

Planning Application No 18/02753/OUT

Buckden Parish Council submission to DMC

Executive Summary

Buckden Parish Council (BPC) and the Buckden Neighbourhood Plan both support the principle of development of the site. It is essential to the village that it is a successful development – that is to say it enhances the present settlement and has no detrimental effects on it.

BPC acknowledges that this is an allocated site, however, the allocation did not explore, at Local Plan stage, all the many and significant constraints on the delivery of this site in an acceptable form and the provision of the necessary infrastructure which is lacking in a small village.

Whilst the extensive conditions and S106 will help to mitigate the harm, it is still fundamentally a semi-rural location where most of the village uses a car to access their daily needs, and in the time of this climate emergency, even with mitigation, this is not a sustainable location to develop at this scale.

In producing the Officers' Report there have been key omissions, described in detail in this document, that risk the wellbeing of Buckden, the Offords and Brampton residents, the A1 traffic community and compliance with the, newly made, Buckden Neighbourhood Plan and NPPF 2021. BPC believes that such failures would be upheld on Judicial Review – BPC notes that, in the case of a newly made Neighbourhood Plan non-compliance, costs have been awarded against the Local Authority in the past.

In summary our primary concerns include:

Major unsafe changes to the Buckden Roundabout on the A1, including the introduction of traffic lights.

An independent traffic consultant identified several safety concerns with the proposal which have not been addressed.



A complaint raised by BPC to Highways England (HE) about the proposals has not yet been concluded. A meeting is planned between senior HE Executives, CCC, HDC and BPC on 7th

October. As a minimum a decision on the development should be deferred until after this date.

Contrary to the advice of their own consultants (AECOM) Highways England have chosen to predict traffic volumes only to 2026 rather than 2036. The end date of the predictions is relevant as no account has been taken of the impact of the A428 development on the A1 or conversely the impact of the development's Traffic Light Proposal on the A428 development traffic on the A1 both of which will be relevant to the impact of proposed development on traffic volumes.

A Significant Risk of Flooding that will increase due to Climate Change

Buckden has experienced both groundwater and surface water flooding. The British Geological Survey (2018) of the site states that there is a risk of ground water flooding.

Primarily, the Parish Council is concerned about the risk of flooding on the site due to the groundwater conditions as the report's focus is on surface water flooding and largely ignores the groundwater issue that is currently seriously impacting the similar, Lucks Lane site.

No mention has been made in relation to the increased vulnerability to the range of impacts arising from climate change required by the NPPF paragraph 154. Buckden is vulnerable to climate change related flooding and BPC does not believe that risks can be managed through suitable adaptation measures if they are proposed.



Failure to comply with Neighbourhood Plan (NP) Policies

Critical examples of where the application fails to comply with NP policies include:

- Transport Policies 1 and 2 of the Neighbourhood Plan.
 - Other than the junctions of Leadens Lane/Mill Road and High Street/Mayfield, no data has been made available nor analysis undertaken to demonstrate how the impact of additional traffic, on the roads and junctions identified in those policies, will be satisfactorily resolved. In fact, no resolution has been proposed at all.
 - Since the applicant has failed to resolve the additional impacts on local roads, the development, by definition, cannot fulfil the Local Plan

requirements and will not be successful. The Parish Council asks: does this Committee want to approve a development that fails to meet the District Council's own requirements and which by implication will not be successful?

- Flood Risk and Drainage Policies 2 – Local Aquifers.
 - Again, no evidence of an assessment of the climate change impact on the site or increase to flood risk elsewhere (NPPF paragraph 167) has been provided.

As currently proposed this development will be detrimental to Buckden, the A1 and surrounding communities. Omissions such as climate change, potential for increased flooding elsewhere in the village and resolution from Highways England that the proposed, traffic light solution, for the Buckden Roundabout, is indeed satisfactory need to be resolved before BPC can recommend anything but refusal.

The Parish Council reiterates its support of the application in the fullness of time. It requests that a decision on the application be either deferred or refused for the reasons outlined above and detailed in the rest of this document have been satisfactorily resolved.

The applicant should be required to bring forward proposals that properly address and resolve them so that the necessary Conditions, appropriate to an outline planning consent, can be set by the determining authority. In order that the Neighbourhood Plan is fully complied with, we are happy to recommend conditions to HDC to comply with the Buckden Neighbourhood Plan.

[See Analysis of the Officers' Report overleaf](#)

Analysis of the Officers' Report – KEY OMISSIONS

The Parish Council is not, at this point, convinced the development will be successful. It has, currently, serious reservations. The following are highlighted as of primary importance because they are critical omissions in the Officers' Report:

Traffic

The modelling of traffic post 2026 to 2036 for the roundabout with the development included has not been completed. Conversely, the A428 Black Cat to Caxton Gibbet model does not include the impact of the proposed Silver Street development and introduction of Traffic Lights on the Buckden Roundabout. Neither model includes both developments and therefore, this brings the accuracy of both models for the Buckden Roundabout into question.



BPC requests that the DMC agenda item relating to the Silver Street site BU1 in the LP2036 be deferred to a point in time which permits the current views of the statutory consultee, Highways England, to be fully and properly taken into account by HDC as the determining authority. We wish to ensure that a justifiable process is adopted to deal with this, that could be upheld on Judicial Review.

On 10th September 2021 Buckden Parish Council (BPC) was advised that Highways England have requested that a meeting take place between Martin Fellows, Highways England East Operations Regional Director, and Simon Amor, Head of Planning and Development at National Highways with BPC, Senior Planning Officers from Huntingdonshire District Council and Senior Planning Officers from Cambridgeshire County Council.

The meeting is directly relevant to the application on the DMC agenda for 20th September, as BPC made a formal complaint about the assessment by Highways England of the mitigation proposed to deal with the additional traffic on and affecting the A1 resulting from this planning application. Whilst we acknowledge that this is an allocated site, that allocation identified the need to establish provision of suitable access and satisfactory resolution of additional traffic impacts on local roads

and the A1. **The meeting of HDC and CCC senior officers, plus BPC, with senior Highways England Executives on 7th October 2021 is, we understand, is an essential step in the process of establishing whether the proposed solution relating to the A1 and this application is indeed satisfactory from a highways perspective.**

Flooding

Buckden has experienced both groundwater and surface water flooding. Primarily, the Parish Council is concerned about the risk of flooding on the site due to the groundwater conditions as the report's focus is on surface water flooding and largely ignores the groundwater issue that is current impacting the similar Lucks Lane site. Key concerns are:

- a. The officers' report does not take full account of flood risk to the site as required by NPPF 2021 paragraph 152. Foundations and other works are likely to disrupt the local groundwater channel system causing upwelling on the site or elsewhere in the village – likely to be west of the site and may impact heritage assets.
- b. The Officers' Report does not consider the cumulative impact of the application in, or affecting, Buckden, which is susceptible to flooding- NPPF 2021 paragraph 152. The lead local flood authority, in its report to Officers, has expressed concern over additional surface water contributing to an already compromised system.
- c. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere - NPPF 2021 paragraph 167.



Figure 1- Photo showing Attenuation Basin solution filled by groundwater infiltration on the similar Buckden Lucks Lane site. Note that the level of water is higher than the surrounding houses/gardens.

The experience of flooding on the Lucks Lane development illustrates the current failure to manage groundwater flooding via planning conditions. An equivalent situation is exhibited in the Silver Street site, where the water table in March 2021 was less than 0.5m from the surface in some places. Combined with climate change and the overall complexity of the groundwater flows in and around Buckden and the Attenuation Basin mitigation being proposed, BPC cannot see a solution

that adequately protects Buckden residents from increased flood risk should the development go ahead. Residents in Buckden may well additionally experience difficulty obtaining flood insurance if the current approach is maintained.



Figure 2-Photo of the attenuation basin taken by the resident on 20th March. It shows one of the attenuation basins on the Bloor development that has now been flooded, as stated by the resident, for 7 consecutive months.

Lessons should be learned from Lucks Lane. On 15th July 2019, HDC Planning recommended approval of 18/0245/REM (Reserved Matters) contrary to the recommendation by BPC to refuse and significant public objections highlighting that the area was liable to flooding.



In Bloor's Drawing EA135-LS-013b et sec, the 400-year maximum water level of the eastern attenuation pond (their ref. Basin No.1) would be below the ground level of No. 27 Springfield Close.

The photo above shows No.27 Springfield Close's garden, right, and the current water level is about 80-120cm above the garden and ground floor level.

Figure 3- Photo of bowser removing water from the Lucks Lane Attenuation Basin at the request of the Flood Authority. No mitigation for the cause of the high water levels that needed to be dealt with in this way has yet been found.

Climate Change – NOT MENTIONED IN THE OFFICERS' REPORT

A proactive approach to mitigating and adapting to climate change that considers the long-term implications for flood risk in Buckden has not been taken as required by the NPPF paragraph 153. Climate change risk has not been mentioned as it should be in areas that are vulnerable to flooding.



<https://buckdenpc.org.uk/manor-gardens-flooding/#more-2209>

No mention has been made in relation to the increased vulnerability to the range of impacts arising from climate change required by the NPPF paragraph 154. Buckden is vulnerable to climate change related flooding and BPC does not believe that risks can be managed through suitable adaptation measures if they are proposed.

Any development in an area at risk of flooding, due to Buckden's high water-table or due to excess surface water, should be safe for its lifetime, taking account of climate change and its impact on local aquifers – Neighbourhood Plan: Flood Risk and Drainage Policies 2 – Local Aquifers. Again, no assessment of the climate change impact on the site or increase to flood risk elsewhere (NPPF paragraph 167) has been required of the applicant.



Figure 4 Flooding on Buckden High Street heritage assets 23/12/2020

The Anglian Water standard network design uses 1 in 30-year weather scenarios to model standard sewage network designs as reported by Rose Shisler of Anglian Water in August 2021. She informed the Parish Council that a 1 in 100 plus climate change is modelled for surface water SuDS such as attenuation ponds only.

Furthermore, she advised that the Buckden Sewage Network cannot be built to the 1 in 100 years plus climate changes requirements as it is not designed to accommodate unattenuated non ligament flows. Due to climate change weather events previously experienced in the 1 in 100-year time-frame are now regular events. The Buckden and Offord sewage systems have been over-run by surface and groundwater in 2020 and 2021 - residents have been forced to leave their homes. Attaching a further 290 homes to an already failing Buckden sewage network would be an act of bureaucratic incompetence likely to result in misery for residents of both villages. The application does not adequately consider all sources of flood risk and the current and future impacts of climate change on the site

Analysis of the Officers' Report - Summary of other critical, outstanding matters in the Officers' Report

In this submission references to "the Report" are to the report of the case officer prepared for the DMC meeting on 20th September, unless otherwise stated. Section numbers are references to paragraph numbers in the Officers Report A summary of critical, outstanding matters, which via the evidence seen, fails to resolve rationally or justifiably the issues raised are:

7.24. Parameter Plan

The Parish Council proposes the parameter plan should include a pedestrian and cycle path access from the A1 slip road onto the site and that the path should access the centre of the

site and the Silver Street access rather than the perimeter of the site in order to facilitate easy access to it from all parts of the site.

7.27. Illustrative Master Plan

The Parish Council believes the IMP has not been updated since the original application in 2018 which was for 350 dwellings. The current application is for 290 dwellings which means the original IMP is no longer appropriate. The Parish Council requests the application be deferred until a new IMP is submitted so DMC can consider an appropriate IMP, as part of the application,.

7.28. The Application's Failures to meet the Policies of the Neighbourhood Plan

These are set out in detail in the Parish councils objection submissions which are attached to the Report. Although the NP was not "made" at the time of those submissions, the Buckden NP was subsequently made and has not changed since then.

7.35. Satisfactory Resolution of Additional Traffic Impacts on Local Roads

We quote from Page 118 of the Local Plan:

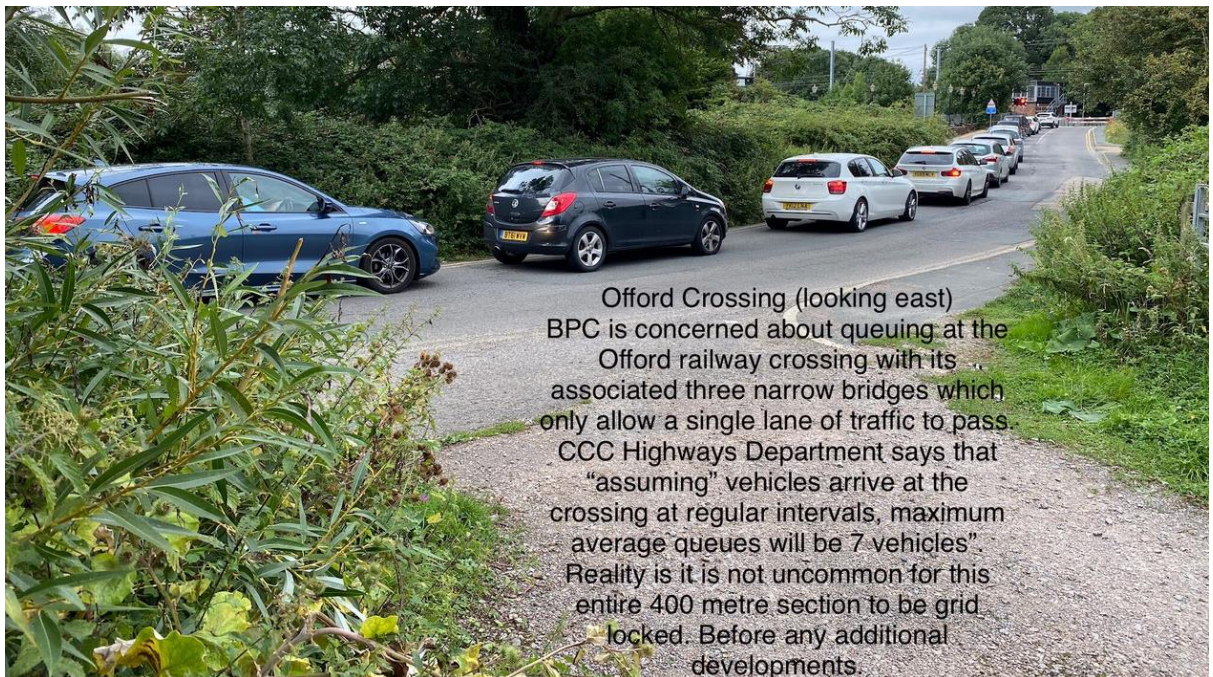
*"Successful development of the site will require: [among other things] a. provision of suitable access and **satisfactory resolution of additional traffic impacts on local roads and the A1.**"*



There will be undoubtedly be additional impacts on local roads. Both the applicant's traffic experts, Pell Frischmann, and the County Council Highways Department state as much in specific terms. Extrapolating from the vehicle movements numbers Pell Frischmann have stated it must be expected that there will be between 250 and 260 additional vehicle

movements in the village in the peak a.m. hour. It is self-evident that such an increase will have additional traffic impacts. Neither in their 2018 report, nor subsequently, have Pell Frischmann made any proposals as to how to resolve them. They simply assume that the village must absorb those impacts, detrimental though they are.

The development fails to comply with Transport Policies 1 and 2 of the Neighbourhood Plan. Other than the junctions of Leadens Lane/Mill Road and High Street/Mayfield, (which were modelled for the Lucks Lane development)no data has been made available nor analysis undertaken to demonstrate how the impact of additional traffic, on the roads and junctions identified in those policies, will be satisfactorily resolved. In fact, no resolution has been proposed at all.



Since the applicant has failed to resolve the additional impacts on local roads, the development, by definition, cannot fulfil the Local Plan requirements and will not be successful. The Parish Council asks: does this Committee want to approve a development that fails to meet the District Council’s own requirements and which by implication will not be successful?

The development fails to comply with Transport Policies 1 and 2 of the Neighbourhood Plan.

It is not appropriate to grant outline planning consent until these Policies have been complied with. It is the Parish Council’s view that this issue cannot be left to be dealt with at detailed consent stage because the proposed development fails to comply with the Neighbourhood Plan and the Local Plan.

A refusal at detailed consent stage is more likely to lead to an appeal.

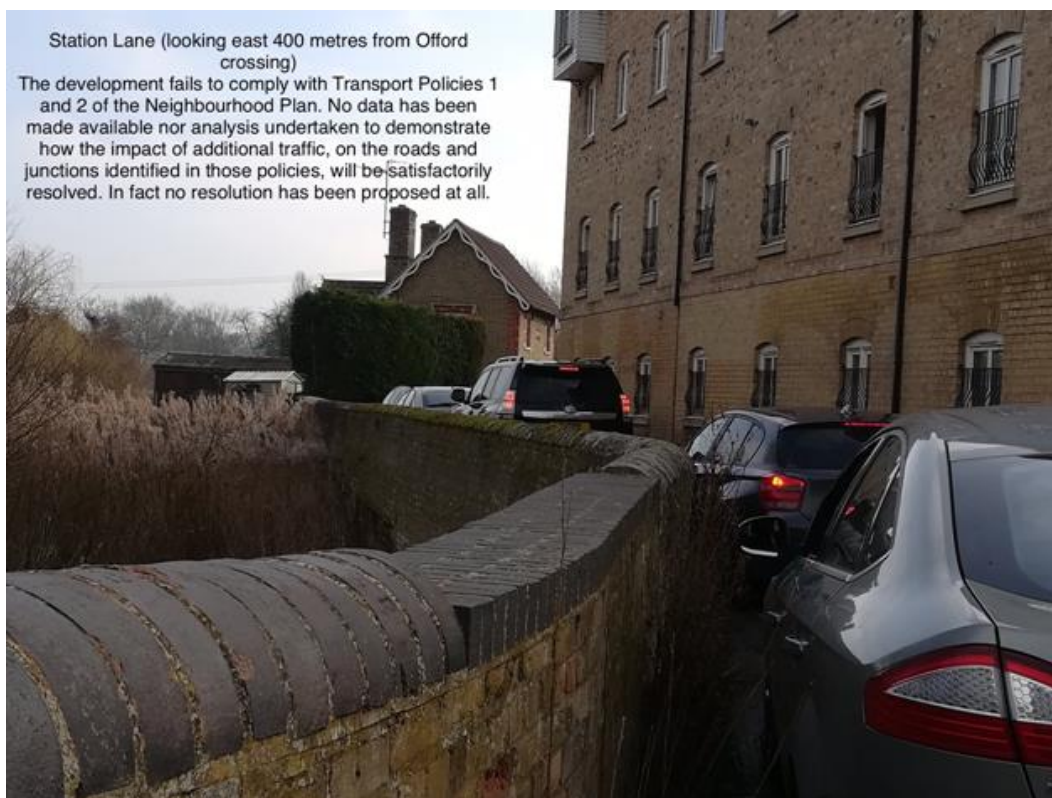
Traffic from the development within the built area of the village travelling to access the A1

The Pell Frischmann report describes the percentage of vehicular traffic that will use St Hugh's Road, Silver Street, Church Street and High Street. They claim the majority will use Silver Street and Church Street to access High Street and the A1 at the roundabout. A minority will use St Hugh's Road and High Street to access the A1 at the north end of High Street.

This ignores the fact that Silver Street is narrow, with cars parked on it all day, this route entails a difficult right turn onto Church Street and then a difficult and narrow left turn onto High Street. By contrast St Hugh's Road is easy to turn right into, and it has a much easier turn onto High Street, either left or right. Drivers will always take the path of least resistance, which is St Hugh's Road. The Parish Council has raised this with the Highways Department who have not offered any rationale as to why the Pell Frischmann data is right.

Traffic from the proposed development leaving the village to travel East via the Offords and the East Coast mainline level crossing.

The Parish Council is very concerned about queuing at the railway crossing at Offord. As you will know, there are three narrow bridges which allow only a single lane of vehicles to pass. The Parish Council believes that at peak times there will be long queues exceeding the Neighbourhood Plan requirements of an average of not more than 15 vehicles. The Highways Department says that "assuming" vehicles arrive at the crossing at regular intervals, maximum average queues will be 7 vehicles".



The Parish Council has repeatedly asked on what grounds the Highways Department makes such a highly questionable (and crucial) assumption. To date no reply has been received.

7.39 et seq Impact on the A1 and Roundabout

Highways England had said that the applicant's proposals for the A1 are a satisfactory resolution of the additional impacts on the A1.

The Parish Council is concerned that the proposed resolution of the additional impacts on the A1 will not satisfactorily resolve those impacts. The Parish Council has made a formal complaint in this regard to Highways England. It was due to meet Martin Fellows, a Highways England Director, who has been tasked with investigating the complaint, on 22nd September. Mr Fellows has now asked to postpone that meeting to an early date in October as he wishes to invite senior planners from Huntingdonshire District Council and Cambridgeshire County Council to attend. It is clearly an issue he takes seriously. The outcome of the complaint cannot be prejudged, but it is possible he may uphold it and determine that the proposals for the A1 are not acceptable. That would create a serious problem if consent in principle for the development has been granted.

The Parish Council has requested that the DMC **defers** consideration of this application until HE has considered the results of that meeting and notified the determining authority of its conclusions about the proposals. This will ensure a fair process which would be upheld on Judicial Review.

7.72 et seq Proposed Access

The 2018 Pell Frischmann traffic report states:

*"Due to the speed of the road, it is not possible to provide access to the site via the A1, however, there is an opportunity to provide vehicular access to the site via Silver Street. There is also the opportunity to create a pedestrian/cycle and emergency access to the site via the existing allotment access. **This is not suitable for primary vehicular access because it is too narrow to achieve appropriate viability [sic] distances.**"*

The word "viability" should read "visibility".

Cambridgeshire County Council Highways Department states that the proposed access meets the minimum visibility requirements. However, they have acknowledged that the large privet hedge in front of 65A Silver Street interferes with visibility. Working from the Highways map, they say that the hedge is growing on highways land. They have stated that they have the right to remove any obstruction that is on highway land. The Parish Council has requested the Highways Department to confirm that they have taken appropriate measurements on site to confirm that the hedge is actually on Highway land. To date they have not replied to this question, only re-iterated that working from the highways map, it is.

The Parish Council has asked the Highways Department if the owner of 65a Silver Street has been contacted to confirm that they accept the Highways Department's assertion. This question has not been answered. The hedge appears to have been trimmed recently, which suggest the owner of 65a Silver Street believes it belongs to them. By contrast, the hedge that runs between the proposed access and the side boundary of 65a, which the Parish Council thinks belongs to the site, has not been trimmed by the owner of 65a. The Parish Council believes this is an issue which should be rechecked by measurements on the ground and any conflicting evidence that the owner of 65a possesses, as to the line of the highway boundary and ownership of the hedge, should be resolved before this application is decided.



The Parish Council has drawn to the attention of the Highways Department that it believes the hedge is more than 20 years old, in which case, even if it is on Highway land, the owners may have acquired a prescriptive easement entitling them to retain the hedge notwithstanding the Highways Department's legal rights.

7.88 et seq – Flood Risk

Flood risk – Buckden has been flooded by both groundwater and surface water flooding. Primarily, the Parish Council is concerned about the risk of flooding on the site due to the groundwater conditions. Key concerns are:

- a. The officers' report does not take full account of flood risk to the site as required by NPPF 2021 paragraph 152. Foundations and other works are likely to disrupt the local groundwater causing upwelling on the site or elsewhere in the village – likely to be west of the site and may affect heritage assets.
- b. The Officers' Report does not consider the cumulative impact of the application in, or affecting, Buckden, which is susceptible to flooding - NPPF 2021 paragraph 152. The lead local flood authority, in its report to Officers, has expressed concern over additional surface water contributing to an already compromised system.

The Lead Local Flood Authority has required that the applicant undertake borehole testing of the groundwater levels over a period of time. This has partially been completed and shows circa 60% of the site to be at risk of groundwater upwelling with borehole measurements taken in March 2021.

Furthermore, any form of Attenuation Basin solution that impinges into the River Terrace deposits, in any way, appears completely impractical. Attenuation Basins that infiltrate into the deposit, as demonstrated by the failed Lucks Lane solution, clearly do not work – it's akin to trying to drain water into a filling bath. Sealing the Attenuation Basins from the underlying strata will create a different and potentially even more severe groundwater problem because the sealed basin will effectively displace and disrupt the flow of water in

the underlying aquifer whether the attenuation basin is full or not. To use an analogy here, it would be like pushing a bowl into a full bath of water – the water would flow over the sides of the bath and the amount of water that can be held in the bath would be reduced.

Notwithstanding that, the County Council has withdrawn its hold. The Parish Council believes this is premature and asks that consideration of the application be put deferred until the testing has been completed in full and the results known. The recent development (not yet completed) at Lucks Lane in Buckden has suffered numerous flood water issues. The County Council is seeking to reach a resolution to these with the developer since February this year. As far as the Parish Council is aware, the developer of that site has not yet put forward proposals to resolve the problems. The Parish Council fears a repeat of this scenario, which would cause the Silver Street development to be unsuccessful as the underlying, water bearing, sand channels (geology) flowing through the two sites in Buckden is the same.

The Parish Council submits that Para 7.92 of the Report is misleading. The Flood Risk Assessment the Report refers to did not include any reference to ground water risks, notwithstanding that the British Geological Survey (2018) of the site states that there is a risk of ground water flooding. It was only at the urging of the Parish council that the County Council required the intrusive investigation referred to above. That is an existing condition, but the development will lead to additional run off, which if dealt with by soakaways, will add to the ground water and cause levels of ground water to rise. The digging of attenuation basins at Lucks Lane has, it is believed, intruded into ground water aquifers and caused the problems there. The conditions proposed by the County Council are noted but the Parish Council does not want to see a repeat of the Lucks Lane problems.

The Parish Council is also concerned that the current proposals do not adequately address the requirements of NPPF 2021 to consider the effects of drainage schemes on the land downstream of any development – in this case the important County Wildlife Site. Again, the Parish council submits that this application should be deferred until that there is evidence that this aspect of the NPPF 2021 requirements can be complied with.

Conclusion

The Parish Council reiterates its support of the application in the fullness of time. It requests that a decision on application be either **deferred or refused** for the reasons detailed above until the issues raised have been satisfactorily resolved.

The applicant should be required to bring forward proposals that properly address and resolve them so that the necessary Conditions, appropriate to an outline planning consent, can be set by the determining authority. In order that the Neighbourhood Plan is fully complied with, we are happy to recommend conditions to HDC to comply with the Buckden Neighbourhood Plan.