

# **OBJECTION FROM THE HIGHCLERE SOCIETY TO BEWLEY HOMES APPLICATION 21/03394/OUT | HYBRID APPLICATION AT COMMON FARM**

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On behalf of the Highclere Society, this Objection Statement has been prepared following careful review of the relevant background and policy considerations, together with assessment of the site context and the outline scheme proposals described within the application supporting documents.

## **SUMMARY OF OBJECTION AND MAIN REASONS FOR REFUSAL**

The proposals constitute major development in both the village context and for the adjacent North Wessex Downs Area of Outstanding Natural Beauty (AONB) setting. This is in conflict with both the Basingstoke & Deane (B&D) Local Plan (LP) and the National Planning Policy Framework 2021 (NPPF). This is an opportunistic application taking advantage of the fact that the Borough cannot demonstrate a 5-year supply of housing sites. While NPPF Footnote 8 applies, the applicant wrongly argues that in applying the 'tilted balance' of NPPF para 11(d) minimal or in some cases no weight should be given to other relevant policies. They further argue that flooding is a manageable issue, and that the location is sustainable. We would assert that all these three reasons are flawed, and the following sections give more details of our reasons for those objections as well as refuting some specious claims made by the applicant.

### **1. FLOODING**

Flooding was rightly the largest concern in the public consultation since the northern part of the site floods quite frequently.

- The applicant argues that built development is not on an area of high flood risk and uses its own analysis to discount the west channel shown on Environment Agency map as Zone 3. There is no evidence of researching up stream to decide why it is dry at the moment and under what conditions it might flood.
- The fact that the Flood report recommends several mitigation measures (e.g. build at 15cm above ground level) suggests that they must have some serious concerns about their own analysis.
- The indicative layout of buildings puts some of the very close to potential areas of flooding, making moving around the site more hazardous.
- Para 6.17 of flood report reports "occasional risk of flooding up to 30cm near community hub"

In NPPF para 11(d) Footnote 8 applies as the B&D Land Supply is currently only 4.5 years. This requires paras 11(d)(i) & (ii) to be considered. According to para 39 in *Monkhill v SSHCLG* [2019] EWHC 1993 (Admin), failure to pass 11(d)(i) negates any need for a decision-maker to test 11(d)(ii). As your own Planning Policy team has noted in their own comments on this application, the site is susceptible to flooding.

Footnote 7 to the tilted balance of the NPPF says "granting permission unless a clear reason exists for refusing" which includes "risk of flooding". Para 167 describes the conditions that need to be met if developing in an area at risk.

In a recent document *Groundwater Infiltration System Management Plan – Wash Water System (River Enborne)* Thames Water expresses the belief "that there is groundwater infiltration into the foul sewer network when groundwater levels are high" and "is the most probable cause of incidents of surcharging and where the sewage treatment works has not been able to cope with all incoming flows."

A development of 350 homes will roughly quadruple the size of Wash Water and will only exacerbate this problem. This will likely impact water quality and is contrary to Local Plan Policies SS4 (2<sup>nd</sup> para) and EM6.

Chris Garrett, a local resident and qualified geologist has said in his own objection :

*"The sediment/aquifer water storage is currently a hugely important factor mitigating flood heights in the Enborne valley. Not just at Common Farm but further downstream. Yet the developer proposes to lay slabs, build foundations, lay*

*sewerage pipes etc and dig attenuation ponds into the aquifer. The attenuation ponds will be lined (with an impermeable barrier) and dug a couple of meters down. All of these constructions will pose an obstruction to groundwater flow, particularly where the sediments are thin and the construction penetrates into the London Clay.*

*Potential consequences are modified ground water flow paths, groundwater backing up behind these barriers and these barriers reducing the access to temporary ground water storage capacity at times of high discharge. Stopping Enborne River and Penwood Stream water going into aquifer storage will increase the height of flooding, adverse to the existing housing along Enborne Row and adverse to the residences proposed for Common Farm. The developer has, we believe, shown no awareness of the likely aquifer flow path changes or of their likely consequences."*

The application fails to pass the test at NPPF 11(d)(i) Footnote 7 and should be **REFUSED**

## **2. THE "TILTED BALANCE"**

We are sanguine that Officers may fail to apply the tests in NPPF 11, ignoring the clear evidence of Flood Risk and fall back upon the crutch of the "tilted balance" However, any temptation for Officers to excessively downgrade the weight accorded to current, even out-of-date policies should be resisted. The degree of down-weighting asserted by the applicant directly contradicts High Court judgments – particularly in *Gladman v SSHCLG* [2020] EWHC 518 (Admin). In that judgment Holgate J made clear not only that LP policies are always relevant considerations in the balance, but that in fact they require first regard. In this application, those policies particularly include the B&D Spatial Strategy as a whole and, *inter alia*, policies SD1, SS1, SS5, SS6 and EM1.

In addition, the applicant argues that zero weight should be given to the emerging Local Plan and the very advanced East Woodhay Neighbourhood plan. However, NPPF para 48 indicates that weight may be given to relevant policies in emerging Plans based on their degree of development and their degree of alignment with NPPF policies. However, to describe the LP as emerging is specious. Emerging plans are normally those untested at the hands of Examiners, rather than Adopted Plans which have been tested and passed such inquiry. Since the LPU is not at present seen to be diverging in any significant way from the ALP, it seems it will inevitably in principle remain aligned with the strategic and sustainability guidance principles expressed in the NPPF as a whole. With appropriately significant weight thus accorded, their consideration must lead to a decision for the application to be **REFUSED**.

## **3. THIS IS AN UNSUSTAINABLE LOCATION**

In order for the proposal to benefit from the application of the "tilted balance" then the development must be sustainable. We would assert that Highclere is demonstrably NOT a sustainable location for many reasons :

- Residents of this development will need to use a car for probably in excess of 95% of journeys. There are very few services within realistic walking and cycling distance, and none at all on site for the full application for 90 homes. We therefore refute the claim (Planning Statement para 7.7) "that there is a good level of local service and facilities within walking and cycling distance of the site" for the following reasons:
- National averages for walking and cycling distances are used in section 5 of the Transport. Assessment, i.e. that 80% of journeys less than 1 mile are done by walking. This may be appropriate in a flat urban setting but not here. It takes no account of the rural nature of this location – hill towards Newbury, lack of footpaths (except to the north), no street lighting.
- Similarly for cycling the assessment says many journeys to needed services are < 5km. Though the 'quiet route' suggested adds to the distance – it is also hilly and no joy in wet weather.
- The distances that people are prepared to travel therefore need to be drastically reduced when estimating what journeys are likely to be taken by these modes.
- Most parts of Table 5.2 are a work of fiction. Many of the facilities listed are **not** "easily reached by car or foot". Realistic routes to The Chase and schools at Woolton Hill would not take an unlit A road with no footpaths. Other than for a few items, people will not walk to the Co-oP at Wash Common, and then only in good weather in daylight. Shopping at other sites listed (e.g. Tesco, retail park) requires car or bus.

- Likewise it is unrealistic to expect people to walk 1 mile to Holbourne Close, Wash Common to get the hourly bus into Newbury – a 45 minute journey compared to perhaps 10 by car (which has higher goods carrying capacity than two arms or a rucksack).
- The applicant hopes to persuade Newbury buses to extend its route beyond Wash Common to the site. But as they have been advised (para 5.11.4) “there is no slack in the timetables for this extension” and the cost would be estimated at “around £160,000 per annum” – who would pay for this? It is not factored into the travel plan.
- Quite rightly BDBC’s Local Plan’s spatial strategy (policy SS1) puts most new development around Basingstoke and other towns. In the hierarchy of settlements, Highclere and Woolton Hill, the nearest villages are at the lowest level (to be consolidated at level 4). Further they are expected to contribute only 0-20 houses in the Adopted and Updating plan respectively, not 350 (see Local Plan policy SS5).
- A development of this scale at this site is contrary to NPPF para 105 “significant developments should be focused at locations which are sustainable, limiting the need to travel and offering **genuine** choice of different travel modes”. Furthermore, being in a countryside location the proposed development would completely over-ride Policy SS6.
- Additionally some of the more local services (schools, surgery) are already under pressure and so the nearest facilities indicated in the Transport Assessment may not in practice be available. There is no on-site provision of facilities for the full application and the proposal therefore contravenes Local Plan Policy CN9 since it has **not** “clearly demonstrated that infrastructure can be provided and phased to support the development”, nor has it been demonstrated that the off-site facilities “should meet identified needs”.
- Climate Strategy - A site at this location, with its dependence on cars, will generate unnecessary greenhouse emissions contrary to NPPF para 154(b) and contrary to the Council’s declared Climate Emergency.

A development in an unsustainable location cannot, by definition, be sustainable, cannot benefit from the "tilted balance" and so should be decided with regard to fully-weighted Local Plan policies such as SS6, under which it will be **REFUSED**.

#### **4. LANDSCAPE AND LOCAL CHARACTER**

The proposal is, in effect, a new village built in a rural location. As the applicant says “Wash Water is a hamlet”. Street lighting as proposed will give it a suburban, not a rural feel, and is at odds with the preferred "dark skies" to be embodied in the developing Highclere Neighbourhood Plan.

Although outside the AONB, this site is part of the lowland mosaic of fields which helps create the rural character of the area. It is part of the undeveloped space along the A343 between the village of Highclere and the Wash Common area of the Newbury conurbation.

The location is surrounded by woodland and open fields to the south and east and widely spaced houses and a small development to the west and north. The development proposed is incongruous with its surroundings.

For these reasons it is contrary to NPPF para 78: “in rural areas, decisions must be responsive to local circumstances” and also Local Plan Policy EM1: “be sympathetic to the character and visual quality of the area concerned”. The development is mostly on a greenfield site and goes against Local Plan Policy SS4: “priority given to development on appropriate brownfield sites”

#### **5. HIGHWAYS – IMPACT NOT FULLY ASSESSED**

The traffic analysis in the Transport Assessment suggests a high degree of accuracy, but we suspect this is not a case of being “roughly right” but “precisely wrong”, deceived by the perceived accuracy of computer modelling.

- The applicant's assessment indicates current traffic along this stretch of A343 into Newbury is 480 vehicles an hour during the morning rush hour. The development would add 87.
- Yet the applicant's modelling suggests minimal impact at other junctions. The baseline suggests queues of <5 cars at the Wash Common double mini-roundabout. This may be true averaged over the whole rush hour but at school times the Northbound queue to this point consistently tails back 400m to St George's church.

- West Berks wants the applicant to use the VISSIM model which will cover the impact on junctions nearer to town, despite the transport assessment arguing that the “junctions are far away from the site and will have negligible impact” (yes perhaps at the site exit but not on the wider traffic network)
- No allowance has been made for the large potential development Sandleford (1,500 homes). A decision is due soon, so it would be premature to approve this application without knowing the outcome and how it might affect traffic modelling.

## **6. OTHER FACTORS**

- **Affordable homes** – in order to meet Local Plan policy CN1, the applicant proposes 40% affordable homes. But for the parishes concerned, the need for affordable homes (those on the Council’s register) is in the teens, not 140 as in this development. Furthermore the traffic analysis suggests that people in affordable homes are likely to make fewer car journeys. So without viable sustainable transport alternatives, how are they going to access essential services? Or once development starts will the applicant try to prove that affordable homes are not needed in this location?
- **Noise and Pollution** – the southern part of the site is adjacent to the busy A34. It is admitted (planning statement para 7.25) that for part of the site “at times noise levels are higher than BDBC guidance”. The absence of a Pollution study is notable.
- **Utilities (Gas)** – on the one hand the applicant states that the homes will meet the ‘future homes’ standard with “the commitment to deliver the scheme with alternative heating solutions to conventional gas central heating”. On the other hand the Utilities Assessment factors in gas based on “normal domestic use” (which presumably includes heating). The delay time of 546 days to reinforce the network means that the housing will do little to meet the Borough’s housing needs in the short-term.
- **Utilities (other)** – the current water supply is only good for the first 49 houses. More work / responses are needed to assess whether the additional electricity load needed can be supplied with the additional network.

## **7. PLANNING BALANCE**

The applicant cites several benefits. But most of the economic benefits are transitory (during construction) and all benefits can be achieved with a similar development located closer to existing towns and large villages in line with Local Plan policies.

On the other hand there are significant “adverse impacts”:

- an unsustainable location, with the need to use cars for day-to-day access to essential facilities and services
- destruction of local character and landscape – more filling of a strategic gap between the villages of Highclere and Woolton Hill and Wash Common; also a suburban like village out of character with the nearby hamlet
- a site with potential for flooding and uncertainty about the ability of the sewage system to stop discharges into the River Enborne
- the potential effect on the wider road traffic network, particularly closer to Newbury, which is likely to be compounded should any part of the Sandleford development proceed

We would assert that these adverse impacts justify that the application be **REFUSED**.

## **8. CONCLUSION**

This is an unwelcome and unneeded large-scale development in a rural location which will totally swamp the current hamlet of Wash Water. With so much uncertainty around flooding, sustainability, utilities, sewage, noise and pollution, it might be thought reckless if this application is not **REFUSED**.