

Andrew Cormie

From: Andrew Cormie [andrew@zembu.plus.com]
Sent: 04 August 2017 10:24
To: 'Alison Alexander'
Cc: 'Mary Kilner'; 'Jenifer Jackson'; 'Cllr M Airey'; 'Cllr A Majeed'; 'Cllr A Smith'; 'Cllr C Bateson'; 'Cllr C Bullock'; 'Cllr C Cox'; 'Cllr C Hollingsworth'; 'Cllr C Rayner'; 'Cllr C Stretton'; 'Cllr D Burbage'; 'Cllr D Coppinger'; 'Cllr D Evans'; 'Cllr D Hilton'; 'Cllr D Sharp'; 'Cllr D Wilson'; 'Cllr Dr L Evans'; 'Cllr E Quick'; 'Cllr E Wilson'; 'Cllr G Clark'; 'Cllr G Hill'; 'Cllr G Muir'; 'Cllr H Bhatti'; 'Cllr H Sharma'; 'Cllr J Bowden'; 'Cllr J Diment'; 'Cllr J Grey'; 'Cllr J Lenton'; 'Cllr J Rankin'; 'Cllr J Sharpe'; 'Cllr J Story'; 'Cllr L Jones'; 'Cllr L Targowska'; 'Cllr L Walters'; 'Cllr L Yong'; 'Cllr M Alexander'; 'Cllr M Beer'; 'Cllr M Gilmore'; 'Cllr M Hunt'; 'Cllr M Ilyas'; 'Cllr M Mills'; 'Cllr MJ Saunders'; 'Cllr N Airey'; 'Cllr N Pryer'; 'Cllr P Bicknell'; 'Cllr P Brimacombe'; 'Cllr P Love'; 'Cllr P Lyon'; 'Cllr R Kellaway'; 'Cllr R McWilliams'; 'Cllr S Carroll'; 'Cllr S Dudley'; 'Cllr S Luxton'; 'Cllr S Rayner'; 'Cllr S Shelim'; 'Cllr S Werner'; 'Cllr W Da Costa'; 'Cllr W Richards'
Subject: Thames Hospice Planning Application between A308 and Bray Lake
Attachments: 50 Straight Road Old Windsor.pdf; HRACommentsThames HospiceFloodRiskFinal01.pdf; 2016-SuDS-Survey-Report.pdf

Dear Ms Alexander,

In the matter of the Thames Hospice application whose Development Management Meeting was presided over by Head of Planning Jenifer Jackson, and also attended by planning staff Victoria Gibson and Laura Ashton, the RBWM Planning Authority had recommended the plan for approval.

At the meeting the Councillors decided that they would accept, but on the basis that RBWM Planning would deal with the matters upon which the Councillors had concern.

I consider that this mode of operation is severely flawed. The current system actually makes it more likely that an application would be approved, as the Planning Authority is presenting their interim conclusions before all of the facts have been considered by them. This blurs accountability between Planning Authority and Borough Councillors, meaning that the Councillors could feel less pressure to be cautious.

Good practice dictates that the proposal should not be taken to the Development Management Meeting until all of the details have been clearly and unambiguously defined. At that stage, the Councillors would be absolutely accountable for their decision as the details of the application would be clear.

Currently, if a proposal later becomes untenable or if its approval is shown to have been a bad decision, Councillors can blame the Planning Authority.

(In the matter of the current Local Development Plan Reg 19 Consultation debacle on scope of comments, on which I have saved a great deal of RBWM Taxpayers money as the Local Development Plan would otherwise have been rejected by the inspector due to failure to comply with proper process, Councillors have mentioned that they are not planning experts, they rely on the professional planners. I further mention the LEGOLAND Haunted House debacle where bad planning decisions cost RBWM taxpayers a great deal of money.)

If the Planning Authority had to retain applications until all the details had been defined, then at that stage the Planning Authority may find that the plan is untenable, and it would never reach the Planning Management Panel.

For this particular application, I had analysed the Flood Risk Assessment Version 6 by Price and Myers and made comments, which I sent to all of the Councillors before the meeting. It seems that no heed was paid to my concerns.

I recognise that the period that the RBWM Planning Authority designated for commenting on the plans is over, but it seems to me that where Councillors pass a planning application back to the Planning Authority for further work, there should be a facility for further public involvement.

I have added a small addition to my comments, (merely recognising that the submission does contain a plan that shows the area to be lowered) and I send my comments to you now, wishing that you will ask your planners to consider them carefully.

In my comments on the Flood Risk Assessment (part quoted below with my comments in bold) I show that the NPPF is not satisfied as there are undoubtedly other areas that could be used for the Thames Hospice.

5.3 Sequential & Exception Tests

In accordance with the NPPF and the PPG, the risk-based Sequential Test should be applied at all stages of the planning process. Its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). Developments should not be permitted if there are reasonably available sites to accommodate the "proposed development" in areas with a lower probability of flooding.

It is clear that other sites are available in areas with a lower probability of flooding, in fact there are areas available with no probability of flooding; therefore the proposed development fails this test. The subject land is mostly Zone 2 with some Zone 3, so choosing to develop here does not comply with the NPPF.

The RBWMLP "Edge of Settlement Part 2 Constraints, Opportunities and Delivery Assessment", dated July 2016, assesses the site's (Parcel M35) potential for future development. The assessment identifies all constraints, including flooding, and concludes that "The Parcel has been promoted for residential use and is considered available".

It is clear that other sites are available in areas with a lower probability of flooding, therefore the Edge of Settlement conclusions are wrong, as the proposed development, and any development in this area, fails the sequential and exception test.

PPG (para 102) states two conditions for the Exception Test to be passed: 1. "It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared".

As other sites are available in areas with a lower probability of flooding, the proposal has already failed and the above paragraph becomes irrelevant.

Regarding flood risk, I think that RBWM Council should consider;

1. The likely consequences to the water table of, and the difficulties of actually building, within the area to be lowered to near water table level, the "Sustainable Drainage System" (SuDS) that is proposed. Heavy vehicles would be needed and I would imagine the method to be installation of sheet piling all around a rectangular area to be excavated. Then excavate inside that. They would have problems due to water coming up to the water table level and would have to keep pumping it out. If done in a rainy period it could be very interesting. I would expect that the sheet piling would form the outer wall of the tanks. Inside that they would have to erect temporary inner walls and then pour concrete (with reinforcement) into the space between the outer and inner walls.
2. The consequences to the water table of the large volume of the SuDS, including the thickness of its walls and bases. It will be appreciated that as more and more of these so-called Sustainable Drainage Systems are installed around the country each one removes a volume of subsoil rain water storage and flow capacity from the natural environment, diverting that volume to be used for the particular static purpose of the new development. This being the case it should be clear that the concept of these so-called "sustainable" devices is not actually sustainable. In this particular case the SuDS is being placed in the subsoil flow area through which the 196 hectare catchment area's water must pass. This can only result in either a raising of the water table or a spreading of the water to other adjacent areas.
3. The question of the area of land that is to be lowered and the need for such lowering to not only stay above the water table, but to stay sufficiently above it that a muddy surface does not result.

4. The question of how already installed SuDS countrywide are actually behaving in comparison with their predicted function.
5. Does RBWM Planning have any policy regarding the installation of SuDS? There is a great deal of guidance available on these e.g.

http://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx

<http://www.gov.scot/Publications/2001/07/pan61>

and many more, some of which stresses the importance of including guidance on them in Local Development Plans. I see no mention of SuDS in the RBWM Local Development Plan.

This document expresses concern on the sustainability of SuDS;

http://www.geos.ed.ac.uk/homes/kheal/suds_sustainability.pdf

concluding;

Although the acronym "SUDS" contains the word "sustainable", SUDS will never be completely sustainable if urban drainage problems are not addressed and solved at source. Indeed SUDS have never been viewed as completely sustainable, as the definition of SUDS from the design manual for Scotland and Northern Ireland demonstrates: "SUDS: Sustainable urban drainage system: a sequence of management practices and control structures designed to drain surface water in a more sustainable fashion than some conventional techniques" (CIRIA, 2000). Sustainable development has been described as "a journey and not a destination" and this description applies equally well to SUDS.

The attached SuDS Survey Report includes in its text;

"There is still no national structure for formal adoption or long-term maintenance of SuDS, meaning LAs have no guarantee that SuDS will continue to function as designed / be safe and effective. There is no mechanism to inspect SuDS post construction or for the developer to retain any long term liability for the system. LAs place conditions requiring details and proof of maintenance arrangements; however these are not enforced or monitored. There is an industry expectation that Building Control will inspect SuDS, however they have no duty to do so or policy framework that would enable them to deliver this role for the entire drainage system." Local Authority – England.

6. The impression is received that in this planning application, the supposed flooding solution has been accepted by RBWM without much analysis. I refer to two RBWM documents "Local Flood Risk Management Strategy" page 53 paragraph 5.3.10, and a second Local Flood Risk Management Strategy Habitats Regulations Assessment Screening. Has the RBWM SuDS Approving Body been created and have they been consulted? Have the requirements of these two documents been met?

I also draw your attention to the report that the Holyport Preservation Society commissioned and submitted to RBWM council for an earlier phase of RBWM Local Plan considerations. It can be obtained here;

http://www.holyportresidentsassociation.org/uploads/1/7/5/3/17536303/hps_rbwm_hydrology.pdf

It discusses flood consequences for two other areas in the general area of Holyport, concluding that they are not suitable for development. The area intended for the Hospice is included in the flood maps therein and it can be seen that the area between the A308 and Bray Lake is even more prone to flooding than the areas that the aforementioned report rejects.

Regarding the access onto the A308 - I refer you to the attached appeal result APP/T0355/D/17/3173231 where paragraph 8 states;

8. "Saved" Policy T5 of the Local Plan1 states that all development proposals will be expected to comply with the Council's adopted Highway Design Standards. These state that on primary and district distributor roads the maintenance of free flowing traffic conditions and reasonable speeds takes precedence over the need for access and that the Highway Authority, where possible, will seek to reduce the number of direct accesses onto a primary or district distributor road.

So - the Highway Authority's advice in the Thames Hospice case was contrary to the requirements of the current Local Plan.

For all of the above reasons, on behalf of the HRA the HRA Committee claims that the application must be rejected.

Sincerely,

Andrew Cormie,
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