

## **Response by Fulbourn Forum for community action to Outline Planning Application S/0202/17/OL**

Consideration of access points for residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure

This application is virtually identical in its illustrative plan and detail to the one that was considered at Appeal in September 2016 and subsequently dismissed:

Application Ref. S/2273/14/OL

Appeal Ref. APP/W0530/W/15/3139730

### **Summary of Response**

Fulbourn Forum for community action strongly objects to this proposed development for the following reasons:

1. The applicant has failed to show that the access to, and egress from, the site is adequate for the size of project. The long cul-de-sac will result in an unacceptable increase in traffic, vehicular and pedestrian, in Cox's Drove.
2. The applicant has failed to show why Fulbourn should not be re-designated as a Minor Rural Centre, which would limit any development to a maximum of 30 dwellings.
3. The applicant has failed to show, beyond reasonable doubt, that the present ecology and biodiversity of the site can be safeguarded by retention, mitigation and translocation, and result in a net gain in biodiversity.
4. The applicant has failed to show that the conflicting three functions of the green spaces, that of water management, flora and fauna habitat, and public access and recreation, can be effectively managed to ensure that all three will perform to a high standard without the significant risk of failure.
5. The applicant has failed to show how the mandatory provision of Areas of Play (both LAP and LEAP) can be successfully integrated into the scheme.
6. The applicant has failed to show how the complex landscape/nature reserve/water management /public access features of the development can be provided and maintained to a high standard, in perpetuity, without the high risk of failure. They have failed to show how the scheme is deliverable or affordable in the long-term.

## Detailed Response

**1. Access** – the application is for the “*consideration of access points*” only, with everything else deemed to be dealt with as Reserved Matters, rather than a further planning application for full permission (Planning Statement 1.2). Subsequently, virtually the whole project as shown in drawings and described in documents is illustrative only with nothing, apart from the location of the accesses being firm. This gives little or no opportunity for public involvement in the detailed design of this complex scheme, both visual and technical, and must surely not be allowed. It is not democratic and ignores the concept of localism. This attempt to get a final approval through a Reserved Matters application is a cynical attempt by the applicant to shorten the timescale to construction completion – to beat the five year deadline. This should not be at the expense of local involvement in a scheme that proposes a fundamental change and loss of an important and valued green space in the village.

There are **five** access points shown on the illustrative plan:

- a single vehicular access from Teversham Road;
- two “**main** pedestrian/cycle accesses creating a green entrance into the development” (Design and Access Statement 10.1, page 38) – one over Poor Well and the other via the Pump House Garden from Cow Lane;
- an “emergency access” from Cox’s Drove;
- a secondary pedestrian/cycle access through the Pump House Garden from the corner of Teversham Road/Hinton Road.

However, the applicant refers to only **three** access points to justify their application (Planning Statement 6.27, page 31), by which it is clear they mean the Teversham Road one and the two pedestrian/cycle accesses of Poor Well and the Pump House Garden (the **main** accesses).

The Fulbourn Parish Council has said that they will not allow the Poor Well access (which they own on behalf of the village), and, to prevent a hugely increased footfall across this delicate site of important biodiversity, they will consider erecting a fence between it and the development. Subsequently, the application has **only two effective and potentially deliverable accesses**, that of Teversham Road and the one through the Pump House Garden. However, it should also be noted that there is no existing public pavement at the proposed Garden entrance. This lack of adequate accesses will greatly increase the use by foot and cycle into Cox’s Drove which is not a suitable thoroughfare, being narrow, without footpaths, and has a small industrial estate opposite the exit point.

The applicant claims the Cox’s Drove access is **primarily designed for emergency services use**, not as a main access for general use. This is backed by their consultant’s drawing Cannon B411/008 Rev.1, although its proximity to at least half the number of proposed houses will inevitably make it the preferred route for many pedestrians and cyclists. However, the design simply comprises a 100mm high kerb to form a low-level planter in the middle

of an overall 3.7m roadway with “*hard measures*” on the side to “*deter*” use by non-emergency vehicles, not, it is noted, to “*prevent*” such use. It is clear that this deterrent will not be effective as most, if not all, SUVs, vans and lorries, and possibly some cars, will easily navigate across the planter. Because the development is one very long cul-de-sac, against the design principles of South Cambs Design Guide SPD March 2010 (“***Avoid backland and cul-de-sac developments where possible***”), this will become the quickest route to and from the village and will be soon made use of, once known. Cox’s Drive, as highlighted above in respect of pedestrian and cycle use, is eminently not suitable for increased vehicular use from a development of 110 dwellings.

For the above reasons alone, the application should be refused.

**2. Minor Rural Centre** – contrary to the decision of South Cambs to re-designate Fulbourn as a Minor Rural Centre in the emerging Local Plan, which would limit any new development to no more than 30 dwellings, the applicant’s Planning Statement attempts to redo the South Cambs Village Classification Assessment taking Fulbourn’s score to 12, from South Cambs score of 8, thus claiming that this justifies Fulbourn remaining as a Rural Centre, which in turn justifies a development of 110 dwellings.

However, the applicant takes no account of the fact that Fulbourn does not have a full Post Office service, the library is run entirely by volunteers (and cannot therefore be guaranteed), and our GP Surgery is only a branch one and very overstretched. They have also added in the Tesco store which SCDC did not include, as it is not in the village (although in the parish) and relates more to Cherry Hinton – it is also stated that Tesco is a 24 hour shop although this service has ceased for some time. One of the requirements for Rural Centre designation is either a Village College or good and regular public transport to one. The applicant claims that there is a “*safe public transport service*” to Bottisham Village College from Fulbourn, “**although not direct.**” They don’t explain what this means but can only mean **via Cambridge**. This does not satisfy the requirement for good and regular public transport. The school bus does not count as it is not classified as public transport.

In addition, in an attempt to claim good public transport connections with the areas beyond Fulbourn, the applicant claims that Fulbourn still has a Stagecoach No16 service to Haverhill (Planning Statement 5.14), which it doesn’t, and they also claim that there is still a regular Stagecoach No17 service to Newmarket, although it is now a County funded, three days a week, service, and with just one run each day. This run, now a Whippet No18 service, is likely to lose its County funding next year and will never be commercial (the writer chairs an occasional meeting in the village with the County Public Transport manager).

The facts have been rewritten by the applicant in an attempt to prove their claim that Fulbourn should not be re-designated as a Minor Rural Centre.

### 3. Ecology, Mitigation and Translocation Procedures and Management –

MKA Ecology who undertook all the original ecology surveys and reports has been replaced with NIRAS. NIRAS has retained MKA's evidence but has revisited and reinterpreted (to the applicant's benefit) some of it, resulting in two new reports – Ecological Impact Assessment and Breeding Bird Survey Report. In addition, there is now a map Overview of Habitat Management and Enhancement Proposals (page 35, Ecological Impact Assessment) showing how and where mitigation and translocation is proposed to take place, together with written comments on each identified area. All these areas, apart from the small area of woodland and the Pump House Garden, have an important **main** function of being surface water floodwater (run-on) management areas and surface water attenuation (run-off) features (applicant's definition). It is understood, from the Flood Risk Assessment, that these areas will need to be reduced in level by up to 600mm, in places with steep sides, to provide the necessary water containment. It is difficult to see how this requirement tallies with their use for flora and fauna retention, mitigation and translocation. The new report suggests that all these areas are managed as wildlife zones, in effect as **a nature reserve**, with specific grass cutting regimes etc.

To protect these areas are a series of **raised timber boardwalks** to allow people to walk above the water and the important ecology. These wend their way through all the green spaces apart from the small woodland and the Pump House Garden, as shown on the site plan, but little further information is provided, apart from one reference on page 38 of the Ecological Impact Assessment, 8.64 iii, where it states that *"The site design indicates that the area could also accommodate public use, through a system of boardwalks above the vegetation. Use of the paths and access from the walkways can be controlled **by constructing the boardwalks within 1m high fencing.**"*

Although **none of the perspectives show such fencing**, it is assumed that that this requirement will run throughout the development if the proposed ecology and biodiversity of these green areas is to survive. The visual appearance will be dreadful, as will the maintenance implications. This is, surely, not suitable within a housing estate. But, of course, without the fencing, the ecological areas will not survive intact and the boardwalks used by pedestrians and cyclists will be unsafe. These are areas where *"...the meadow park, and **green corridors provide children's play, footpaths and informal recreational opportunities** for the benefit of both new and existing residents of Fulbourn."* (Design and Access Statement 12.2, page 44). This concept makes no sense when read with the Ecological Impact Assessment. And the nationally important chalk stream will become an overused and abused play area by people and dogs alike, being seen as part of the recreational area of a housing estate rather than a green space with ecological value. There are no 'normal' grassed areas in the estate where children could kick a ball, for example.

NIRAS has been commissioned to **reinterpret** the original **Breeding Bird Survey and Report** provided by MKA Ecology in the earlier application: *“Following a review that suggested that **unjustified significance** had been placed in interpreting isolated registrations of breeding behaviour (in the original planning application), NIRAS Consulting Ltd was commissioned to repeat the territorial analysis and where appropriate, update the evaluation and recommendations based on the revised results.”* (NIRAS Breeding Bird Survey Report 1.2, page 1).

Somehow, Table 2, page 11 (Peak count and number of territories of all bird species recorded) of MKA’s original report has been completely rewritten as Table 4.1, page 6 in NIRAS’ new report, although apparently from the same survey information undertaken in 2014. Peak counts have been reduced in number, as have the breeding territories. Two birds, the Whitethroat and the Corn Bunting have been removed completely from the breeding territories list, although the current Design and Access Statement, page 32, **states “The open grassland and hedgerows support the Corn Bunting which is of local importance.”** The D&A Statement also says in 15.4, page 62 that there will be the *“Inclusion of an area of open grassland and incorporation of native plant species to enhance the value of the site for nesting birds, and safeguard the present bird population including the **Corn Bunting**.”* It seems that NIRAS was instructed to remove the Corn Bunting but the writer of the Design and Access Statement had not been. MKA Ecology had previously written that *“...a small but locally significant population of Corn Bunting was identified as breeding”* and this area was clearly identified on a plan in their document. Who to believe?

The MKA Ecology report listed 34 species recorded, 19 of which were considered to be breeding. They listed 12 species of conservation concern, of which 5 were considered to be breeding. The NIRAS reinterpretation lists 35 species recorded, 12 of which were considered to be breeding. NIRAS then identifies just 8 as being of conservation concern of which just 2 they consider to be breeding. Again, which is correct?

NIRAS have accepted that a small population of both **common lizard and grass snake** are present. However, they have not presented in their report the **methodology for their translocation** which was clearly outlined in MKA’s report – the entire site (some snakes and lizards were found within the site not just on the periphery) is to be surrounded by reptile proof fencing which must remain in place during the entire construction programme (and subject to regular maintenance checks) with the translocation work being done over a minimum 60 days between March and September inclusive. In addition, following translocation, the grassland must be gradually strimmed to 10cm, then 5cm, and finally ground level, with each cut followed by a hand search. It is understandable why this requirement has been removed from the present Ecological Impact Assessment. It will have a cost, and **it will impact upon the deliverability of the scheme** within the applicant’s suggested timescale.

However, for the successful protection of the species identified, these procedures must be followed.

**4. Green Spaces and Conflicting Uses** – one of the reasons for the refusal of the earlier, almost identical, planning application at Appeal, was the lack of an agreed Landscape and Biodiversity Management Plan which could be shown to be capable of successful implementation. The new Ecological Impact Assessment by NIRAS now shows a proposal on page 35 for habitat and surface water management. This clearly confirms **the unlikely success of these ‘green’ areas to satisfactorily achieve the three functions required of them:**

1. Surface water floodwater (run on) management and surface water attenuation (run-off);
2. Flora and fauna habitat, including translocation and enhancement;
3. Public open space for recreation, play and general access within the site.

**These hugely conflicting requirements** cannot be adequately managed, no matter how much money is available, given the uncertainties of weather, nature, and human behaviour. **The applicant has failed to provide a Landscape and Biodiversity Management Plan** which shows, beyond reasonable doubt, that it can be successfully implemented and particularly in the long term of 100 years or more.

Following representations by the village over several years, it has been recognized by South Cambs District Council that the future of the ecology and biodiversity of the fields as semi-improved, species rich, neutral grassland, is best met by long-term, sympathetic, environmental management which would further the clear potential for ecological enhancement. The present quality of the site and its potential has been identified by the Wildlife Trust. To this end, South Cambs has confirmed the importance of the site to the village by including both fields (including Poor Well and the Pump House Garden) as a **Local Green Space (LGS)** in the emerging Local Plan. This would formalise what has been used by residents over many years, a community use of land that was once in the ownership of a public utility, Cambridge Water. In an area of largely arable landscape, the loss of such grassland with its high water table and chalk stream is of district importance.

**5. LEAP** – the Local Equipped Area of Play, in the earlier application, inappropriately located in the Pump House Garden, has now been squeezed into the middle of the development, immediately adjacent to the chalk stream and surrounded by both a surface water floodwater (run-on) management area and a surface water attenuation (run-off) feature. These areas are clearly shown for this function in Fig.6, page 35 of the Ecological Impact Assessment, while being inappropriately labelled as a ‘neighbourhood green’. However, the raised boardwalk crossing the area confirms its use, as does one of the illustrative perspectives (shown without the proposed fencing). Basically, there appears to be nowhere for the LEAP to be satisfactorily accommodated. In addition, it should be noted that the required series of **Local Areas of Play**

(LAPs) have not been identified, with the applicant suggesting that the decision should be destined for Reserved Matters. We suggest that there are, in fact, no suitable areas for such play spaces as the land is required for surface water management and flora/fauna habitat management.

**6. Long Term Site Maintenance** – there are no details in the application to show how the complex landscape/nature reserve/water management/public access features of the development are to be maintained to a high standard (as required by the Appeal Inspector) at an affordable cost, **in perpetuity**, without the risk of failure that could potentially inflict unacceptable cost upon the local authorities. The applicant states that they will present a Section 106 Agreement, acceptable to all, **in draft**, just prior to the application being considered by the planning committee. This is surely not acceptable as it allows no scrutiny by the public or the PC, and it would appear to allow little time for SCDC to give any proposals proper and full consideration. We understand that Fulbourn Parish Council would not want to take over responsibility of the site due to its complexity.

We are particularly concerned that should the planning committee decide to grant permission, then any agreed endowment payment to provide an annuity should be adequate to achieve maintenance and management of the highest quality in perpetuity, bearing in mind the particular needs of the body, be it public, charitable or commercial, taking on the obligations. The adequacy of any payment must reflect the extremely difficult nature of the site and the complex development design and infrastructure.

In an attempt to achieve this end, and because of the high levels of uncertainty pertaining to the success or otherwise of any Landscape and Biodiversity Management Plan as outlined above, we are of the opinion that ‘in perpetuity’ should mean **at least 100 years, and preferably 125 years**. This is important long-term protection for the village, its infrastructure, and landscape setting. This aspect of the application proposals should not be underplayed. The Appeal Inspector’s Report refused the earlier application partly due to the failure of the applicant to satisfy the Social Role of Sustainable Development because of “.....*the high degree of uncertainty regarding the provisions for long-term maintenance of the LEAP and open space, and indeed, some uncertainty as to whether the LEAP and open space would be delivered at all.*”

However, we are firmly of the opinion that the planning application proposals do not result in an acceptable environment for a housing development of this size for the many reasons outlined above, and that there is the significant risk of failure of many parts of the scheme. Because of the demands for ecological mitigation and enhancement, the scheme provides no meaningful public open space, being space which also has to serve the function of water management and biodiversity. Even the small area of woodland and the Pump House Garden, although not required for water management, still have an identified role to play in the provision of ecological mitigation and

translocation. **Indeed, the proposed development actually removes from Fulbourn, the only, much valued, natural open space at this end of the village, leaving it much poorer in facilities, and poorer for the well-being of residents.**

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