economic benefits are of moderate positive weight, and the environmental benefits are of limited positive weight.

### **Planning Obligation**

57. A completed Unilateral Undertaking (UU) dated 8 November was submitted to the Inquiry before the conclusion of it sitting. The UU secures matters related to transport including the site access, travel plan and construction traffic management as well as a contribution towards sustainable transport. The UU also secures public open space provisions, including contributions; environmental and habitat obligations, including commuted maintenance and disturbance contributions and the transfer of a bird conservation area; an education contribution and obligations to protect or provide on site routes for the public. These are in effect mitigation measures or matters directly related to the development and do not amount to positive benefits.
58. The appeal is to be dismissed on other substantive issues and whilst an obligation has been submitted, it is not necessary for me to look at it in detail, given that the proposal is unacceptable for other reasons, except insofar as it addresses affordable housing.
59. In respect of affordable housing the UU secures 40% of the housing as affordable units with the mix, tenure and location controlled by the undertaking. I have already identified this as a benefit of the scheme which will be taken into account in the planning balance.

### **Planning balance**

60. I have concluded that the proposed development would result in material harm to the significance of two Grade II\* listed buildings through development in the setting of those buildings. This harm is in my view less than substantial harm in the terms of the Framework a position also adopted by both main parties. Paragraph 196 of the Framework advises in such circumstances that this should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
61. I have identified the public benefits of the scheme above and these include the provision of additional housing in an authority where there is not a five year supply of housing land and the provision of affordable housing in an area where there is a significant need. I give these matters significant weight. Added to these would be the additional jobs and expenditure in the locality arising from construction activity and following completion of the development. Given the

- scale of development these would not amount to small figures and I have ascribed this moderate weight. The proposed landscaping and biodiversity enhancements are a balance and required in the context of also providing a degree of mitigation I therefore only ascribe these limited positive weight.
62. The Framework makes it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore it advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. There is a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The courts have interpreted this to mean that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise in planning decisions.
63. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. The Farm House and Barn at Great Posbrook are both Grade II\* and therefore are assets of the highest significance. The development of a substantial housing estate in the rural setting of these listed buildings, and farmstead of which they form part, would materially alter the relationship of the listed buildings and farmstead to the nearby village and wider rural hinterland. This would merge the existing distinct and separated grouping of buildings with the expanding village removing that degree of separation and obscuring the historic relationship with the village and wider countryside. I would not characterise this less than substantial harm as of such limited effect as 'at the lower end' within that spectrum as suggested by the appellant. Indeed, the setting contributes to the significance of these listed buildings and their appreciation from both distinct view points and kinetic views. The negative effect would have a measurable and noticeable effect on the existing physical relationships of development in the area and thereby the understanding of the historic development of those over time. The understanding of the high status nature of the house and barn, and their significance, is derived in part from an appreciation of the separation from the village, their setting within the wider agricultural and rural hinterland as well as their size, scale, architectural quality and relationship of the buildings to each other and the surrounding development.
64. On the basis of the above I conclude that the less than substantial harm I have identified, and to which I give considerable importance and weight, is not outweighed by the significant public benefits of the scheme. On this basis I conclude that the scheme should be resisted. As the scheme fails the paragraph 196 test this would disengage the paragraph 11 d tilted balance that would otherwise have been in play given the lack of a five-year supply of housing land.
65. The scheme would be subject to the requirement to carry out an Appropriate Assessment under the Habitats Regulations if I were minded to allow the appeal. At the time of submission of the appeal Paragraph 177 of the Framework required that the presumption in favour of sustainable development, in paragraph 11, would not apply where an Appropriate Assessment was required to be carried out. The latest iteration of the Framework has amended paragraph 177 to only disengage the presumption in favour of sustainable development where the development is likely to have a

- significant effect on a habitats site. If an Appropriate Assessment has concluded the development would not adversely affect the integrity of the habitats site the presumption would not be disengaged. However, given my conclusions in respect of the impact on heritage assets and the other harms I have identified I am not minded to allow the appeal and therefore I do not need to carry out an Appropriate Assessment.
66. Whilst the presumption in favour of sustainable development is not disengaged by virtue of paragraph 177 of the Framework, paragraph 11 d, the so called 'tilted balance', is disengaged by virtue of my conclusions in relation to the effect on the heritage assets and the application of 11 d i. The proposal therefore is to be considered in the context of a straight balance. Section 38(6) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would result in material harm to the character and appearance of the area, which is a valued landscape, to the setting of two Grade II\* listed buildings and a minor adverse effect on best and most versatile agricultural land in the area. On this basis the proposal would conflict with policy CS14 in the LPP1 and DSP5, DSP6 and DSP40 in the LPP2.
67. The Authority cannot demonstrate a 5 year supply of housing land and policies which restrict housing development through such matters as settlement boundaries and gaps are out of date. They do not provide for the necessary housing to make provision for adequate housing in the area. However, those policies, which include CS14, CS22 and DSP6 do seek to protect the countryside and fulfil a purpose that is consistent with the Framework. The Council is seeking to address the shortfall and is making positive steps in that regard albeit there is dispute as to how successful that is. Nevertheless matters are moving forward and although there is still an outstanding shortfall, which even if I accept is as great as suggested by the appellant, is improving on historic figures and there appears to be greater opportunities for this situation to be improved further. I accept that Welbourne may well not be moving at the pace that has previously been suggested and not as quickly as the Council would suggest, but it is still moving forward and with a significant complex development of this nature matters will take time but once milestones are reached momentum is likely to quicken. Of particular relevance here is the determination of the extant application, which remains undetermined but continues to move forward. On the basis of the information before me the determination of this would be in the spring or middle of this year. Given the above I do not afford these particular policies the full weight of the development plan but I still accept that they have significant weight and the conflict with those policies that I have identified above still attracts significant weight in my planning balance.
68. I note that policy DSP5 reiterates national policy and reflects the statutory duty and is therefore accorded full weight and conflict with it, as I have found in this regard, is afforded substantial weight. The contingency of Policy DSP40 has been engaged by virtue of the lack of a five year housing land supply and it is for these very purposes that the policy was drafted in that way. On that basis the policy has full weight and any conflict with it is also of significant weight. In the context of the harms I have identified which relate to landscape, heritage assets and best and most versatile agricultural land these result in conflicts with specific criteria in policy DSP40 for the reasons given above in respect of those matters and therefore there is conflict with the policy. These

are two significant policies where weight has not been reduced and the proposal when considered in the round is not in accordance with the development plan taken as a whole.

69. The ecological provisions payments and additional bird sanctuary are primarily mitigation requirements resultant from the proposed development and its likely potential effects and do not therefore substantively add a positive contribution to the overall balance.
70. The impact on the significance of the Grade II\* listed buildings is not outweighed by the public benefits of the scheme and therefore the additional harms related to landscape and BMVAL only add further to the weight against the proposal. The advice in the Framework supports the conclusions to resist the proposal. There are therefore no material considerations that indicate that a decision other than in accordance with the development plan would be appropriate.

**Overall conclusion**

71. For the reasons given above I conclude that the appeal should be dismissed.

*Kenneth Stone*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Christopher Boyle QC	Instructed by Woolf Bond Planning LLP
He called:	
Jeremy Smith BSc (Hons), DipLA, CMLI	SLR Consulting Limited
Ignus Froneman B.Arch.Stud, ACIfA, IHBC	Heritage Collective UK Limited
Stephen Brown BSc (Hons) DipTP MRTPI	Woolf Bond Planning LLP

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Stinchcombe QC & Richard Wald	Instructed by Southampton and Fareham Legal Partnership
He called:	
Andy Blaxland BA (Hons), DipTP, Dip Mgt, MRTPI	Adams Hendry Consulting
Lucy Markham MRTPI IHBC	Montagu Evans
Philip Brashaw BSc (Hons) BLD, CMLI	LDA Design

### FOR THE TITCHFIELD NEIGHBOURHOOD FORUM :

David Phelan	Titchfield Neighbourhood Forum
--------------	--------------------------------

### INTERESTED PERSONS:

Nick Girdler	Chairman Titchfield Village Trust
Robert Marshall	Member of Fareham Society
William Hutchison	Chairman Hillhead Residents Association
Linda Davies	Local Resident

## DOCUMENTS SUBMITTED AT INQUIRY BY APPELLANT

- APP1 Housing Land Supply Statement of Common Ground.
- APP2 Press Release dated 18 October 2018 from Fareham Borough Council.
- APP3 Appeal Decision letter APP/W3520/W/18/3194926.
- APP4 Habitats Regulations Assessment Screening & Shadow Appropriate Assessment prepared by CSA Environmental.
- APP5 Unilateral Undertaking dated 8 November 2018.
- APP6 Bundle of three Committee reports (P/17/1317/OA, P/18/0235/FP and P/18/0484/FP) confirming the Council's approach to Policy DSP40.
- APP7 Additional suggested conditions.
- APP8 Letter from Hampshire and Isle of Wight Wildlife Trust confirming their agreement to take on the land secured as the Bird Conservation Area in the Unilateral Undertaking.
- APP9 Closing submissions on behalf of the appellant.

## DOCUMENTS SUBMITTED AT INQUIRY BY LOCAL PLANNING AUTHORITY

- LPA1 List of Appearances on behalf of the Council
- LPA2 Updated extract from 'The Buildings of England Hampshire: South', appendix 14b to Ms Markham's proof of evidence.
- LPA3 Conservation Area Appraisal and Management Strategy: Titchfield Abbey, Fareham Borough Council adopted sept 2013 – substitution for Core Document F11.
- LPA4 Appeal Decision letter APP/W1715/W/17/3173253.
- LPA5 Copy of Policies 1CO and 2CO from the Eastleigh Borough Local Plan.
- LPA6 Announcement from the Leader of Fareham Borough Council dated 5 November 2018.
- LPA7 S106 Obligations Justification Statement.
- LPA8 Opening submissions on behalf of the Council.
- LPA9 List of documents to be referred to during Evidence in Chief of Philip Brashaw.
- LPA10 List of documents to be referred to during Evidence in Chief of Lucy Markham.
- LPA11 Draft schedule of conditions.
- LPA12 e-mail from Strategic Development Officer Children's Services Department Hampshire County Council dated 8 November 2018.
- LPA13 Plan of route and points from which to view the site during the appeal site visit.
- LPA14 Closing submissions on behalf of the appellant.

## DOCUMENTS SUBMITTED AT INQUIRY BY TITCHFIELD NEIGHBOURHOOD FORUM

- TNF1 Opening statement on behalf of Titchfield neighbourhood Forum
- TNF2 Email exchange with appellant regarding drainage dated 6 November including various attachments
- TNF3 List of documents referred to in Evidence in Chief of Mr Phelan
- TNF4 Closing Statement on behalf of Titchfeild neighbourhood Forum

DOCUMENTS SUBMITTED AT INQUIRY BY THIRD PARTIES

INQ1 Speaking note from Mr Girdler  
INQ2 Letter read out by Mr Marshal on behalf of The Fareham Society  
INQ3 Speaking note from Mr Hutcinson

DOCUMENTS SUBMITTED AFTER INQUIRY

PID1 Additional Environmental Information submitted by appellant under cover of letter dated 14 December 2018.  
PID2 Copy of Press notice of publication of Additional Environmental Information.  
PID3 Comments on Additional Environmental Information by Titchfield neighbourhood Forum.  
PID4 Comments on Additional Environmental Information by Fareham Borough Council.  
PID5 'Old Street' Appeal decision APP/A1720/W/18/3200409 submitted by Fareham Borough Council  
PID6 Fareham Borough Council comments on 'Old Street' decision.  
PID7 Appellant's comments on 'Old Street' decision.  
PID8 Natural England's (NE) consultation response on shadow Habitats Regulation Assessment as Statutory nature Conservation Body.  
PID9 Appellant's response to NE's consultation response (PID8) including an updated shadow Habitats Regulation Assessment.  
PID10 Titchfield neighbourhood Forum's response to NE's consultation response (PID8)  
PID11 Titchfield Neighbourhood Forum's comments on the Housing Delivery Test (HDT) results and the changes to the National Planning Policy Framework (the Framework).  
PID12 Fareham Borough Council's comments on the HDT results and the changes to the Framework.  
PID13 Appellant's comments on the HDT results and the changes to the Framework.  
PID14 Titchfield Neighbourhood Forum's final comments on HDT and Framework  
PID15 Appellant's final comments on HDT and Framework.

END



Elton 2 Quarry - 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Objections on the grounds of inadequate and incorrect noise analysis

Summary of objection

The Statement supporting these applications summarises conclusions drawn from the more detailed consultant analysis and report. This report concludes that there is in effect no possibility of noise exceeding a 55dB limit. This conclusion is based on analysis of one fixed receptor (Mill House) using a 2016 plan. This analysis is both inadequate and flawed as it fails to deal with real life receptors and has fundamental numeric errors stemming from the use of an outdated and incorrect plan.

Errors

The plan included in the report - D K Symes 95010/PE/1 dated 8/1/2016 - shows the 'haul road' route in a position which is incorrect according to the plans submitted with the applications, which indicate that the road has been moved to the south by a significant distance (as shown on the Phasing plans in the noise report). This means that the S-R distances in the analysis are wrong. Moreover even without these errors other quoted distances are wrong, for example the Mill House-Plant Processing distance is stated as 550m when plan 95010/E2/PS/1 indicates a distance of 820m. The noise report text makes no mention of dewatering pump reference sound values but uses them in the numeric analysis. However, at the public meeting held after the applications were submitted it was stated categorically that no pumps would be used. Additionally, there is also no reference to the 'crusher' that is required to deal with oversize construction waste anywhere in the text or analysis. The use of a bailey bridge as a source of noise is not considered but fully loaded ADTs will cross this at regular intervals and this will generate noise over and above the noise of the vehicles themselves.

These errors call into question the validity of the analysis and the conclusions drawn from it.

However, notwithstanding these errors the major failing of the report is that it excludes the most likely real world noise receptors in the area which includes:

1. users of the public bird hide who could stay for significant periods;
2. boat owners who use their boats for leisure whilst moored at the boat club moorings on the north side of the channel to the immediate south of the proposed excavations;
3. residents, dog walkers, walking groups and runners using the Nene Way (PD3);
4. residents enjoying the wide open spaces surrounding the Nene Way;
5. all users of the Greenway (PD1).

Using the same plant figures and methodology (BS5228-1) as the submitted report (with accurate distances) gives noise levels of 57.7dB at the bird hide and between 54.79 and 61.28 at the moorings. Moreover at the crossover point of the haul road and the Greenway (PD1) the predicted noise level is 77.05dB in Phase 1 and this does not include the 'crusher'. This predicted noise level is indicative of the general level but when an ADT is static at the crossing the level will be much higher. The analysis for these sites is attached.

It must also be noted that the expansion of the plant site area to the west would bring it directly alongside the path PD1 which is being upgraded to become part of the Northamptonshire Greenway - a fact known to the operators as it was the subject of discussion at the only LLG meeting for the Elton 1 site. The Greenway would provide the only safe, direct and sustainable route between Warmington and Elton but there is no mention of the noise levels along the route. Pedestrians, perhaps with small children or dogs, runners, cyclists and horse riders could spend a considerable time traversing the noise footprint, but there is not even a mention of possible noise levels.

Similarly the Nene Way (PD3) crosses the excavation site itself and is regularly used by residents and walking groups but there has been no attempt at analysis or discussion of noise effects or how they would be mitigated.

The other noise sensitive receptor is the Mill itself which needs to be in use to be properly sustainable as a Grade 2 listed building. Any prospective tenant would need to be assured that the noise from these works would be sustainable. There is also no mention within the statement or this report of any possible effects of vibration (BS5228-2). As this building is a heritage asset some analysis is surely warranted if only to rule out any possible effects.

Conclusion

The noise report included in these applications is incorrect and inadequate. It uses false information as inputs to the numerical analysis and fails to discuss the noise impacts on the most probable receptors which are real people, not a single building. Unless and until these failings are addressed **and** the analysis presented for proper community comment these applications should be rejected.

Attachments:

Map of proposals with overlay

Google map with overlay

Noise assessments to BS5228-1:

Bird Hide

Mill House

Mill

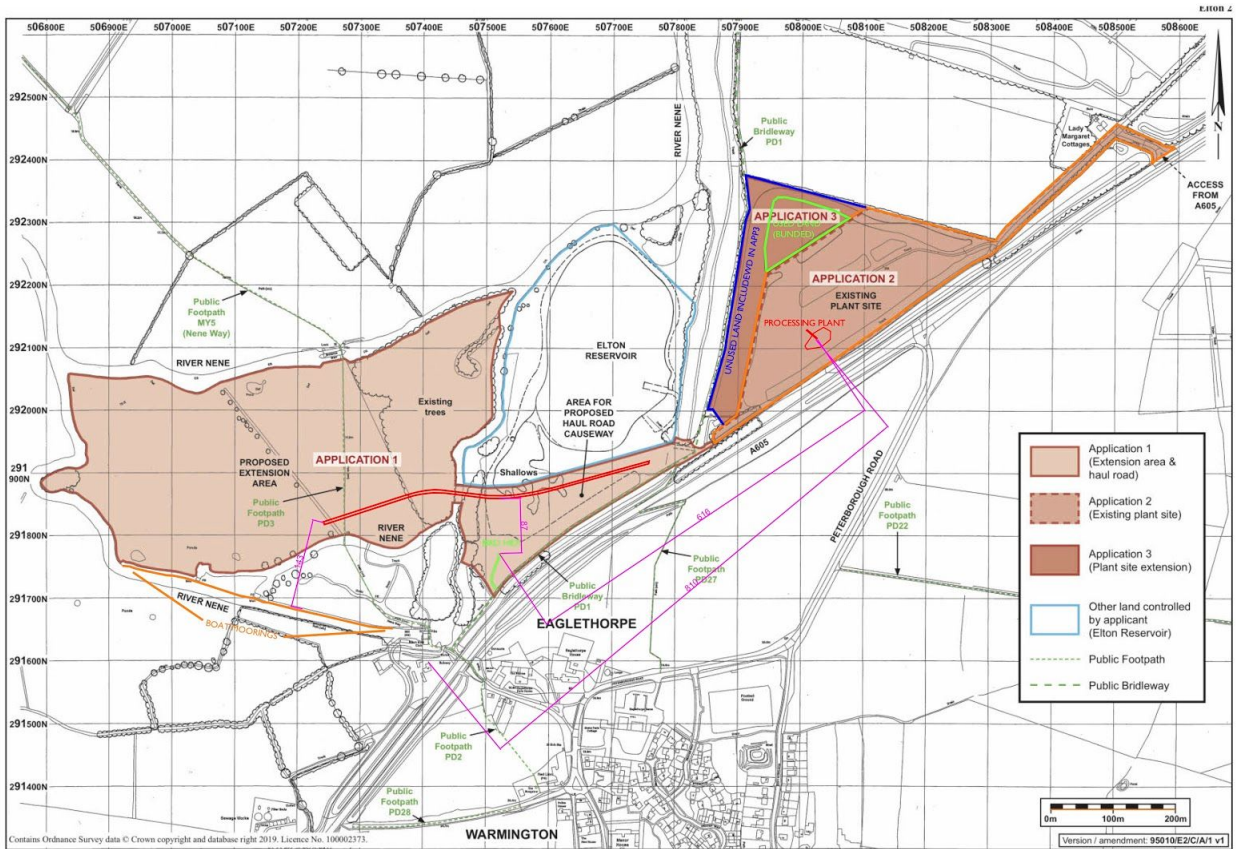
Boat Mooring 1

Boat Mooring 2

PD 1 crossing point

Maps

Proposals map with overlays



Google maps with overlay



WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

Bird Hide													
Receptor Height agl m	0	The bird hide is situated on a mound and this would reduce the attenuation (ie the noise would be louder) but no height information is given so it has been taken as at ground level											
Activity period hours	10												
Distance attenuation soft/hard													
Phase 1	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB	t1x10power(0.1LAeq)
Static source	Laeq												
Extractor	74.5	1	100	10	135	2	22.61	26.26	0.00	26.26	48.24	48.24	667,061
Dozer(operating)	79	1	75	7.5	135	1	22.61	26.26	0.00	26.26	52.74	51.49	1,410,025
Dozer(Idle)	67.4	1	25	2.5	135	1	22.61	26.26	0.00	26.26	41.14	35.12	32,517
Processing Plant	80.2	1	100	10	620	1	35.85	42.81	0.00	42.81	37.39	37.39	54,830
Loading shovel	73.6	1	100	10	620	1	35.85	42.81	0.00	42.81	30.79	30.79	11,996
Crusher	84	1	0	0	620	1	35.85	42.81	0.00	42.81	41.19	0.00	0
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoVreductioun			Activity LAeq	LAeqT	t1x10power(0.1LAeq)
ADT movements	111	20	25	10	90	57.49	119	-1.80			55.69	55.69	3,707,848
HGV movements	106	12	25	10	620	41.89	8	-13.52			28.37	28.37	6,865
											Combined LAeqT	57.70	5,891,142

WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

Mill house														
Receptor Height agl m	0													
Activity period hours	10													
							Distance attenuation soft/hard							
Phase 2	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB		t1x10power(0.1LAeq)
Static source	Laeq													
Extractor	74.5	1	100	10	235	2	27.42	32.28	0.00	32.28	42.22	42.22		166,852
Dozer(operating)	79	1	75	7.5	235	1	27.42	32.28	0.00	32.28	46.72	45.47		352,689
Dozer(Idle)	67.4	1	25	2.5	235	1	27.42	32.28	0.00	32.28	35.12	29.10		8,133
Processing Plant	80.2	1	100	10	820	1	38.28	45.85	0.00	45.85	34.35	34.35		27,256
Loading shovel	73.6	1	100	10	820	1	38.28	45.85	0.00	45.85	27.75	27.75		5,963
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoVreductiuon			Activity LAeq	LAeqT		t1x10power(0.1LAeq)
ADT movements	111	20	25	10	267	52.77	85	-3.26			49.51	49.51		892,740
HGV movements	106	12	25	10	820	40.67	7	-14.10			26.57	26.57		4,542
											Combined LAeqT	51.64		1,458,175

WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

WARMINGTON PARISH COUNCIL OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL APPENDIX 8													
Mill													
Receptor Height agl m	0												
Activity period hours	10												
Distance attenuation soft/hard													
Phase 2	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB	t1x10power(0.1LAeq)
Static source	Laeq												
Extractor	74.5	1	100	10	175	2	24.86	29.08	0.00	29.08	45.42	45.42	348,662
Dozer(operating)	79	1	75	7.5	175	1	24.86	29.08	0.00	29.08	49.92	48.67	736,998
Dozer(Idleing)	67.4	1	25	2.5	175	1	24.86	29.08	0.00	29.08	38.32	32.30	16,996
Processing Plant	80.2	1	100	10	795	1	38.01	45.51	0.00	45.51	34.69	34.69	29,450
Loading shovel	73.6	1	100	10	795	1	38.01	45.51	0.00	45.51	28.09	28.09	6,443
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoVreductiuon			Activity LAeq	LAeqT	t1x10power(0.1LAeq)
ADT movements	111	20	25	10	220	53.61	93	-2.87			50.74	50.74	1,185,435
HGV movements	106	12	25	10	795	40.81	7	-14.10			26.71	26.71	4,685
											Combined LAeqT	53.67	2,328,668

WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

Boat mooring 1													
Receptor Height agl m	0												
Activity period hours	10												
Distance attenuation soft/hard													
Phase 2	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB	t1x10power(0.1LAeq)
Static source	Laeq												
Extractor	74.5	1	100	10	150	2	23.52	27.40	0.00	27.40	47.10	47.10	512,592
Dozer(operating)	79	1	75	7.5	150	1	23.52	27.40	0.00	27.40	51.60	50.35	1,083,510
Dozer(Idle)	67.4	1	25	2.5	150	1	23.52	27.40	0.00	27.40	40.00	33.98	24,987
Processing Plant	80.2	1	100	10	870	1	38.79	46.49	0.00	46.49	33.71	33.71	23,507
Loading shovel	73.6	1	100	10	870	1	38.79	46.49	0.00	46.49	27.11	27.11	5,143
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoVreductiuon			Activity LAeq	LAeqT	t1x10power(0.1LAeq)
ADT movements	111	20	25	10	167	54.80	81	-3.47			51.34	51.34	1,360,148
HGV movements	106	12	25	10	870	40.42	7	-14.10			26.32	26.32	4,281
											Combined LAeqT	54.79	3,014,168

WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

Boat mooring 2														
Receptor Height agl m	0													
Activity period hours	10													
							Distance attenuation soft/hard							
Phase 3	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB		t1x10power(0.1LAeq)
Static source	Laeq													
Extractor	74.5	1	100	10	65	2	16.26	18.32	0.00	18.32	56.18	56.18		4,146,834
Dozer(operating)	79	1	75	7.5	65	1	16.26	18.32	0.00	18.32	60.68	59.43		8,765,524
Dozer(Idle)	67.4	1	25	2.5	65	1	16.26	18.32	0.00	18.32	49.08	43.06		202,142
Processing Plant	80.2	1	100	10	1030	1	40.26	48.32	0.00	48.32	31.88	31.88		15,414
Loading shovel	73.6	1	100	10	1030	1	40.26	48.32	0.00	48.32	25.28	25.28		3,372
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoVreductiuon			Activity LAeq	LAeqT		t1x10power(0.1LAeq)
ADT movements	111	20	25	10	184	54.38	20	-9.54			44.84	44.84		304,810
HGV movements	106	12	25	10	1030	39.68	3	-17.78			21.90	21.90		1,550
											Combined LAeqT	61.28		13,439,645



WARMINGTON PARISH COUNCIL  
 OBJECTION TO PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL  
 APPENDIX 8

Distance attenuation soft/hard													
Phase 1	Ref level 10m	Number	On time%	Hours	Distance S-R m	Source Ht(agl) m	Kh dB	Ks dB	Ks reduction due height agl dB	Attenuation dB	Activity LAeq dB	LAeqT dB	t1x10power(0.1LAeq)
Static source	Laeq												
Extractor	74.5	1	100	10	360	2	31.13	36.91	0.00	36.91	37.59	37.59	57,444
Dozer(operating)	79	1	75	7.5	360	1	31.13	36.91	0.00	36.91	42.09	40.84	121,424
Dozer(Idle)	67.4	1	25	2.5	360	1	31.13	36.91	0.00	36.91	30.49	24.47	2,800
Processing Plant	80.2	1	100	10	265	1	28.46	33.58	0.00	33.58	46.62	46.62	459,077
Loading shovel	73.6	1	100	10	265	1	28.46	33.58	0.00	33.58	40.02	40.02	100,435
Crusher	84	1	0	0	265	1	28.46	33.58	0.00	33.58	50.42	0.00	0
Moving sources	Lwa	Number/hour	Speed kph	Hours	Distance S-R	Laeq	AoV degrees	AoV reduction dB			Activity LAeq	LAeqT	t1x10power(0.1LAeq)
ADT movements	111	20	25	10	1	77.03	180	0.00			77.03	77.03	504,765,876
HGV movements	106	12	25	10	265	45.58	10	-12.55			33.03	33.03	20,078
											<b>Combined LAeqT</b>	<b>77.04</b>	<b>505,527,134</b>

Elton 2 Quarry - 19/00033/MINFUL, 19/00034/MINVOC, 19/00035/MINFUL - Objection on the grounds of inadequate and incorrect transport assessment

Summary of objection

The Transport document in Volume 2 of these applications analyses the effects of the transport required to support the Elton 2 proposals. It is based on some technical analysis using various sets of data provided by the operator and NCC together with limited public domain sources of accident data. It concludes that the proposals will have a negligible effect. However, the analysis is based on only a limited subset of data spanning a time period with limited extraction and excluding data that is relevant to the part of the road under consideration because it is not in Northamptonshire. This missing data includes over 20 extra accidents including a fatality. The increase in HGV activity is quoted as being from 29 movements per day to 112 movements per day. This is described as a negligible increase, in reality the increase is from 0 to 112 as there has been no real activity at the site in recent years.

Assessment of activity

1. An assessment of 'existing' activity for the site is made based on 'logs' from September 2011 to August 2015 which quotes an average of 29 and maximum of 84 HGV movements (in and out) per day. This assessment makes no reference whatsoever to the production rate of sand and gravel or importation rate of clay that generated these figures. It is then stated that this represents the rate over the LAST 5 years (May 2014-April 2019). However, it is known that production of extract stopped in 2015 (NCC confirmed this to Warmington PC in January 2016) and importation of clay has been minimal (as evidenced in the approved applications for extensions from July 2018 to July 2020). So the average number of HGV movements over the last 3-4 years has in reality been close to zero.
2. The assessment of the planned movements of HGVs is made based on predicted production and infill rates. The analysis predicts an average of 112 HGV movements per day. In contrast to the 'existing' figures, there is no prediction of the maximum rate.
3. The 'existing' and 'predicted' figures are then compared with the conclusion that the increase is negligible.
4. The actual increase will be 112 movements per day or one every 5.36 minutes as opposed to zero now, even taking the quoted figures, 112 is 386% of 29.
5. At the very least this assessment is simplistic, statistically dubious and inadequate, in reality it is simply wrong,

The junction

6. The junction itself as approved by Highways is technically satisfactory as described. However, the long term effect of the presence of the junction is not discussed. The design was approved as part of the permissions granted in 2004 to build an 'essential' reservoir by digging a hole and importing clay to line it before filling it with water. The extract (of sand and gravel) which was a by-product of the reservoir construction was to be processed and sold on site. A total working period of 5 years was permitted.

7. The temporary highway modifications to support these works were made in 2008 and included reducing the carriageway width and moving the white line margin at both verges to zero on each side of the junction. This was to allow the lane width for vehicles to be maintained after the insertion of a central island. This immediately removed any semblance of notional protection for cyclists and this was commented on at the time by residents. To this day there is no simple and safe way to cycle between Warmington and Elton. This is the very opposite of a sustainable transport policy. It is now 11 years since this temporary alteration to the highway was made, it is now proposed that this will remain in place for a minimum of another 10 years. The operation of the junction requires all HGVs making return journeys to travel an extra 2.4 miles from the north or 7.2 miles from the south to use the Warmington and A1 services roundabouts to either enter or exit the site. The continued use of this junction can only be supported if a sustainable route for cyclists between Warmington and Elton were to be created BEFORE any works were permitted in support of the proposed new site.

#### Personal Injury Accident Assessment (PIAs)

8. The report states that this assessment of PIAs on the local road network was required by NCC. The accident figures used in the report are quoted as being provided by NCC for the period 1 Aug 2012 until 31st July 2017. The report supposedly covers a short length of the A605 between the Warmington Peterborough Road/A605 junction and the A605/B671 'Elton Turn' junction. Only 2 PIAs were reported and the report goes on to say that the 'Crash Map' system showed that no additional PIAs were recorded since then. The report also says no HGVs were involved in PIAs in the period in the area considered.

9. Local opinion paints an entirely different picture of this 'local road network', in particular the 'Elton Turn' junction is locally regarded as dangerous with many drivers using the Wansford/Nassington/Fotheringhay/Warmington route in preference to the more straightforward route through Elton just to avoid this junction. The extended temporary closure of the Fotheringhay bridge preventing use of this route was a contributory factor in the fatal accident at the A605/B671 junction on 11th May 2017. This accident does not appear in the transport report despite being within the area and the time period supposedly covered by the NCC provided data.

10. On 18th October 2018 a car drove into the temporary central island forming the site junction and then crashed on the verge. This accident does not appear in the report - it is not yet in the public domain data but there appears to have been no attempt by the report's authors to get independent and up to date data.

11. A local analysis of the public domain Crash Map data for the period the junction and temporary island have been in operation (see below) shows that the figures quoted in the application report (2 accidents) are simply not true. It is possible that NCC only provided data for Northamptonshire (by error or design) but the whole dataset is in the public domain and could have been checked by the person who wrote the report had they wished to be diligent - there have been 11 slight, 2 serious and 1 fatal accident on the part of the A605 considered in the report since the site junction was created (not including the one on 18th Oct 2018). Additionally on the whole local part of the road used by HGVs to enter/exit the

site there were 10 more accidents. Ten of these 24 accidents have involved 'Goods' vehicles.

### **Conclusions**

The Transport report conveys the impression that there is little need to question the proposals in the application because the proposed operations will have a negligible effect on the local road system. However, the report itself is based on flawed data and analysis such that it is simply not credible, moreover it calls into question the validity of the process whereby NCC have contributed to the structure and data within the report to such an extent that they appear to be giving support to an application which they are then required to make a judgement about on behalf of the community.

**PERSONAL INJURY ASSESSMENT - A605 LOCAL TO PROPOSAL**

This analysis is based on the same section of the A605 road 'assessed' in the Transport assessment accompanying the proposal which states it was based on data supplied by NCC which does not appear to use any data from the Cambridgeshire section of the road which is 'local' and which is/will be used by all HGVs entering and leaving this proposed site.

This analysis is based on publicly available data from the Department of Transport figures reported to them by Police forces. An indication where 'Goods' vehicles were involved is included together with separate data sets from other local sections of the A605 that will be used by all HGVs entering and leaving the site:

- between the vicinity of the Warmington roundabout and the site including the roundabout
- just north of the B671 'Elton turn' junction

One recent accident does not yet appear on the public database but was reported by a village resident, this is included as text as the 'temporary' central island outside the site entrance was a contributory factor in the accident.

All these accidents are included as they are relevant in providing a true assessment of the 'local' road network.

The data period covers 2008-2018 to reflect the period of operation of the Reservoir site for which data is available.

The data paints a more comprehensive picture than that presented in the application and calls into question the validity of the other sections of the Transport analysis.

**A605 between Peterborough Road junction and B671 junction including accidents AT the junctions**

Date	Severity	Vehicles	Casualties	Goods vehicle?	Slight	Serious	Fatal	Total
22/2/2008	Slight	2	1	Yes	1			
14/6/2008	Slight	1	1		1			
8/9/2008	Slight	2	1		1			
20/2/2009	Serious	2	1	Yes		1		
27/4/2009	Slight	4	1	Yes	1			
21/5/2009	Slight	2	1	Yes	1			
5/7/2009	Slight	2	1		1			
4/9/2009	Slight	3	1		1			
31/5/2011	Serious	2	1			1		
20/6/2011	Slight	2	1	Yes	1			
5/3/2013	Slight	2	1		1			
30/4/2014	Slight	2	1	Yes	1			
30/10/2015	Slight	1	1		1			
11/5/2017	Fatal	2	1	Yes			1	14
18/10/2018	Accident attended by a resident who found and helped the casualty. His car had crashed into the 'temporary' central island that forms part of the 'site' junction because the high visibility bollard/marker was missing. The car then crashed into the verge. The driver was distracted having been diverted due to A14 works and was unfamiliar with the road, the presence of the central island was not clear because the bollard/marker appears to have been demolished in a previous incident.							
24/1/2019	Multiple accidents involving at least 3 cars due to ice at Peterborough road Junction							

**Just north of B671**

8/1/2009	Slight	1	4		1			
3/12/2010	Slight	4	1	Yes	1			
8/12/2011	Slight	3	2		1			3

**Between Peterborough Road and Warmington Roundabout**

14/1/2017	Slight	2	1		1			1
-----------	--------	---	---	--	---	--	--	---

**At Warmington Roundabout**

16/2/2008	Serious	2	3			1		
14/9/2008	Slight	1	1	Yes	1			
24/3/2016	Slight	2	1		1			3

**Just south of Warmington Roundabout**

11/2/2010	Slight	3	1		1			
25/9/2011	Slight	2	2		1			
23/11/2012	Slight	3	2		1			3

<b>TOTALS</b>		52	32	10	20	3	1	24
---------------	--	----	----	----	----	---	---	----

## **ELTON 2 SAND AND GRAVEL QUARRY**

PLANNING APPLICATIONS 19/00033/MINFUL, 19/00034/MINFUL AND 19/00035/MINFUL

### **Comments for consideration in relation to;**

- Hydrogeological Impact Appraisal 2019
- Flood risk Assessment
- Associated Application Documents

National Planning Policy Framework (NPPF 2019)<sup>1</sup> states, '*Plans should take a proactive approach to mitigating and adapting to climate change, considering the long-term implications for flood risk*'.

The site is classified as functional floodplain (Flood zone 3b)<sup>4</sup> so allows free flow of water and storage of water in times of flood. The hydrogeology of the area currently addresses this need although in times of high river flows there is local flooding suggesting little spare capacity in the natural system.

Technical Guidance to the National Planning Policy Framework<sup>3</sup> states (pg5) that development within zone 3b is not permitted unless it is 'water compatible'. It further states that it should be designed and constructed to:

- result in no net loss of floodplain storage;
- not impede water flows; and
- not increase flood risk elsewhere.

This application and supporting documents do not support these aims.

### **Flooding**

Statistics produced by the Meteorological Office demonstrate a decade on decade increase in annual rain fall up to the latest publication to 2010<sup>6</sup>. Expert predictions agree that this is likely to continue<sup>8</sup>. It is therefore imperative that development takes due consideration of all possible adverse effects.

The applicants own impact statement confirms that the interaction between groundwater and surface water at the site is complex and dependent upon the lithology of the superficial strata, climatic conditions and how water levels are controlled in the River Nene and the other channels that surround the site. Groundwater flow within the site boundary will be towards the river when in low flow conditions. During periods of high flow/flooding, this flow relationship will reverse and the river may recharge the aquifer.

The application intends to remove the aquifer ('River Terrace Deposits' Sand and Gravel) These are described as 3.1 – 7.2m of permeable layers capable of supporting water supplies at a local scale and forming an important source of base flow in hydraulic continuity with the rivers<sup>5</sup>. These aquifers hold water in times of high water and discharge water to the river course when the levels drop. This absorbent quality is therefore essential to maintain the 'pull' of the water into the flood plain and away from the village at times of high-water levels.

Table 1. showing the hydrogeological make-up of the site.

Stratigraphic Unit	Description	Approximate Thickness (m)	Permeability
Alluvium	Recent	0.5 - 1.0	High
	Older	1.0 - 2.0	Low
Glacial Deposits	Clayey sandstone	2.0 - 3.0	Low
	Siltstone	1.0 - 2.0	Low
Carboniferous	Millstone Grit	10 - 15	Low
	Wensleydale Sandstone	5 - 10	Low
Permian	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Triassic	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Jurassic	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Cretaceous	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Tertiary	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Quaternary	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low

Stratigraphic Unit	Description	Approximate Thickness (m)	Permeability
Alluvium	Recent	0.5 - 1.0	High
	Older	1.0 - 2.0	Low
Glacial Deposits	Clayey sandstone	2.0 - 3.0	Low
	Siltstone	1.0 - 2.0	Low
Carboniferous	Millstone Grit	10 - 15	Low
	Wensleydale Sandstone	5 - 10	Low
Permian	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Triassic	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Jurassic	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Cretaceous	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Tertiary	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low
Quaternary	Wensleydale Sandstone	5 - 10	Low
	Wensleydale Sandstone	5 - 10	Low

Following removal of the aquifer, the applicant cites plans to restore the site to pre-development ground levels using imported inert material and alluvium material won from the extraction process. These materials will not be aquifers so run off is likely and is acknowledged by the applicant. The application also concludes that the inert material may cause a barrier to groundwater flow. This directly contradicts national guidance which requires that developments result in no net loss of floodplain storage and do not impede water flows.<sup>3</sup>

If this run off is directed towards the tail race as suggested in the application, then the Mill Pond will receive extra water and in turn may cause impediment to water flowing through the existing culvert.

The underpass (under the road) forms a link between the proposed site and the village. It does at times flood. This may not have been anticipated at the time of construction and subsequently one side of the ground within the underpass has been raised to provide a pathway during regular low-level flooding. At times of high river levels, it floods to an extent that it becomes impassable. The effects are apparent in Eglethorpe which suffers a back-up of flood water. Reasons for this flooding may be explained in sec 3.18 of *East Northamptonshire Council Strategic Flood Risk Assessment*<sup>7</sup> which explains the relationship between culverts and flooding. It read; 'If, however, the stream runs through a long culvert and the hydraulic capacity of that culvert is exceeded under flood conditions the culvert becomes surcharged at its upstream end. Water levels will then rise rapidly and localised flooding upstream of the culvert, often quite serious, can occur. The flood water, in attempting to follow the natural line of the culverted watercourse, may also flow through the built-up area above the line of the culvert'. This effect is exacerbated when the Mill Pond is high because the culvert outlet becomes submersed and prevents free flow.

It is therefore clear that the current flood plain and existing drainage barely copes with current capacity and any development must not disadvantage the status quo. The application documents are contradictory and do not demonstrate a robust risk and mitigation strategy. For example, section 5 of the Flood Risk Assessment states; 'The site is currently overlain by low permeability alluvium and it is therefore expected that there would be no increase in runoff rates across the site'

However, section 6 of the same document states;

'Surface run off would likely be increased by an increase in the area of impermeable surfaces through imported materials with a lower permeability'.

An overall comment in section 6 concludes that the site is at minimal risk of flooding,' in contradiction to the actual wording in section 5 of the same document (FRA)which reads;  
 Assessment of Flood Risk

- the site and the wider flow-path of the River Nene have historically flooded.
- Flood Zone 3b is defined as 'functional floodplain'
- There is high risk of fluvial flooding from the surrounding Nene river system
- It is considered that the water table is consistent with the surrounding river system and therefore the site is considered at high risk of groundwater flooding.

Whilst section 6 goes on to discuss the use of SuDS (Sustainable drainage systems) it is unclear whether this is a long-term plan or just for the duration of the project given the description of flow impediment around the temporary Baily Bridge. The section does though propose via SuDS to provide increased flood storage by reducing levels slightly, elsewhere in the flood plain to compensate for this effect. This is again contradictory to other statements which commit to restoring the ground levels to pre-development levels.

### Water quality

The Impact Statement says there is no groundwater quality data immediately available for the application site and none was assessed during the compilation of the report. Given the close nature of the development to the natural watercourse a baseline assessment would be useful for ongoing comparison. The authors go on to quote in Sec 2.3.5 that according to published data the ground water status is recorded as Good. Looking at the document the Nene Mid Lower Jurassic Unit, [www.environment.data.gov.uk](http://www.environment.data.gov.uk) reasons for not achieving a Good rating included mining and extraction<sup>9</sup> so suggesting that the status requires regular monitoring. There is no mention in the Impact Statement of assessment of surface water quality. The government data for the same area quoted by the authors as having good ground water receives only a moderate rating for surface water and therefore defines the area as a 'Protected Drinking Water Zone'<sup>9</sup>

#### 2.7 Surface Water Quality

The Environment Agency's Catchment Assessment Report for the site is available at the location of the Water Body 'Nene Valley' - a summary of the information given in the report table is provided in:

Table 2.4  
 Environment Agency Catchment Classification

Parameter	Value	Classification
Flow Name	Nene Valley - 100 to 1000	
WQ	GB105032050381	
Administrative Region	Northampton	
Administrative Area Code	008 03	
Ecological	WQ1 Grade 2 - Moderate	Performance: Moderate (p. 202)
Chemical	WQ1 Grade 2 - Good	Performance: Good (p. 202)
Overall	WQ1 Grade 2 - Moderate	Performance: Moderate (p. 202)

#### Protected areas

Area Name	ID	Area Type	Type	More Information
Water Body	GB105032050381	Environment of WQ1 Grade 2 Moderate	WQ	View on map
WQ	WQ105032050381	Watercourse	WQ	View on map
Water Body (Local Plan)	WQ105032050381	Environment of WQ1 Grade 2 Moderate	WQ	View on map
WQ105032050381	WQ105032050381	Watercourse	WQ	View on map
Water - 100 to 1000	GB105032050381	Drinking Water Protected Zone		
Local Name	WQ105032050381	Local Water Body Standard Code		

<https://environment.data.gov.uk/catchment-planning/WaterBody/GB105032050381>

this should be considered in line with national guidance (NPPF)<sup>1</sup> which states '**Surface Water Management and Flooding:** Development should ensure that there is no detrimental impact on the water quality of existing watercourses, and that the development does not lead to flooding within the site or elsewhere'. This is particularly important given the intention to wash, crush and reuse imported spent building materials and allow the recirculation of water to silt ponds and subsequent filtration through the ground.

### Omissions in the Application and supporting reports



A detailed description of the water course around the site is presented but omits a water channel and associated sluice gate which sits adjacent to the only residential property (currently in flood zone 1 and 2) assurance that this water channel and the roadway alongside it will not be affected, is not offered. The roadway does flood currently and provides access to the Boat Club and a commercial property. Any extra water through this channel and sluice gate creates a risk to the functionality of those living and working in the direct area. This is in contravention of the NPPF<sup>1</sup>



Grid reference TL 07437 91618

The report states that Lincolnshire Limestone not proven to underlie the site but then goes on to say that loss of its aquifer feature is considered negligible due to only 2m depth. The status of Lincolnshire Limestone as a 'Principle Aquifer'<sup>5</sup> (described as deposits that have high intergranular and/or fracture permeability) meaning they usually provide a high level of water storage. It is therefore likely that greater flood risk is possible if the amount of this substance is under estimated. Consideration should be given to quantifying the actual amount of Lincolnshire Limestone.

## Inaccuracies in the reports

Flooding from sewers is not considered in the reports as the applicant states that it is not considered significant. However, this fails to take into account the sewerage treatment works which sits adjacent to the site.

There is also an adjacent residential property overlooking the site which is connected to mains drainage.

## References and bibliography

1. National Planning Policy Framework (NPPF 2019)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)
2. Northamptonshire Minerals & waste Local Plan, 2017 (MWLP)  
<http://www.nnjpu.org.uk/docs/Joint%20Core%20Strategy%202011-2031%20High%20Res%20version%20for%20website.pdf>
3. Technical Guidance to the National Policy Planning Framework  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6000/2115548.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf)
4. <https://geosmartinfo.co.uk/flood-zones-explained/>

5. Cranfield Soil and Agrifood Institute Soilscales Online Soil Map Viewer (Accessed 08/01/18)  
<http://www.landis.org.uk/soilscales/>
6. <https://www.metoffice.gov.uk/research/climate/maps-and-data/uk-climate-averages/gcrem99cb>
7. *East Northamptonshire Council Strategic Flood Risk Assessment - Stage 2 September 2006*  
[https://www.east-northamptonshire.gov.uk/download/downloads/id/899/stage\\_2\\_final](https://www.east-northamptonshire.gov.uk/download/downloads/id/899/stage_2_final)
8. [https://www.mineralproducts.org/news\\_publications01.htm](https://www.mineralproducts.org/news_publications01.htm)
9. Joint science academies' statement: Global response to climate change  
<http://nationalacademies.org/onpi/06072005.pdf>
10. <https://environment.data.gov.uk/catchment-planning/WaterBody/GB105032050381>
11. Planning Practice Guidance Flood Risk and Coastal Change  
<http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change>

## **Socio-Economic Issues**

### **8.1 - Concealed Benefits**

The basic message is a sort of “greater good” benefit. Almost telling us that just because we don’t see the benefit it doesn’t mean it isn’t there. The base message is the availability of material for the construction industry which benefits the local and wider economy. This is so broad as to be almost unchallengeable in a sensible way. Clearly Warmington needs a thriving UK economy and the nation needs building projects of all kind, but what quantifiable benefit that brings to the Parish is totally arbitrary.

### **8.2 Site Preparation**

The claim is that getting the site ready for use will bring opportunities to the Parish through short term employment, and some spend in the local economy. This is highly questionable. Most work would almost certainly be done by tendering to large contractors who will have their own workforce rather than short term hires of local people. There may be some short term spend in the village, but the two shops are quite a walk from the site, and anecdotal evidence from the two recent building projects on Chapel Street suggests fairly low levels of spend in Glebe Stores & Warmington Chops by the workers. Certainly, Warmington Chops is making a more concerted effort to gain business from The Barns rather than the builders.

### **8.3 Longer Term Employment**

The plan envisages 8-10 staff, mostly construction or heavy vehicle related, and claims £300,000 pa salary, which makes it seem quite low paid, unskilled work. Again, there is an assumption that this will drive more spending on local services and in local shops. This again seems flawed. If the staff really do come from Warmington, then they will be already spending in the village so there would be no change in overall revenues. If they do not come from the village (more likely in my view) the spend will be minimal. The report seems to make a broad assumption that Warmington has a ready supply of people willing and available to work on the site when in fact our demographic is, I suspect, quite different with mainly retired residents and white collar workers rather than people skilled in heavy industry.

### **8.4 Indirect Employment**

This claims we will benefit from lots of other employment opportunities around transportation of materials, fuel, aggregates etc etc requiring a large number of lorry drivers. Again, this seems totally at odds with reality as a large regional contractor such as Mick George would almost certainly have equating staff and vehicles for this activity. The additional claim is that spend on equipment maintenance, office supplies etc to the value of £300k pa would be needed. Quite who would be providing these in Warmington is unclear - to put it politely.

### **8.5 Rates**

I could find no on line reference to “mineral rates” so am not sure what they mean by this, but there would clearly be income from business rates. However, these, I believe, flow to the DC rather than the PC? Therefore, what benefit is there for the Parish?

## 8.6 Summary

A little bit of motherhood and apple pie waffle saying its great for us due to employment, support for the local economy etc.

In parallel to looking through this material, I did some local asking around. Clearly, if the Nene Way/Green Wheel etc are being diverted and disturbed for a long period of time there must be questions raised over the impact on footfall through the village for walking groups, nature rambles, cyclists, Duke of Edinburgh treks etc. To have to share a key part of the route with heavy vehicles for five and a half days a week over the next 10 years (minimum) will surely have an impact on such a scenic section of the Nene Way. Both our village shops benefit from passing trade from this community as does The Red Lion. The Red Lion has at least 2 walking groups on 25-30 members each use the pub as a start and finish venue each month. They serve morning coffee and lunches for these, plus of course doing the same for more casual, informal walkers and tourists. Using a rough spend of £25/head for the groups alone in the Red Lion that represents over £15,000 of revenue per annum that could be at risk should those groups decide to start and finish in Elton or Oundle to avoid the workings. There is also the question of reactivating Warmington Mill. Any activity marketing the location as quiet, peaceful and attractive such as a restaurant, bistro etc would struggle were extraction and heavy good vehicles operating so close to the location.

Putting such a blot on our landscape at a time when we are promoting the Parish as a “Destination Warmington” seems short sighted. If the plan is to go ahead you would hope there would be significant financial reparations coming in the parish direction?

Tables of WNP Policy Objectives assessments for Elton 2

WNP Policy Objective	Supported Green	Neutral Amber	Against Red
<p><b>Policy W1:</b> Community Engagement in Planning Developers considering making proposals for development within the parish are encouraged to contact WPC at the earliest opportunity to improve community engagement</p> <ol style="list-style-type: none"> <li>1. WPC will review all proposals without prejudice to its statutory role.</li> <li>2. WPC will form a Local Liaison Group for strategic or significant developments and for developments of more than a single unit.</li> <li>3. The Local Planning Authority is requested to notify applicants who apply for pre-application advice that they could demonstrate community engagement by contacting WPC in accordance with Paragraph 40 of the NPPF.</li> <li>4. WPC will facilitate access to local advice, where possible, to help applicants make effective plans that enhance and protect the local character and environment in accordance with this Plan including appendices.</li> <li>5. Applicants who demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that do not.</li> </ol>			
<p><b>Policy W2:</b> Warmington Village Boundary (Map 5)          The existing settlement boundary (as reviewed) will be retained as a Village Boundary and all development outside this boundary will be resisted with the exception of:</p> <ol style="list-style-type: none"> <li>1. Rural Exception sites for up to 10 dwellings which are evidenced by local need and remain as affordable housing for people with a local connection in perpetuity.</li> <li>2. Additional housing requirements imposed through overarching national or local planning authority policy changes, which are evidenced by local need and which demonstrate an appropriate mix of housing including rented, low cost home ownership, equity share and open market housing. Proposed sites must also meet the criteria in Policy W4 for the selection of site locations.</li> </ol>		n/a	
<p><b>Policy W3 - Site Allocation for Future Housing Development Policy WAR1</b> of the RNOTP allocating a site to the north of the Nene Pastures housing area for mixed housing and office use will be retained subject to a review of the most appropriate use of the site:          Land to the south and east of Eaglethorpe Barns, Warmington is allocated for mixed use development and associated infrastructure:</p> <ol style="list-style-type: none"> <li>1. Minimum 12 dwellings</li> <li>2. 0.38 ha of Class B1 (office) use.</li> </ol> <p>Planning permission will be granted subject to legal agreement for developer contributions for affordable housing and open space in accordance with the Developer Contributions SPD.</p>		n/a	
<p><b>Policy W4:</b> Criteria for the Selection of Housing Site Locations Outside the Village Boundary          This policy governs the selection of suitable site locations only, the housing mix and other development criteria are governed by other policies within this plan and by the requirement that justifies the exception to Policy W2.          Size - Small-scale sites will be preferred.          Type - Brownfield sites will be preferred.          Location and scale</p>		n/a	

<p>The site must:</p> <ul style="list-style-type: none"> <li>• be immediately adjacent to the existing built environment of the settlement and should not create an area to be infilled.</li> <li>• not result in a loss of any Local Green Space.</li> <li>• not materially impact any Conservation Area, or have a significant material impact upon designated heritage assets or their settings.</li> <li>• not be at risk from flooding or compromise flood alleviation based on an individual assessment of flood risk from all sources.</li> <li>• The site should:             <ul style="list-style-type: none"> <li>◦ not significantly increase traffic through the village.</li> <li>◦ avoid designated Important Local Open Space.</li> <li>◦ avoid designated Important Local Functional Space or identify replacement space which could benefit from improved functionality.</li> <li>◦ respect the existing natural and historic assets including their settings.</li> <li>◦ leave a significant gap between housing and the A605.</li> <li>◦ use existing road infrastructure and be capable of using an existing access to the A605.</li> <li>◦ not reduce the residential amenity of existing dwellings.</li> <li>◦ avoid existing community facilities or identify a new assured location for an improved replacement facility.</li> <li>◦ be capable of delivering net biodiversity gains.</li> </ul> </li> </ul> <p>Direct traffic-free pedestrian/cycle links to existing links and village facilities should be identified.</p> <p>Any additional infrastructure needed to support the site should be identified:</p> <ol style="list-style-type: none"> <li>a) for large sites this might include relocation of the Primary School.</li> <li>b) for all sites direct fibre broadband connections should be available.</li> <li>c) where large sites are required these should be capable of supporting on site renewable energy facilities.</li> </ol>			
<p><b>Policy W5:</b> Design Code for Warmington              All new development should achieve net enhancements to the character of the village.              Development proposals will only be supported where these comply with the Design Code at Appendix 2 to this Plan.</p>		n/a	
<p><b>Policy W6:</b> Backland or Tandem Development              The sub-division of existing housing plots to provide either infill development along a frontage or rear garden development will only be supported where all the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. The existing plot is of a sufficient dimension to support the existing and proposed dwelling(s) without loss of amenity to either.</li> <li>2. The proposed dwelling(s) meets the national space standards</li> <li>3. The proposed site design complies with NNJCS Policy 8 and the Design Code (Policy W5)</li> <li>4. The development should not have a significant adverse impact on any Local Green Space or Important Open Space.</li> </ol>		n/a	

<p><b>Draft Policy W7: Local Green Spaces</b>          Local Green Spaces as shown on Map 6 below are designated in accordance with the NPPF (1)          Proposals for development in a Local Green Space will be resisted unless there are very special circumstances, as defined by the NPPF including:</p> <ul style="list-style-type: none"> <li>• Provision of appropriate facilities to service a current use or function; or</li> <li>• Alterations or replacements to existing buildings or structures providing that these do not significantly increase the size and scale of the original building.</li> </ul> <p>Note 1 - NPPF Feb 2019 paragraphs 99-101</p>		<p>n/a          (the space is too large for LGS so this policy can't apply)</p>	
<p><b>Draft Policy W8: Important Local Spaces</b>          Proposals for development in Important Local Open Spaces, as shown on the Map 7 below will be resisted unless they:</p> <ol style="list-style-type: none"> <li>1. Are alterations or replacements to existing buildings that do not significantly increase the size and scale of the original building;</li> <li>2. Justify the need for any loss;</li> <li>3. Mitigate any loss by appropriate actions together with significant developer contributions</li> </ol> <p>Proposals for development in Important Local Functional Spaces will be supported if they:</p> <ol style="list-style-type: none"> <li>4. Provide for the provision of a functionally equivalent or superior space prior to any development taking place; and</li> <li>5. Conform to all other relevant national and local policies.</li> </ol>			
<p><b>Policy W9: Landscape Character</b>          New development will be supported if it can be demonstrated by means of landscape appraisals and impact studies that its siting and design will protect and enhance features which contribute towards the parish's special landscape character, and open spaces surrounding the village, in particular:</p> <ul style="list-style-type: none"> <li>• Views - Development will be supported where it can be demonstrated that the locally significant views can be preserved with no significant negative impact. Proportionate landscape appraisals and impact studies will be required for any development which might impact adversely upon them.</li> <li>• Trees - Where established trees are affected by new development these should be retained and incorporated in landscaping schemes unless it is demonstrated that the loss of any such trees cannot be avoided, and that adequate compensatory planting will occur. Furthermore in such cases it must be demonstrated that the need for, and benefits of, the development clearly outweigh any harm or loss. Landscaping will be required to incorporate traditional and locally appropriate trees and plants to support and enhance biodiversity and deliver ecosystem services. Species should be appropriate to the location and setting in terms of type, height, density and the need for ongoing management.</li> <li>• Local features - Development proposals (including associated tree planting) shall conserve important local landscape features and historic boundaries such as wide verges, hedges and stone walls.</li> <li>• Wildlife Habitats - Local habitats and wildlife corridors should be preserved and enhanced.</li> </ul>			

<p><b>Policy W10: Developer Contributions for Community Facilities</b>          Developer Contributions will be applied towards the following priorities within the Parish:</p> <ul style="list-style-type: none"> <li>• Improvements to the Village Hall.</li> <li>• Improvements to recreational facilities within the Parish. WPC will work with the local planning authority on developer contributions to ensure appropriate contributions are sought.</li> </ul>			<p>There are no proposed developer contributions.....</p>
<p><b>Policy W11 - Traffic Management and Transport Improvements</b>          Proposals to improve road safety and traffic management throughout the Parish will be fully supported.          Development proposals that increase traffic flows onto the A605 will be supported if mitigated through developer contributions and/or conditions (as appropriate), or included within development proposals works that deliver:</p> <ol style="list-style-type: none"> <li>1. Highway improvement schemes to promote the safety of pedestrians and cycle users; and</li> <li>2. Improved safety at road junctions on the A605 in conjunction with adjacent parishes.</li> </ol>			
<p><b>Policy W12 - Sustainable Transport</b>          Development proposals will be supported if measures are included to improve sustainable transport by:</p> <ol style="list-style-type: none"> <li>1. Including footpaths and cycleways enabling residents of all ages and abilities to walk, cycle or utilise mobility vehicles safely from homes to the village centre.</li> <li>2. Contribute to establishing or enhancing pedestrian and cycle routes in and through the villages and beyond including appropriate signage.</li> <li>3. Providing links to wildlife corridors and providing landscaping and planting along routes to support local biodiversity objectives such as provision of new areas of woodland, new hedgerows, grassland and wetland habitats.</li> </ol> <p>Proposals that would result in a loss of an existing path, right of way or associated facility should:</p> <ol style="list-style-type: none"> <li>4. Replace this with an appropriate alternative and improved facility</li> </ol> <p>OR</p> <ol style="list-style-type: none"> <li>5. Mitigate the loss through development contributions (1) or include development works, towards establishing or enhancing pedestrian and cycle routes in and through the villages and beyond including appropriate signage.</li> </ol> <p>AND</p> <ol style="list-style-type: none"> <li>6. Deliver these improvements in a timely manner, prior to any development works taking place.</li> </ol> <p>Note1: Development contributions consist of planning obligations delivered by way of s106 agreements or Community Infrastructure Levy (CIL), as appropriate]</p>			
<p><b>Policy W13 - Support for Business</b>          Development proposals to re-use, convert, upgrade or extend existing employment premises will be supported where these accord with relevant national and Local Plan policies, unless the proposal would cause unacceptable harm to the amenities of surrounding properties and/or the natural or historic environment.</p>			



<p>Conversion of existing buildings to provide premises for new small scale business development providing local employment opportunities will be supported providing that they:</p> <ol style="list-style-type: none"> <li>1. Are of a scale appropriate to the immediate surroundings.</li> <li>2. Do not have a detrimental impact on surrounding residential amenity.</li> <li>3. Do not lead to the loss of protected open space or green infrastructure.</li> <li>4. Do not have an unacceptable impact on traffic. <span style="float: right;">Text</span></li> <li>5. Include adequate car parking for staff and public.</li> <li>6. Include cycle shelter and ensure linkages to traffic-free cycle/walking routes.</li> </ol>			
<p><b>Policy W14 - Sustainable Recreational and Tourism activities</b>          Development proposals that provide facilities for recreation and tourist activities will be supported where these accord with relevant national and Local Plan policies, provided that:</p> <ol style="list-style-type: none"> <li>1. The siting, scale and design respects the character of the surrounding area, including any historic and natural assets.</li> <li>2. Sustainable transport is supported and encouraged as a priority.</li> <li>3. The local transport network is capable of accommodating the additional traffic movements.</li> <li>4. Adequate parking for staff and public is provided on the site.</li> </ol>			
<p><b>Policy W15 - Developer Contributions</b>          Developer Contributions and/or Community Infrastructure Levy will be sought where these would fulfil the requirements of the CIL Regulations or subsequent legislation, in accordance with policy and also for proposals which could adversely affect:</p> <ol style="list-style-type: none"> <li>1. The natural environment.</li> <li>2. Existing community facilities.</li> </ol> <p>WPC will work with the local planning authority contributions are sought and that they are used are put towards an appropriate use dependent development proposal. In addition to the specific W10, uses could include:</p> <ol style="list-style-type: none"> <li>1. New or upgrade local cycleways to other parishes.</li> <li>2. Improvements to local facilities including the Village Hall, Fun Field, Pocket Parks, Play Park, and allotments.</li> <li>3. New or improved tourist facilities.</li> <li>4. Support for enhanced infrastructure to allow effective home working.</li> <li>5. New or improved car parking and sustainable transport including electric car charging points.</li> <li>6. Community renewable power facilities.</li> <li>7. Traffic calming and pedestrian priority schemes.</li> <li>8. Improvements to the natural and historic environment.</li> </ol> <p>These uses are explored in more detail in the Aspirations document at Appendix 1.</p>			<p>There are no proposed developer contribution S.....</p>

## **POTENTIAL MITIGATION/COMPENSATION ISSUES FOR INCLUSION AS CONDITIONS AND/OR BY SEPARATE**

### **LEGAL AGREEMENT**

#### **1. COMMUNITY BENEFITS**

- Timeline for completion of Elton 1 prior to Elton2.
- Timeline for completion of Elton 2 phase 1, before starting Phase 2 and before starting phase 3
- Annual mitigation sum as pro-rata % of tonnage extracted from mineral working.
- Restoration of former BMX track.
- Community sculpture.
- Village signs.
- Village gateways
- Destination Warmington signage.
- New village hall.
- Improvement of changing facilities, with addition of meeting area / community use facilities
- Procurement of land for extension of cemetery.
- Procurement of land for community use. Planters.
- Dog bins.
- Noticeboards
- MUGA.
- Car parking on service road to Mill, Recreation Ground, Church.
- Village Public toilet facilities.
- Ramblers and Cyclist park and support facilities.
- Extended shallow lands and wetlands.
- Caravan and camping site.
- Loch Fyne A605 road junction improvement Elton.
- Red Kite Heritage Trail signage.
- Improve rights of way signage
- New fencing at playpark.
- Affordable housing replacement for the loss of Lady Margaret Cottages.
- Increased accessibility for less able users in public spaces and pavements.

#### **2. THE GREENWAY**

- Raised path and surfaced for pedestrian, buggy and cycle use PD3
- Greenway signage
- Bridge for Elton brook on Northamptonshire/Cambs border Surfaced Greenway PD1 from underpass to crossing, crossing to brook
- Surfacing from Brook to Chapel Lane (Elton
- Elton reservoir circular walk plus facilities
- Angler fishing decks accessible for wheelchair users at reservoir
- Second bird hide for northern end of reservoir/wetlands/shallows
- Maintenance investment for paths adjoining Elton 1 and Elton 2 northern/southern end

### **3. NENE WAY PD3**

- Visitor centre at Mill
- Nene Way PD3 signage
- Café/wc facilities
- Raised path and surfaced for pedestrian, buggy and cycle use PD3Circular raised and surfaced path around Elton 2 site
- Public sculpture
- Bird hides north, south east and west

### **4. THE BLUEWAY RIVER NENE**

- Canoe portage
- Blueway signage
- Angler fishing decks accessible for wheelchair users
- Raised path and surfaced for pedestrian, buggy and cycle use PD3
- Additional mooring facilities