



Melissa Tyler
Planning Services
North Herts District Council
Council Offices
Gernon Road
Letchworth Garden City
Herts SG6 3JF

Our Ref: PW/20/244

10th September 2020

Dear Ms Tyler

20/00744/OP | Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access). | Land Opposite Heath Farm Briary Lane Royston Hertfordshire

I refer to the above application and wish to submit a letter of objection on behalf of Royston Says No To Gladman (RSNTG). This objection should be read in conjunction with the submissions by Royal Haskoning DHV which raises strong objections on transport and highways issues, those by John Etchells Consulting which raises strong objections on landscape impact and Greenwillow and Royston Wildlife Group, who raise strong objections on biodiversity impacts. Additionally, you will be aware from the hundreds of letters of representation submitted by residents from all across the town and not just close to the site, that there is an overwhelming town-wide groundswell of opposition to this proposal.

The applicants' major argument in favour of their proposal is that the Council are unable to show that there is a five-year housing land supply available in the District and that therefore the weighted balance at Paragraph 11d of the NPPF should be in their favour. However, before that scenario can come into play the applicants need to demonstrate that there would be no harm to protected areas or assets of particular importance policies in the Framework, in this case the Therfield Heath SSSI. Failure to do this would provide a clear reason for refusing the development.

Having looked carefully at the submitted documentation I would respectfully suggest that the application is deficient in demonstrating that the proposal would not give rise to unacceptable harm to the SSSI. The access arrangements to the site show that Bridleway BW R1013 will be used as a secondary access to the site for walking, cycling and emergency access and as a route to accommodate services. Currently, the bridleway is not part of the public highway and the application site does not benefit from a right of access to it. The bridleway is not shown within the application red line to link with the public highway and no ownership Certificate has been served on anyone with an interest in the land upon which the bridleway sits. Further, and most importantly, no details have submitted, as part of the submission of

details of access, to demonstrate how the applicant proposes to improve the bridleway, which lacks a suitable surface, is unlit and exhibits gradients unsuitable for the mobility impaired. All of these matters need to be addressed so that the Local Planning Authority, Natural England and the Trustees of Therfield Heath SSSI can assess the impact of those works on the Therfield Heath SSSI. Failure to adequately address these issues would show that the application is unacceptable in terms of its impact on the SSSI and therefore should be refused for the same reasons as set out in reason two of application 18/00747/OP.

While the adopted Local Plan is now out of date, the replacement draft Local Plan is at an advanced stage towards adoption with the final stage of the Public Examination beginning later this month. So final adoption is likely in the near future. Further, the policies of the draft plan most relevant to this application, SP2 defining the settlement boundaries for Royston and Policy CGB1, defining the extent of the rural area beyond are not subject to further examination by the Inspector and therefore must be given significant weight in decision making in this application. It is clear therefore that the basis of reason one in the refusal of application 18/00747/OP relating to the adverse impact on the character of the area and upon visual receptors would equally apply to this application and therefore must result in the application being refused.

The Council should take comfort from the likelihood that any appeal against a refusal of this proposal would be the subject of a Public Inquiry, which, by the time it came to be decided, would be likely to be held against the background of a recently adopted Local Plan which included strong policies opposing the proposal.

An important material consideration in relation to this site in terms of the five-year housing land supply is its deliverability at an early date. While matters relating to Covenants are not material planning issues, the impact of them on the deliverability of the site at an early date is a material consideration. In this case there is a covenant on land that would form the access precluding such development. It is the intention of residents of Echo Hill to strongly contest a breach of the covenant and to pursue the matter at the Lands Tribunal. Resolution of such a dispute is likely to take years rather than months and so deliverability of the site any time soon is very unlikely and so would preclude the site contributing to making up part of the five-year housing land supply before the Local Plan is adopted.

A second issue on deliverability relates to the red line site boundary, which fails to include all lands required to construct the access shown on drawing GLD01220 entitled Echo Hill Access General Arrangements. The section drawing at Chainage 35.000m shows that in order to accommodate the differences in levels between Echo Hill and the body of the site major retaining structures will need to be constructed to support land on either side of the access road. While the structures themselves will be largely within the control of the applicant, part of the retaining structures and adjacent land on either side needed for accommodation works to allow the structure to be constructed is outside of the red line. The land outside the red line is land within the ownership of Nos 23 and 25 Echo Hill.

Additionally, land that is part of the front garden of No23 Echo Hill is shown within the red line boundary on drawing GLD01220 and no Notice has been served on the owners.

Clearly all these works form part of the submission of details of access arrangements within the overall application. Therefore, as the owners of 23 and 25 Echo Hill are not party to the application and are strongly opposed to it. Therefore, the proposal as currently submitted is not deliverable and is also not valid as requisite Notices have not been served on the land owners. It is incumbent on the applicants to show in drawn form how they would deal with the consequential treatment to the boundaries with 23 and 25 Echo Hill, including impact on landscaping within the two properties and visibility splays at the site entrance without encroaching on their property. These details should be submitted, consulted upon and considered before the application is determined. Failure to do so would mean that the access arrangements are unrealistic and unachievable and so the application should be refused.

On the basis of the above considerations and those submitted by Royal Haskoning DHV raising strong objections on transport and highways issues, those by John Etchells Consulting raising strong objections on landscape impact and Greenwillow and Royston Wildlife Group, who raising strong objections on biodiversity impacts, there are compelling and cogent reasons to suggest that the Council should refuse the application which has no sustainable merits.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Waller', with a stylized flourish at the end.

Peter Waller
Managing Director