

## NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION

14th June 2017

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

### **7b 16/03721/REM - Land North of Bath Road, Corsham, Wiltshire and 7c 16/04544/REM - Land North Of, Bath Road, Corsham, Wiltshire**

#### **Late Representation**

The Council has received a letter dated 8 June 2017 from Richard Buxton Environmental & Public Law, acting on behalf of the Pickwick Association, together with an accompanying technical report by GWP Consultants. The letter summarises as follows:

- a) *The Reserved Matters Applications do not fully accord with the principles of the EPP<sup>1</sup> and the specific details of condition 4 of the outline consent. As a consequence of this failure. [sic]*
- b) *The REM AA<sup>2</sup> accompanying the REM applications is legally flawed since the REM AA relies on strict adherence to the EPP to mitigate adverse effects on the SAC bats both in terms of set back and dark corridors.*
- c) *With the legal consequence that the Council, as Competent Authority, under the Habitat Regulations, cannot be satisfied that the requirements of European Law have been met.*
- d) *The Council's Ecologist has serious concerns at the population level of non-SAC bats so the Council cannot be certain NE would grant a derogation licence, and it is of no consequence that Redrow are on record saying that they will not apply for one because NE has powers to stop works and require the developer to apply for a derogation licence.*
- e) *The GWP report gives rises [sic] to significant uncertainty as to long term site stability leading inter alia to compensation claims for damage to buildings and services and the potential to compromise the safety of the residents and other occupiers of properties on the site should such event take place. The extent of this uncertainty is such that the Reserved Matters Rev D layout plans cannot be approved without further on-site intrusive investigation and a competent "land stability risk assessment" relating to the risk of surface subsidence being carried out.*
- f) *Finally we have two observations in relation to the site stability issue. Firstly, residential housing development on top of an active mine is contrary to Policy MSP4 in the Wiltshire and Swindon Structure Plan which provides that significant workable mineral deposits should be safeguarded against other forms of development. Inexplicably the inspector missed this overarching important issue during the appeal for reasons we have not yet bottomed out but probably due to misleading/inaccurate information provided to the inspector. Secondly the development not only breaches Council policy but is fundamentally contrary to common sense. The Council is urged*

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<sup>1</sup> Environmental Parameters Plan, as per outline permission 13/05188/OUT

<sup>2</sup> Appropriate Assessment under the Habitats Regulations

*to carefully consider Ms Allington's report before granting any further consents for this development.*

The applicant's agent has responded by formal letter as follows:

*We write on behalf of our client Redrow Homes to formally request that the two aforementioned reserved matters applications due to be considered by the Area North Committee today, be withdrawn from the agenda with consideration by Members and deferred for one committee cycle (subject to officer reporting timescales).*

*As you are aware, the Council received a letter from Richard Buxton Environment & Public Law and an accompanying report by GWP on 8 June 2017 (sent to us 12 June) regarding the applications and raising concern on a number of matters. We therefore request deferral to allow the applicant time to consider fully and provide officers and members with a detailed response.*

*Redrow Homes is currently seeking legal advice on the matters raised but our initial view is that a small number of minor revisions to the plans would be beneficial. Furthermore, in light of Richard Buxton's letter, there are potential risks should the local planning authority proceed to determine the reserved matters application on the basis of the drafted Officer reports without first seeing a formal response to the issues raised.*

*It is also noted that the GWP letter and report (7 June) raises concern regarding Condition 22 of the outline planning permission (foundation / vibration testing). Whilst this issue is not for consideration as part of the Reserved Matters, additional information to discharge Condition 22 has been recently submitted by Gladman to the local planning authority. As such, a deferral will mean that when the applications are next reported, this information will have been considered so that members can be provided with an update and officers can respond to any queries on such matters.*

*Rather than proceed with the committee today, where members will no doubt have queries on the points raised within the letters from Richard Buxton and GWP, we consider that it is worthwhile allowing the applicant adequate time to robustly respond to these points ahead of the formal determination of the applications and save member and officer time in the meantime. Unfortunately given the strategic timing of the letter's issue this is unavoidable although disappointing, given the time available to make any formal representations to the applications.*

*We therefore request that both applications be withdrawn from the committee agenda and deferred for one committee cycle depending on the Council's reporting timeframe. We appreciate that this extension would result in the application being out of time. With your agreement, we would therefore propose to extend the timescale for determination to 11 August 2017.*

*I would be grateful if you could bring this update to the attention of members in advance of today's committee meeting.*

## **Officer Response**

Officers make no comment at this time in respect of the above but recommend that Members consider the case for deferral in the circumstances.