

Foston Parish Council's response to Planning Application S22/1022

Change of use from agricultural land to use as a residential caravan site for one gypsy / traveller family group; containing 7 plots (comprised of a total of 12 touring caravans and 11 static caravans) each with no more than two utility buildings, stable block and paddock land; formation of a new access, hardstanding for parking and the installation of a package sewage treatment plant.

Foston Parish Council understands and has sympathy with the Travellers and Gypsies. We know they need somewhere to live and call home just like everybody else. But we believe this site is totally inappropriate and the Parish Council has multiple reasons as to why this site is unsuitable and not fit for a residential site of any type.

Foston Parish Council strongly opposes the planning application S22/1022 for the following reasons.



1. Flood risk

The GOV.UK map above shows flood map and the location of the traveller site outlined in red and the fishing lakes to the far bottom right of the map.

Flood risk summary on GOV.UK :

FOSTON LODGE (which is opposite the proposed traveller site NG32 2LQ.)

Surface Water - high risk. (Indicating a high risk of surface water flooding locally.)

The application site is a parcel of land that is loosely rectangular in shape located outside the settlement boundary of the village of Foston, at the bottom of Newark Hill. (On the application the travellers are describing it as Marshall Way, when it is actually Newark Hill

which is inaccurately marked on Google maps. The field is within open Green Belt countryside in Foston.



The proposed site is a parcel of land that already has a surface water problem for several months of the year. This is due to its location at the bottom of Newark Hill.

There is now a greater risk that the flooding will continue to get worse because of the increased rate of Climate Change resulting in more extreme weather conditions.

Illustration A left: shows a fence post hole and water table just below the surface on the proposed Traveller / Gypsy site.

Photographs taken of post holes which were dug when fencing work was being carried out on the application site, show the water table to only be some 150mm (6 inches) below ground level.



Illustration B above: shows surface water flooding on proposed Traveller / Gypsy site. Height above sea level 24/25 metres.

Flooding explanation in more detail

The village of Foston is situated on a north-south running ridge of Limestone. To the east the land slopes gently down to the Foston Beck and hence onto the River Witham. However to the west of the village the land falls steeply away in an escarpment which is the source of a number of springs. The Old Great North Road now named Newark Hill runs down this escarpment, past the nationally renowned Willow Lakes Fisheries before ending close to the A1.

The heavy clay based land alongside and to the south of Newark Hill has always been known to have a high water table and been prone to flooding. This was the reason why Willow Lakes Fisheries was created on this land. To the west of Willow Lakes Fisheries are two further parcels of land which as mentioned earlier, run down to meet the A1.

The first parcel of land is an arable field which floods regularly to the east of and adjoining the proposed application site.



Illustration C above: shows Egrets wading in the flooded field next to the proposed traveller site and to the west of Willow lakes. Height above sea level 26/27metres

The second parcel of land to the west of Willow Lakes Fisheries is the site of the current planning application SK22/1022. This parcel of land again floods on a regular basis as can be seen in Flood map on page 1 and illustrations A , B, D, E and G.



Illustration D above shows fencing and surface water that is enjoyed by the ducks.

The Flood Assessment offered up by MW Design and Building Services is an office based exercise with no utilisation of local knowledge and is therefore woefully inadequate. However the Environment Agency surface water flooding map also offered up shows at least one third of the site being prone to flooding, see flood map page 1.

This seems to have been carefully ignored by MW Design and Building Services, in their report. The applicant has not carried out or proposed any land drainage scheme in order to either reduce or remove the flooding risk.



Illustration E showing surface water and to the far right middle of the of the photograph you can see a trench full of water.



Illustration F showing the trench full of water.

In conclusion of flood risk Foston Parish Council wishes to object to this application on the grounds that the site is known to be at risk of flooding and does suffer from surface water flooding and this proposed development would increase its vulnerability to such flooding.

2. Encroachment into the Green Belt and intentional unauthorised development

Foston Parish Council strongly opposes this planning application and draws your attention to the Intentional Unauthorised Development policy.

Intentional unauthorised development

It is now government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy stated that it applied to all new planning applications and appeals received since 31 August 2015. The change of use of the land was clearly done in the knowledge that planning permission was required. **It was intentional unauthorised development which must therefore weigh against the grant of planning permission.**

Green Belt protection and intentional unauthorised development

Statement made on 17 December 2015

Statement UIN HLWS404

(<https://questions-statements.parliament.uk/written-statements/detail/2015-12-17/hlws404>)

Time Line leading to the planning application.

At the beginning of December 2021 a 6ft high domestic fence was erected along the boundary of the field behind the hedge that fronts the road at the bottom of Newark Hill. This was the first stage of the Travellers Intentional Unauthorised Building in Foston. At this stage Foston Parish Council contacted South Kesteven District Council's Enforcement Officer who had a look and was told by the workers that they were going to divide up the field for ponies

Then work ceased for a while as amongst other things the site was waterlogged. The site is generally waterlogged in the winter months. Work commenced again in early spring with more fencing and the installation of posts, for post and rail fencing and then stand pipes. Just before Easter 2022 the Travellers laid the hard surface track running parallel to the road along the boundary edge of the field. The Travellers then moved in over the Easter Bank Holiday 2022, knowing that they could not be stopped as the Council Offices and Courts would be closed. By the 18th July there were 8 caravans and when SKDC served the temporary stop notice on the 22nd April there were already 12 caravans on site. Currently there are 12+ caravans and various sheds and summer houses to each caravan.



Illustration G above showing intentional unauthorised development in progress.



Illustration H above shows the extent of the intentional unauthorised development that had taken place on the proposed application site before the Travellers moved in. The photograph was taken a few days before the Travellers moved on to the site over the Easter Bank Holiday weekend in April 2022.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

Green Belt

The proposed site plan is for seven plots and shows:

- 11 Static caravans
- 12 Touring caravans
- 10 Utility buildings size 7metres x 4 metres or 22.9 feet x 13.1 feet
(These are enormous utility buildings.)
- 7 Stables
- 1 Sewage treatment plant, no size given!?
- 12 Cars
- 5 light goods vehicles.

This proposal is a large complex, a perfect example of intentional unauthorised and inappropriate development in open countryside in a rural location.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. The application is contrary to the NPPF policy 13 Protecting Green Belt Land

13. Protecting Green Belt land

137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

138. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.



Illustration H above, a Google earth view of the proposed Traveller site dated July 2020, when it was a pristine parcel of green belt land.



Illustration J above a Google earth view, of the proposed Traveller site dated March 2022 showing intentional unauthorised and inappropriate development to the site in Foston.

The replacement of the grassland with hardstanding track, caravans, sheds, and general domestic paraphernalia has had an adverse impact on the generally undeveloped character of the landscape locally. The visual impact is incompatible with this rural road with only one other property close by and does result in the site dominating the area.

From the Department for Communities and Local Government August 2015

Planning policy for traveller sites:

Page 5 'Policy E: Traveller sites in Green Belt'

'16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need **are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.**'

3 Road safety site entrance on dangerous double bend.

The planning application site is located just after the end of Marshall Way which is a long straight fast new road. At the end of the road you immediately hit the double bend at the bottom of Newark Hill and that is where the site entrance is located on the right.

With at least 17 vehicles and 12 touring caravans, it will potentially put a lot of strain on the site entrance in safety terms. With approximately estimated 80 to 90 people living on site there are likely to be a minimum of 50 vehicle movements a day. Potentially this would considerably increase the risk of accidents on what is already a very dangerous road because of the double bend.

A new pavement has recently been provided jointly by the Parish Council and Lincolnshire highways to improve pedestrian road safety on these very dangerous bends.

We conclude that the development would cause serious harm to highway safety. It would conflict with Local Plan policy EN1.

4 Inappropriate development in Foston

Foston is categorized as a smaller village as defined by South Kesteven District Council (SKDC) Plan. In smaller Villages, development will be supported in accordance with Policy SP3, SP4 both of these policies are not relevant to this application.

By creating a permanent residential caravan site on this site local and national planning policies on the location of new housing in the countryside would be seriously undermined. The site is located outside the village in open countryside where permanent development would not normally be permitted. This would result in the site being available for permanent residential accommodation in open countryside contrary to the sustainable objectives of SKDC's policies and would set a dangerous precedent locally.

From South Kesteven District Plan 2011 - 2036

SP5: Development in the Open Countryside

Page 31 'Development in the open countryside will be limited to that which has an essential need to be located outside of the existing built form of a settlement.

The proposed development is not an essential need and is contrary to SKDC's planning policies SP5

**The Planning application the contrary to Foston's following planning policies
From Foston's Neighbourhood Development Plan ,**

Page 27

Policy FNP02 – Maintaining the rural character of the Parish Development proposals will be supported where they maintain the important features which define the character and setting of the Parish and which are set out within the Foston Landscape Character Assessment and Built Character Assessment. In particular, development which would impact on key views into and out of the Neighbourhood Plan area, should demonstrate that these features have been sensitively and appropriately considered and incorporated and/or mitigated as necessary.

Page 32

Policy FNP09 – New housing development

New housing will be supported within the village where:

- It meets an identified local need;
- It is within or adjacent to the existing village envelope;
- It is on a previously-developed site or it can be clearly demonstrated that there are no other more sustainable sites available;
- It has been designed in accordance with the Neighbourhood Plan Design Principles/Guidance; and
- It is in accordance with the other design relevant policies of the Neighbourhood Plan.

Page 33

Policy FNP11 – Encouraging high quality infill Proposals for individual dwellings on infill and redevelopment sites will be supported subject to proposals being of high quality and meeting all relevant requirements set out in other policies in this plan and the SKDC Core Strategy and Site Allocations and Policies DPD, and where such development:

- Fills a small restricted gap in the continuity of existing frontage buildings or other sites within the built up area of the village where the site is closely surrounded by buildings.
- **Will not involve the outward extension of the village into areas of open countryside.**
- Is not considered to be unneighbourly development that requires unsuitable access, reduces privacy of adjacent properties **or is inconsistent with the character and existing pattern of development**
- Retains important views out of the village

5. Child Safety

Foston Parish Council objects to this application on the grounds of Child Safety

The application plans show no additional fencing along the southern side of the site adjacent to the A1. The plans do however show an Amenity Area/Children's Play Area in the south eastern corner of the site, where large opening in the site hedging exists and children could easily get access onto the A1.

The applicant should be required to completely close board the site in order to ensure the safety of any children on site.

6. Proposed development too close to A1

Foston Parish Council wishes to object to this application due to the close proximity of the site to the A1 and the resulting adverse health effects from Nitrogen Dioxide (NO₂), other air pollutants and their mixtures

The application site lies directly to the north-east of the A1 dual carriageway and with the prevailing winds coming from the south-west, the site must be heavily polluted on a 24/7 basis

It is well known that motor vehicles are a significant source of air pollution and the proposed site is within a handful of metres of the A1 carriageway. Research has shown adverse effects on health due to proximity to roads have been observed after adjusting for socioeconomic status and noise.

Levels of such pollutants as ultrafine particles, carbon monoxide, NO₂, black carbon, polycyclic aromatic hydrocarbons, and some metals are more elevated near roads. Individually or in combination, these are likely to be responsible for the observed adverse effects on health. Current available evidence does not allow discernment of the pollutants or pollutant combinations that are related to different health outcomes, although association with tailpipe particulate matter (PM) has been increasingly identified.

Exhaust emissions are an important source of traffic-related pollution, and several epidemiological and toxicological studies have linked such emissions to adverse effects on health. Road abrasion, tyre wear and brake wear are non-exhaust traffic emissions that become relatively more important with progressive reductions in exhaust emissions. Toxicological research increasingly indicates that such non-exhaust pollutants could be responsible for some of the observed adverse effects on health.

Pollutant emissions from vehicles are related to vehicle type (such as light- or heavy-duty vehicles) and age, operating and maintenance conditions, exhaust treatment, type and quality of fuel, wear of parts (such as tyres and brakes), and engine lubricants used. Important non-combustion PM emissions associated with motor vehicles include wear particles from road surfaces, tyres and brakes, as well as resuspended road dust. Non-combustion emissions contain such chemical compounds as trace metals and organics.

7. Dealing with sewage on the site is not practicable

Foston Parish Council wishes to object to this application as the applicant's proposed method of dealing with sewage on the site is not practicable.

The applicant has shown a proposed Package Sewage Treatment Plant on their main application plans, but also lists septic tank/tanks as a means of dealing with the sewage from the Dayroom/Bathroom Utility buildings.

For both a Package Sewage Treatment Plant and a Septic Tank, there has to be some means of discharging the waste water from them.

A Septic Tank is an underground tank where the solids sink to the bottom, forming sludge, and the waste water flows out to a drainage field.

Following a change of regulations in 2015, a drainage field is the only legitimate means of dealing with the waste water discharge from a Septic Tank as waste water from a septic tank can no longer flow directly into a local watercourse.

A drainage field, also known as an infiltration system, is a series of pipes with holes placed in trenches and arranged so that the waste water can trickle through the ground for further treatment.

A small sewage treatment plant, also known as a package treatment plant, works in a similar way to a septic tank but uses mechanical parts to treat the waste water to a higher standard before it goes to either a drainage field or to surface water.

Surface water is defined as a river, stream, estuary, lake, canal or coastal water. However no such surface water exists anywhere close to the application site, so that rules out that means of discharging the waste water from the proposed Package Sewage Treatment Plant.

That leaves just the drainage field method of dealing with the discharge from either the proposed Package Sewage Treatment Plant or Septic Tank/Tanks.

As has already been pointed out the application site has a very high water table and is subject to surface water flooding, which renders it totally unsuitable for accommodating a drainage field.

Any discharge into such a drainage field would exacerbate the high water table on the site and surface water flooding would only serve to spread the discharge across the site.

8 Utility Building Design

The proposed design for the Utility Buildings does not meet the standards laid down in the government document "Designing Gypsy and Traveller Sites - Good Practice Guide"

7.17 It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units.

The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area.

The access to the toilet should be through a lobbied area or by separate access direct from the pitch.

The proposed Utility Buildings do not have a separate toilet and wash hand basin and are not accessed through a lobbied area or by separate access direct from the pitch.

Conclusion

In conclusion the Parish Council oppose the application on the following grounds that have already been detailed above.

They are:

- 1, Flood risk
- 2, Encroachment into the Green Belt and intentional unauthorised development.
- 3, Road safety site entrance on dangerous double bend.
- 4, Inappropriate development in Foston
- 5, Child safety
- 6, Proposed development too close to A1
- 7, Dealing with sewage on the site is not practicable
- 8, Utility Building Design

The proposed development is an inappropriate intentional unauthorised development in a flood prone area within the Green Belt. The NPPF establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area and would add to road safety issues locally due to the dangerous position of the site entrance. Therefore it does not represent a suitable location for the proposed development.

The proposal would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment. The proposed site is a rough grass feature with a wealth of wildlife and grass snakes are known to inhabit the area because they are particularly fond of wetland habitats. Since the travellers moved in this valuable habitat has been substantially degraded.

Domestic and urban characteristics have already been introduced to the site like the hard surfacing, refuse storage, outdoor seating, summer houses and other such domestic paraphernalia. These characteristics are clearly viewed as inappropriate development within the local rural landscape.

We therefore request you refuse this planning application.