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Cllr David Sims (Chair)

Residents Action Group

Middleton

FAO Clare Vickery

The Planning Inspectorate

Room 3B

Temple Quay House

2 The Square

Bristol

BS16PN

23rd August 2021

Dear Sir/Madam

Ref Planning Application Appeal No APP/U2805/W/20/3258705 Objection

This objection is being submitted by the Residents Action Group (RAG). RAG was formed by concerned residents of the villages of Middleton, Cottingham, Ashley, East Carlton and Bringhurst. The aims of RAG are to preserve the rural character of our village countryside, protect the wellbeing of communities from unsustainable and unsafe developments and campaign for planning regulations to be the same for all members of the community.

The site under appeal was subjected to unauthorised works in January 2020 when substantial hardcore was laid across the site and mature hedgerow destroyed. The site was split into two by high close-boarded fencing and a second, dangerous entrance was opened to the north of the site onto a narrow derestricted road, very close to a sharp bend.

Currently, as of August 2021, there are 12 large static vans and 6 touring vans on the site, totally contrary to the planning conditions and well outside the proposed expansion development scope. The site is currently the subject of a Breach of Condition Notice dated 11 December 2020 which required the landowner to remove all static and mobile homes in excess of three and all touring caravans apart from the three permitted within six months. This notice has not been complied with and the applicant has made it widely known that he intends to create a commercial caravan site at this location. Static caravans have been advertised for rent on the site.

The conditions of the current planning permission state that no commercial activities shall take place on the land, yet JD Reinforced Paving Ltd. Company Number 11423124 is registered at this address and badged vans operate from it. In addition, waste material is regularly driven onto the site, dumped and burnt – this has been the subject of repeated reports to the Environment Agency.

Regarding the two related applications under appeal, RAG objections to these are based on the following.

The National Planning Policy Framework (NPPF) and the North Northamptonshire Joint Core Strategy (JCS), contain important requirements for development in the countryside and relating to Gypsy and Travellers sites. The proposed developments fall well short in meeting these criteria of these policies.

* Paragraph 170 of the NPPF says that development should protect and enhance valued landscapes and the intrinsic character and beauty of the countryside and provide for net gains in biodiversity.
* Paragraph 127, requires the development to be sympathetic to the local character including landscape and add to the overall quality of the area.
* Paragraph 25 of the Planning Policy for travellers’ sites requires that local planning authorities should very strictly limit new development in open countryside that is away from existing settlements, or outside areas allocated in the development plan. Local planning authorities should also ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community and avoid placing undue pressure on the local infrastructure.

This planning application and appeal have been submitted in breach of planning control, the appellant having carried out importation of hardcore, destruction of mature hedgerow and installing a dangerous second site entrance prior to submission of any planning application. This unlawful work will have caused ground contamination and has had an extremely detrimental effect on a rich and diverse habitat, wholly unsympathetic to the local landscape. The site is in a rural position and home to many important wildlife species. The council were made aware of protected species in the area and the appellant, by not conducting an appropriate ecology survey and by importing hardcore and destroying the natural habitat has committed a crime under the Wildlife and Countryside Act 1981.

An Ecology report following the published English Nature (Now Natural England) recommended guidelines was commissioned by RAG in May 2021 and undertaken by an independent accredited specialist Ecologist (Lockhart Garratt Ltd), investigating priority species potentially being resident on the site (specifically Great Crested Newts). This report evidenced the presence locally of Great Crested Newts and concluded that the habitat environment is a good location for these protected species and the proposed site is very close to ponds where they were found to be present.

The Great Crested Newt is an endangered and a listed protected priority species in the UK. It is our largest newt, breeding in ponds during the spring and spending the rest of the year feeding on invertebrates in hedgerows, marshes and grasslands. They need the right habitat to survive and thrive and their breeding and resting sites are protected under UK and European law.

The survey also recorded evidence found on other important species in the area including, bats and protected birds.

Two bat species were recorded, the pipistrelle and the daubentons bat. The survey identified several bird species which are listed as UK Birds of Conservation Concern (BOCC). Three Red Listed, protected bird species were recorded, the cuckoo, song thrush and yellowhammer. Red Listed birds are globally threatened species with severe UK decline in breeding population. They are considered UK priority species, which should be included in the local Biodiversity Action Plans. Amber Listed birds are bird species with an unfavourable conservation status in Europe, suffering decline and with less than 300 breeding pairs in the UK. The survey recorded 3 Amber Listed species, the dunnock, green woodpecker, and tawny owl. Among 13 other species identified from the BOCC listing included, buzzards, red kites, grey heron, reed warblers and chiffchaffs.

The development is also on the site of a Roman road, there have been historic finds in the area. There have been no archaeological or other appropriate surveys undertaken.

Further;

* Policy 31 Gypsies and travellers, of the North Northants Council Joint Core Strategy Local planning policy, requires that applications should meet the following criteria;
  + The site is closely linked to an existing settlement with an adequate range of services and facilities.
  + The site, or the cumulative impact of the site, in combination with existing or planned sites will not have an unacceptable impact on local infrastructure.
  + The site should provide a suitable level of residential amenity for the proposed residents
  + The site is served (or can be served) by an adequate water supply and appropriate means of sewage disposal.
  + The health and well-being of occupants is not put at risk, including through unsafe access to/from the site and unacceptable flood risk.

There are two established traveller sites within the cojoined villages of Middleton and Cottingham. Little Meadow and the established Oakley Park. There is a further outstanding application for a significant new traveller’s development at Peasdale Hill (also on the Ashley Road). The proposed expansion more than doubling of the Oakley Park site, would be a disproportionate impact on the local burden on the local infrastructure.

The site lies in the Welland Valley, a few 100m from the river itself and right on the edge of the flood plain. The site has been flooded in December 2020 and is registered as a flood hotspot in local flood resilience project. The application states that the site will not be attached to mains sewage, instead using packaged sewage units. This is despite the site being adjacent to the local sewerage treatment plant. The Environment Agency has stated it would not approve a packaged sewerage proposal. The site is at the bottom of a hill across the road from the floodplain. The significant amount of new hard standing created will result in a large amount of water runoff. There are streams immediately to the east and west of the site which flow into the river Welland. Together, these drainage issues will create a substantially increased local flood and water contamination risk.

The proposed site access is away from the settled area in a derestricted speed limit area (60 mph) and is within a few metres of a blind bend towards Ashley. Furthermore, Ashley Road at this point and towards the village is narrow and there is no footpath or lighting provision for people to safely walk to and from the village amenities/local schools. The plans submitted do not provide any information regarding gateway access designs and the appellant has not submitted splay visibility information. The Residents Action Group commissioned a Traffic survey with Sanderson Associates, showing that the new access points do not meet Highway’s minimum standards for safety and is of the firm view that visibility Splays do not currently meet Design Manual for Roads and Bridges guidelines. Road accidents involving loose dogs from this site being killed from this site have already been recorded and reported. More serious accidents involving adults/children are very likely to occur in the future.

There is no current provision for waste storage or collection, all of which would clearly be required for suitable habitation. Currently waste is being burnt on site and has been subject to many local complaints to environmental health officers.

This site is inappropriate for further expansion development. The site does not provide a suitable level of residential amenity. The health and wellbeing of the occupants would be put at risk through unsafe access, poor air quality (from the adjacent sewerage plant) and unacceptable flood risk. Biodiversity and protected species in the locality are being harmed by the unapproved work already carried out. The proposals would also have a significant impact on the character of the landscape which cannot be mitigated. These issues, together with the substantive failings of this application throughout the application process, requires that this appeal should be refused.

Finally, the unapproved work, already carried out on this site and the resultant destruction of this landscape, is abhorrent and in clear contravention of planning regulations and the Countryside Act. Anti-social behaviour has also been reported and recorded including environmental health issues of burning of waste on site, harassment and killing of farm animals by loose dogs. These failings give rise to significant concerns over the applicants’ suitability to be a custodian of this site and there are clear concerns regarding their ultimate motives surrounding the rental of pitches for commercial gain.

In the course of this appeal the Residents Action Group would request that the Planning Inspector visit the area to view this site first hand, in order to understand why it is wholly inappropriate for further development. RAG, in representing a large number of concerned local residents, would also request that we be allowed to present our objections and supporting evidence to any appeal hearing.

Yours Sincerely

The Residents Action Group

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