

**REPRESENTATIONS**

**Letters of Objection**

In addition to the numerous individual letters of objection to the proposal, (a number of which have been made by individuals more than once), a petition with 381 signatories has also been submitted against the proposal, primarily with regard to increased traffic on the local road network. In totality, the objections include the following:

*Principle and Land Contamination*

- Liston is a small Parish of 28 houses and is in the middle of Liston, the scale and density of the proposed development of 122 residences would seriously overwhelm the village and have an unacceptable impact.

- The proposal would create a community isolated from any existing community and unsupported by any nearby services or facilities. Therefore, such a community could not be considered sustainable. The community that would be created within the Parish of Liston would be perceived as having nothing to do with Liston Village itself.

- The applicant justifies the proposal for two key reasons, neither of which should carry significant weight:

- Five Year Housing Land Supply – the proposals do not comply with Local Plan allocations, or emerging allocations and the site is in an unsustainable location (as confirmed by two Local Plan Inspectors). Planning permission should be refused in accordance with the NPPF Paragraphs 49 and 14; and

- Site Remediation / ‘Enabling Development’ – It is inequitable that the applicant expects the planning system to effectively fund site remediation costs where current legislation seeks the polluter, or failing this the current landowner to fund site clean-up. A legal opinion from Andrew Parkinson of Landmark Chambers has been provided by the Liston Residents’ Association (LRA) which sets out the legal issues relating to the ‘polluter pays principle’;

- The applicant refers to the Council’s current deficit in providing the required amount of housing within its Local Plan. The Council has a strategy for developing existing towns, new sustainable garden towns and key service villages. This development fits with none of these strategies. Such a development cannot even be considered to be part of Braintree District in any meaningful sense as in reality it will be part of Long Melford in respect of the provision of services.

- Whether the polluter pays principle applies to this particular planning application depends largely on (a) whether the Site falls within the contaminated land regime in Part IIA of the Environmental Protection Act 1990 (“the 1990 Act”) and (b) whether, if planning permission is not granted, the cost of remediation is likely to be borne by the public purse;

- Applying those criteria, it is highly likely that (a) the site is a “contaminated site” as defined in the 1990 Act and (b) absent the grant of planning permission for enabling development, the cost of remediation is unlikely to be borne by the public purse. Therefore, the polluter pays principle is a material consideration to be taken into account by the Council in determining the planning application;

- The weight to be attached to the principle is a matter for the Council. However, applying the principle here, it would be open to the Council to give limited weight to the benefits of remediation when deciding whether the development should be justified as enabling development;

- There seems to be little recent tangible evidence in the application of contamination requiring remediation of the areas in Braintree District where it is proposed to build houses. It is not immediately clear from the Viability Assessment what the cost of remediation of this part of the site will be, whereas the cost of remediating the landfill is clearly stated. The Developer purchased the Stafford Park site with full knowledge of the actual and potential issues of contamination and would have taken these into account in the price paid for the site and/or would have been indemnified by the Vendor against some or all of the costs of any remediation carried out.

- The assertion that a large unsustainable development is necessary to pay for the remediation of contamination caused by the previous ultimate owners, International Flavours and Fragrances Inc. whose present market capitalisation is USD 10.8 billion is little short of attempted blackmail, clearly intended to force the planning authorities to approve a development, contrary to their policies. In the year ended 01.01.2016 IFF, in the UK alone made a profit after tax of £17.7 million and had net assets of £108 million.

- Mr Clayton, Liston Mill submitted a Statutory Declaration that states the following:

1. On the 7<sup>th</sup> March 2012 he engaged in a telephone conversation with Philip Gardiner, the Finance Director of International Flavours and Fragrances (GB) Ltd (IFF) the subject of which was the terms of purchase of the former Bush Boake Allen site at Liston by Reading Park Development Company Ltd (RPD); and
2. In the course of the above phone call he was informed by Mr Gardiner that although IFF had carried out extensive remediation of the site there was still further work required, the cost of which had been underwritten by IFF in the form of a Bond issued by them to RPD covering the cost of the additional clean up.

- The application contains a Statutory Declaration by the owner of RPD which confirms "at no time did Philip Gardiner or any person involved in the sale/ purchase of the Stafford Park site suggest that IFF would contribute towards the remediation of the site or indeed participate in any of the required site works following the sale to Redding Park." The Resident's Association highlight that there isn't any suggestion in that statement that IFF would not pay for the costs of any necessary remediation in the event of RPD failing to meet its obligations.

- The purpose of the planning application is to make a substantial profit for the developer not to fund remediation of the factory site and landfill site. The granting of planning permission would result in a substantial increase in the value of the site enabling the applicant to sell the site to another developer who would doubtless have their own ideas as to the scale and nature of development.

- The answer to whether the remediation costs should be excluded from the viability appraisal turns on the question of whether the polluter pays principle applies at all, and how much weight should be attached to it. If the polluter pays principle does apply, and is given significant weight, then it follows that those costs should be excluded;

- In respect of the level of decontamination necessary and with reference to the submitted Remediation Strategy and Summary of Site Investigations it is not at all clear how severe the contamination is and does not advise what the minimum remediation strategy to bring contamination levels down to an acceptable level is. Furthermore, it does not appear to state whether the level of decontamination proposed is absolutely necessary, regardless of whether residential development is brought forwards. It seems likely that part of the decontamination proposes only necessary due to the proposed residential development, but detail is not provided on this issue.

- Concerning viability, assumptions regarding existing use value are flawed and of such significance that even if the principle of 'enabling development' is accepted, more development is proposed (in an unsustainable location) than necessary. Also potential tax relief benefits on remediation works do not appear to have been taken into account. To confirm whether enabling development is needed to secure site remediation it must be clarified what the cost of site remediation to bring contamination down to an acceptable level is. This can be then considered against the existing land use value to see if remediation would cost more than the existing land value, and whether it is viable without 'enabling development'.

- As the applicant claims site remediation is needed and seems to suggest that without redevelopment it would be financially prohibitive, how is a positive valuation of the existing use justified? If the contamination is such that enabling development is necessary, shouldn't a nil existing use value be adopted? It is important that the actual cost of remediation is separated from all other costs in the Viability Appraisal. Also the cost of necessary decontamination to make the site for continued operation should be identified to allow proper assessment.

- The proposed development would be south of the river on land that is not classified as contaminated by Braintree District Council. The contamination issue relates to the now closed landfill site to the North of the river in Babergh District, categorised by the Environment Agency as "high risk – known". In 1.3 of the introduction to the Supplementary Planning Statement (SPS) it is suggested that the classification is as a result of contamination in the soil which impacting upon sensitive groundwater and a local aquifer. However, 10.4.31 of the Environmental Statement (ES) states that the available data suggests very little change in water quality between samples obtained upstream and downstream of the site. This is evidence that the site is not impacting upon surface water quality of the River Stour. It also indicates that remediation work will not actually improve the quality of the river water.

- In briefing notes prepared by Babergh District Council's Dr Nathan Pittam has explained that the high-risk known classification of the site is related to the potential risk to ground water. 'Risk' does not imply that harm is currently being caused, but means that the site requires additional scrutiny. The known element of the designation relates to the EA having a good understanding of site processes from previous ground investigations. He goes on further to explain that the Environmental Protection Act does not permit regulatory action based merely on the presence of contamination, but requires that there is evidence that contamination poses a "significant possibility of significant harm" before action is taken, which in their view has not been demonstrated at Stafford Park.

- Paragraph 10.4.10 of the ES states that the water quality of the River Stour both upstream and downstream of the site is classified by the Environment Agency as B-"Good". The evidence seems to be that any current contamination of the river, including high levels of ammonia, is related to agricultural activities not Stafford Park.

- In his letter of 3<sup>rd</sup> August 2015 to James Cartlidge MP, Dr Charles Beardall, EA Area Manager, says that in 2005 the EA had no technical or legal basis to require the new permit holder to instigate clean-up of the former waste disposal area. Putting aside the fact that the applicant did not buy the site until 2007, the EA must have been aware of issues that needed to be dealt with because in 2005 they refused IFF's attempts to surrender their landfill licence after the factory had closed. In the full knowledge that IFF wanted to obtain permission for a large residential development and would be selling the site, the EA did nothing to oblige IFF to carry out the required works. The risks attaching to the landfill site were recognised in 2012 but, already, five years later, the EA have not taken any action to force the new owner to carry out the necessary remediation and they question why action has not been taken long since.

- In 2004, a Public Inquiry was held into objections to the review of the Braintree District Local Plan. The Planning Inspector considered an objection by IFF concerning the site. They presume IFF was seeking to have the site allocated for residential development following the cessation of manufacturing activities at the site. The main issues were a) whether the site should be allocated for residential development; and b) whether it may be appropriate to identify the area as a new settlement.

- The Inspector's Report concluded: a) the site is surrounded by countryside and is about 3km to the East of Long Melford and 1.5km from the villages of Foxearth and Liston. Access to the site is along country lanes with no footpaths or lighting and is not served by public transport. b) ... though part of the site is Brownfield it performs poorly against criteria for the development of previously developed land; c) the site, in fact, is not in a suitable location for large scale housing; d) though the proposed allocation would partly contribute to the government's commitment to the reuse of previously developed land, it would be unsatisfactory in relation to the government's desire to concentrate housing provision mainly within or adjacent to urban areas; e) it is unlikely, and given its location and position relative to major trunk roads, that any of the buildings are going to be attractive to B1 or B8 users.

- The Braintree District Council Core Strategy Inspector stated in his report (40.3.2) regarding Stafford Park: *"... though part of the site is brownfield it performs poorly against criteria for the development of previously developed land set out in PPG3. The site, in fact, is not in a sustainable location for large scale housing such as that proposed. Though the proposed allocation would partly contribute to the government's commitment to the re-use of previously developed land it would be unsatisfactory in relation to the government's desire to concentrate housing provision mainly within or adjacent to urban areas."*

- Following closure of IFF, certain land remediation ('clean-up') works were carried out on the site to address the immediate risks. Both Babergh and Braintree District Councils and the Environment Agency were made aware of these works and have continued to liaise with each other regarding the status of the site. Both Councils and the Environment Agency consider that there are currently no significant risks to nearby residents/people, property or the environment from any residual contamination present on the site.

- It is perfectly possible and acceptable in regulatory terms to have and to allow contamination to remain on a site provided that it is not causing any significant harm. There are countless former industrial 'brownfield' sites across the country which "hold" contamination within the land, but are not causing any significant harm, provided they remain inaccessible. In certain cases, it is also acceptable to allow contaminants to leach out of the ground provided that, by the time they reach surface or ground waters, they would be sufficiently dispersed/diluted so as not to cause any significant harm.

- It is understood that this site with the River Stour going through it rates as one of the most contaminated sites in East Anglia. When acquired the developer was aware of this and it is not understood why the Environment Agency have not served notice on the owners to go ahead with immediate remediation.

- According to the Viability Assessment the proposed development will require an investment of about £28 million pounds. There is nothing to suggest that the owner has ever had any interest as an investment for commercial reuse and the purchase of Stafford Park was from the outset a speculative gamble and a change of use to residential as evidenced by its accounting treatment as 'stock' i.e. an asset bought for resale, rather than as a fixed asset i.e. investment. The planning authorities have no duty to enable a site owner to make a profit.

- The Residents Association would like to see the site being developed on a scale and of a nature appropriate to the village of Liston and its rural surroundings. Development for commercial use may not be as profitable as residential use, but there is no justification for a large-scale housing estate in a remote rural location.

### *Highway Matters*

- The proposals do not meet highway standards and are unacceptable in highway planning terms;

- With regard to transport comparison of existing traffic with what may be is wholly inappropriate particularly as the applicant highlights that the existing buildings are not up to modern construction and insulation standards and therefore would require a very large investment which would be subject to planning permission.

- The applicant uses the theoretical potential volume of traffic that might be generated if the existing buildings were fully used for commercial /industrial purposes, some 387 in and 390 out per day, a total of 785 movements. They did their own 7am to 7pm census on the 20<sup>th</sup> June 2017 and there were 114 movements – more than on two counts conducted mid week in 2016. The increase is probably accounted for by a new tenant, an MOT station, which would have increased the cars accessing the site. The chances of the site ever becoming fully utilised are extremely remote and should be dismissed.

- A true comparison is about 100 per day with existing use and about 785 per day (Savills own calculations) after development – and the latter figure appears not to include the lorries, vans and other commercial vehicles that would service a large housing estate and could well generate a significant number of vehicle movements. Furthermore, LPAs should recognise the accelerating shift towards home shopping and deliveries with even the big supermarkets projecting a large switch away from in-store shopping. Amazon are now in the grocery market!

- There is misrepresentation that the proposal will have a positive effect on local traffic by reducing HGV trips and the failure to recognise that in changing the type of traffic from commercial to residential, car users will take shorter smaller roads through residential areas into Long Melford. Liston Road will be the primary route to Long Melford from the site after construction and the route via Liston to the site is very narrow with very tight /sometimes blind corners (when the verges are grown in summer) and is deeply unsuited to large volumes of traffic.

- The number of HGV movements is nowhere near as significant as is being presented which are likely to reduce substantially when the main site user, Celotex, proceeds with its plans to transfer most of their outside warehousing to another site. Residents are, nevertheless, very conscious of the number of HGV movements and would prefer that there were even less, although in experience there is a greater danger from speeding cars than from HGVs.
- There is very little activity at the site and to the credit of the occupants there is little or no noise except for when one of the approximately 5 – 10 lorries per day enters or leaves the site.
- Liston has a vehicle population of 31 cars/small vans, lower than the national average, probably because there are a number of houses occupied by one person and eight by retired couples mostly with one car. The average for a new-build estate of 122 properties in a remote rural location largely with 3 – 4 bedrooms is likely to have an average close to two vehicles per household say 244 vehicles. Liston's car population would increase from 31 to 275 clearly the increase in traffic on the Protected Lane would be very material.
- Disagree with the claim that residents are more likely to combine trip making to multiple destinations and potentially even car share with neighbours where they can. The vast majority will travel between the site and surrounding areas by car and believe that there would be at least two trips per day on average per household.
- According to the Planning Statement, access to the site will be taken from the unclassified road leading to School Lane / Borley Road and the junction of the B1064 at Rodbridge Corner. Nowhere in the document is there any reference to the access by Liston Lane / New Road / St. Catherine's Road. This is seen as a deliberate ploy to avoid questions being asked about the vast increase in traffic using the Liston Lane route into Long Melford via the blind and narrow St. Catherine's Road junction with Long Melford High Street. This would be a much shorter and more direct route for traffic journeying to Long Melford, Bury St. Edmunds, Haverhill and Cambridge. Any traffic to and from Sudbury will use the route suggested in the Statement.
- The Developer states many times that the access to and from the site during construction will be via the agricultural road (Cranbrook Lane) from the site to the A1092. Therefore question why developers have not proposed to use this route as the main and only access to the site when development is completed.
- There have been fatalities including one directly at the junction of the proposed construction service road with other fatalities and accidents within the area.
- The A1092 at the point where the temporary construction traffic would enter the A1092 is subject to the National Speed Limit and there is a sharp blind bend 60m only from the junction towards the village of Clare and declines downhill to the River Glem. Visibility at the proposed access route is limited and the applicant will have no control over the direction of traffic and heavy vehicles using the access.
- Under the Common Land Act 1969 the Estate of Sir Richard Hyde-Parker claim the grass verges in the Long Melford area and this includes the verges that lie at the entrance to the construction access as well as the area for the proposed possible bus stops. No evidence has been provided that the applicant has the permission of the Estate should they own those other verges, or that the farm track is a public right of way.

- Current access to the site from one side is a narrow unclassified road and the Developer states that improvements will be undertaken where practicable with improved passing places. Liston is a quiet hamlet with very narrow picturesque lanes used by walkers and cyclists and the residents and visitors like it this way.

- From the Foxearth Road through Liston the road is narrow, it is used by walkers and is part of the National Cycle Network (Suffolk A1), a traffic increase would endanger these recreational uses.

- From Hall Street, Long Melford access through Liston Lane is very narrow between Medieval cottages of which the front doors open directly on to the carriageway. Any increase in traffic would result in greater risk of injury/ accidents to pedestrians, and affect the resident's quality of life.

- The route into Long Melford from Liston is via St. Catherines Road, this is a Victorian street of some 100 properties and only those on the southern side have off-street parking in rear gardens. This means the carriageway is effectively single due to parked vehicles on the northern side.

- Liston Lane and St. Catherines Road are also the only access to two other residential roads and the Long Melford Football and Cricket Clubs and Grounds.

- On the theme of passing places; it is noticed that one of those proposed in Liston Lane uses the garden hedge of Little Hall where there is a 12ft drop into the paddock.

- The initial ECC response dated 17th August 2015 indicated the proposals were not acceptable for 3 principal reasons:

- Further information required on trip generation and the impact on the highway;
- The unsuitability of the roads that access the site to accommodate the traffic safely given their narrow width;
- The accessibility of the site and lack of measures to deal with this.

- A subsequent ECC letter dated 18 November 2015, in response to further information provided, indicated;

- The additional trip information provided indicated that the development would not impact the junctions to an extent that would cause them to go over capacity;
- The scheme of passing places was sufficient, apart from a length between Liston and School Lane;
- The accessibility of the site still had not been adequately addressed.

In that response ECC indicated the impact of the proposal was still not acceptable because of its lack of accessibility.

- SCC provided an initial response dated 3 September 2015 and this was repeated with a subsequent response dated 10 March 2016. The main points raised in the SCC response were:

- The inadequacy of the trip rates used in assessing existing and proposed traffic flows;
- The country lanes are not appropriate to use because traffic flows have been very low for many years and part of the route is on the South Suffolk Cycle Route A1 and protected lane;

- An alternative access connecting northwards to the A1092 should be investigated further as a much better solution for access;
- The isolated nature of the site means the only viable means of access is by car and the Travel Plan does not address accessibility issues sufficiently.

- Both the highway authorities have therefore expressed serious concern about the redevelopment of this site for residential use.

Comments on additional highway information submitted:

- Some sensitivity testing of the trip rates has been undertaken for both the residential development and the industrial estate and these have been examined to assess whether they are more reasonable than the trip rates used in the original TA.

- The latest residential trip rates relate to sites which are included as 'village' locations within the TRICS database and, because there are a limited number of these surveys, the surveys date back as far as 1989, nearly 30 years old.

- The points to note about these surveys are:

- The surveys were undertaken well beyond the time limit of 8 years which TRICS uses and so their validity in assessing current trip rates must be questioned;
- Of the 15 surveys used, 4 were undertaken on a Sunday which is always the lowest daily flow of any week. Sunday information is never used to establish typical weekday peak hour and daily trip rates;
- None of the sites surveyed are isolated in the same way as Stafford Park. They are all part of or closer to a bigger village set up with local facilities available;
- The use of average trip rates is completely unrealistic because it includes surveys of sites which are simply not comparable to the proposed site. For example, the morning peak hour trip rates for the 15 sites range between 0.2 vehs/dwelling to 1.0 veh/ dwelling. That lowest figure is never used for a residential development of detached houses even in an urban area. It would be far more reasonable to test the system on the highest figure because of the isolated location of the site, but this has still not been done.

- The sensitivity testing for the industrial estate trip rates used sites which were described as "free standing" in the TRICS database. The points to note about these surveys are that the sites selected are, again, unrepresentative of the location or size of Stafford Park.

- Stafford Park is a distance of 2.7km along country lanes from the nearest main road, the B1064. Any realistic assessment needs to take this factor into account. There are no sites in the TRICS database that reflect a similar site location for an industrial estate of that size. Bearing in mind there are surveys of 169 sites in the database, it reflects the fact that an industrial estate of this size will not be found in an isolated location accessed by country lanes.

- The location of the site is clearly a significant factor in the lack of interest in businesses occupying the site and was one of the reasons why the factory closed in 2002. It is therefore inappropriate for any assessment of the permitted development to use figures from sites which have good access to the main road network and consequently both the residential and industrial estate trip rates which have been used still do not represent realistic assessments.



- In order to respond to the concerns raised by ECC regarding the narrow roads leading to the site, the applicant's highway consultants have prepared a scheme which includes passing bays at various intervals. The passing bays tend to be located in places where traffic has formed existing passing places.

- The Highway Authority seems content with the passing place solution proposed, however, there are several significant failings as the scheme uses many field entrances and unofficial passing places which are regularly blocked by walkers and residents parked cars. The scheme shows lane widths which are completely inaccurate and would mislead the Highway Authority into thinking the access is safer than it actually is.

- The passing places are designed to provide a minimum carriageway width of 5.5m. Some points to note about this scheme are:

- The scheme is a compromise in highway design, because it does not conform with current ECC highway design advice which requires a minimum carriageway width of 6.75m for a bus route or a constant 5.5m width for a carriageway serving 122 houses;
- There is a further compromise, because the ECC design carriageways must include footways either side of the carriageway. The passing bay scheme makes no allowance for pedestrian or cycle activity along these routes. A CPRE survey found 65% of people felt threatened all or some of the time by speeding traffic on country lanes;
- The effect of increased traffic flows on country lanes is that the grass verges will gradually be over-run as vehicles meet where there is not sufficient width. As flows increase so the impact on the verges increases;
- In addition as vehicles meet, there are occasions a driver will reverse to a wider place in order to be able to pass more easily. Again this occurs more often as traffic flows increase;
- There is no standard guidance as to the volume of traffic acceptable on country lanes or the frequency of passing places and so, as a solution, this is purely based on conjecture.

- For this scale of development, where traffic flows will increase up to 10 times the current level during a morning peak hour, the proposed solution is not acceptable and does not meet minimum highway design requirements.

- Concerns are also raised with regard to visibility at a number of locations along the local highway network.

- The adoption of this scheme as a solution will raise a serious precedent for other rural sites where country lanes could become busy routes serving large developments.

- The site is in a very isolated location and will have no local facilities within walking distance. SCC has noted in their response, that the development will be entirely dependent on car travel.

- The site currently has no public transport facilities and is situated 2.5km from the nearest bus route in Long Melford. Even if a new bus stop is located on the A1092 the 800m walk is twice the distance normally required for access to a bus, this walking route has no lighting so use of the bus service in winter-times would be limited.

- The nearby village of Foxearth has weekly bus service to Sudbury on market day and the average take-up for this service is 8 persons and that for a village with a housing density much greater than proposed at Stafford Park, in reality people much prefer the flexibility of travelling by car, especially for shopping, travelling to work or visiting community facilities such as GP surgeries.
- Unless a new access on to the A1092 is proposed, as expressed in the NPPF, the residual cumulative impacts of the development are severe and the development should be prevented or refused on transport grounds.
- The Developer is estimated to return a net profit of £6,454,177 which makes a complete mockery of the statements that 122 dwellings are the minimum required to finance the reinstatement of the landfill site and also that there are insufficient funds available to create a proper access to the A1092.
- No new Public Rights of Way are to be created. The application provides an ideal opportunity to improve the Public Rights of Way network by creating new bridleways within the development, especially in view of the proximity of the adjoining site which will be landscaped in due course. Bridleways are, in reality, multi-user tracks that can legally be used by walkers, cyclists, riders and people with mobility issues i.e the sections of society who are recognised as vulnerable road users.
- The Dart 3 Service is to be commended for providing transport to those without cars or who have had to give up their licence. However, there is no evidence that it is taken up by those who already have their own transport. It should be noted that the Dart 3 Service does not currently serve Long Melford.

#### *Community Facilities*

- There is one GP surgery not two as stated in the Planning Statement, situated in Long Melford and with other new housing developments for Long Melford there will shortly be no room left for further patients. This would require future residents to sign on to one of the Practices in Sudbury.
- As the proposed development is situated in Essex it will require residents with children of junior or primary age to attend the school in Bulmer which is situated some 6km from the site.
- The only Dentist in Long Melford is a private practice and the NHS dentist will be in Sudbury.
- There are already 121 dwellings being built in Long Melford and 71 more in the pipeline. This increase will overwhelm the already strained local services. Moreover, Sudbury 3 miles away has planning permission for 2,000 homes, so enlarging the rural hamlet of Liston with its 23 houses to 145 dwellings is not a sensible policy.

#### *Landscape*

- The site is in a primarily undeveloped rural location of natural beauty with the Stour Valley.
- Over the years the site has slowly returned to nature and is partly shielded by trees and vegetation in the summer and wildlife has returned to the river including protected species.
- The site does not fit the normal definition of a Brownfield Site as the site is of high environmental value and has blended into the environment.

- Concerns over the landscape impact with sections of the existing buildings being quite visible especially in winter and with it being illuminated at night.

### *Ecology*

- The application provides wholly inadequate information available for consultation and on which the planning authorities can make a decision about the biodiversity value of the application land and impacts of the proposed development. The planning authority has a responsibility to ensure that any application provides adequate information and proposals for compensation and / or mitigation before determination of the planning application, to make sure that it is compliant with the Wildlife and Countryside Act, Section 42 of the NERC Act, and the National Planning Policy Framework.

- The Stafford Park site and the field to the West, also owned by the applicant, are immediately adjacent to the site as is part of Liston Gardens. The area around the site is very diverse with the River Stour, the Glemsford Pits, woodland, boggy wetland, flood meadows, typical Stour Valley farmland and the factory site itself. 122 large houses will generate far more noise, light, traffic and disturbance to the environment and wildlife than existing activities and the effect will be substantially negative including upon the SSSI.

- With regard to the SSSI they believe the development cannot but have a material negative effect. The SSSI is known not only for its Damsel Flies and Dragon Flies, but also breeding Nightingales, Water Voles and Otters and a wonderful variety of birds such as Osprey and Red Kites have been sighted close by as has a Bittern, Owls, Hobbys etc.

- It is scarcely credible to suggest that the proposed development would not have a significant adverse effect on the SSSI particularly bearing in mind likely the average number of pets owned by households that may be higher than the national average of pet ownership and the site just a few hundred metres from the SSSI such animals could have a significant adverse effect on the SSSI.

### *Flooding*

- The site is situated in an area of high flood risk and no improvements will alter that fact. In past years flood water flowing across the road into the site with water lapping up against the buildings has been witnessed, three times in the past 15 years Liston has been completely cut off by flood water.

- The potential for flooding does not just apply to the Stafford Park site, concerns raised that the flood measures proposed, including reinstatement of the River Stour, removal of the sluice gates etc. could have a knock-on effect and cause flooding problems elsewhere along the river.

### *Affordable Housing*

- The proposal would not meet the required quantum of off-site affordable housing provision as the applicant asserts the development is financially unviable.

- Surprised and concerned to learn that the Councils have communicated broad support for the proposed development and that Braintree DC has entered into discussions as to the level of affordable housing to be provided or financed before it has been considered by Councillors or the various parties that have the right to be consulted.

- The suggestion of support gives the impression of pre-determination and is liable to influence the opinions of Planning Committee Members.

### *Other Matters*

- The Developers state that they have made an effort to keep local communities involved but the Liston Residents Association which has 100% support by the Liston community has not had any approach made by the developer for a direct meeting to discuss proposals. There have been a couple of exhibitions mainly for the benefit of Long Melford and Foxearth residents, but neither of these were advertised by way of a mail drop to Liston residents.
- Babergh District Council has previously advised that they consider the site to be an important source of employment and would not support any application for change of use to residential development.
- The economic benefits relating from construction generating employment would be short-term and the fact that the site owner has chosen to seek permission for a larger more profitable housing development rather than to invest in employment related development should not be turned into a positive consequence of the proposal.
- It should be noted that early plans to bypass Long Melford to the west were successfully objected to on the grounds that the vibrations from the increase in traffic were likely to cause lasting damage to the Grade I listed Church in the centre of Liston, and the plan was dropped in favour of a bypass to the east.
- A significant increase in traffic (permitted as things stand to travel at 60mph through the village) has the potential to create lasting damage to the fabric of this ancient and long standing place of worship.

### Letters of Support

Three extensive letters of support have been received from the same individual, points raised include the following:

- The proposal is considered to be the only realistic and economically viable means of correcting the serious and long standing environmental contamination of the Stafford Park site, composed as it is of a series of deteriorating industrial units and a closed licensed landfill.
- From the very detailed assessment provided within the application and its accompanying Environmental Statement there is an abundance of evidence to support the conclusion that this proposal's many benefits easily outweigh any harm that might arise.
- The Council's failure in meeting its required housing delivery objectives over several consecutive years (5 year supply), together with a substantial further decline in deliveries in the year just ended has become a material consideration of major significance in the determination of this application.
- In view of the much higher house building trajectory now adopted by the Council in the Publication Draft Local Plan (approximately 3 times that given in the Core Strategy) its countryside protection policies as cited in its extant Local Plan (CS5 and RLP2 - the so-called restrictive policies) no longer accord with the Council's contemporary housing delivery obligations.
- All planning applications before the Council pertaining to housing development must be considered under the provisions of the second bullet of the second part (decision taking) of NPPF para. 14 namely that, when relevant policies are out of date planning permission

should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the so-called 'tilted balance').

- Although previously developed land (aka brownfield land) the subject application site is nevertheless designated as 'countryside' according to the definition given in the Core Strategy, but is not designated under any of the special land categories listed in footnote 9 of the Framework (flood risk having been addressed within the subject application to the documented satisfaction of the lead local flood authority). The site is therefore not subject to any specific policies within the Framework indicating that development should be restricted.

- The subject application site was submitted for consideration by the Council under its 2014 Call-for-Sites programme (LIST339). However, in line with the Officers' recommendation, the Council's Local Plan Sub-committee, at its 25 May 2016 meeting, decided "*that the site LIST339 continues to be determined through the planning application process*" i.e. rather than through the local plan making process. The Subcommittee therefore intentionally (and exceptionally) made no determination in respect of the subject application site's candidacy for the emerging Local Plan's site allocations list and, in the absence of any public comments following public consultation, it reaffirmed this position at its 15 December 2016 meeting.

- The subject application site's absence from the emerging Local Plan's site allocations list is therefore as a result of a conscious and deliberate action on the part of the Local Plan Sub-committee not to make any determination in this regard and therefore the said absence does not and cannot constitute a material consideration when determining the subject application.

- It is also noted that Officers are now regularly advising the Planning Committee of the pressing and urgent need for the Council to repair its housing land supply in their application case reports. For example, one such recent report relating to an application where the site does not appear on the Council's site allocations list (16/01813/OUT) states "... the development would make a substantial contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application."

- Whilst by no means solving the Council's problem, the subject application would nevertheless constitute a significant contribution to the process of recovery by providing a net 122 homes increase to the Council's housing land supply as well as boosting its housing delivery performance. The subject development scheme will involve the remediation and recovery of a large contaminated brownfield site, a high priority for the Government as well as being a preference repeatedly and enthusiastically expressed by both Councils and the general public alike. Further, this project will return several hectares of greenfield land back to the countryside in the form of parkland and adds materially to the argument in favour of this application.

- Stafford Park is well within the required 30 minute walking and cycling range of Long Melford and Accordingly, the site meets the Council's own definition of an accessible location (CS paragraph 7.1) and as such the geographic position of Stafford Park cannot be considered as having an adverse impact when assessing the project's sustainability.

- In the end this proposal is about the repurposing of Stafford Park to a more viable and beneficial use whilst reducing the risk it currently poses to the environment. It is universally acknowledged that we in this country have a major housing crisis on our hands and, as has been highlighted above, one that is very much reflected at our local level.

- We desperately need many more houses and Stafford Park's status as a brownfield site offers the prospect that, in this case at least, these will come at far less cost to the environment than the many projects now consuming greenfield and even greenbelt land both within the Braintree District and the country as a whole.