

Planning Appeal APP/Y3940/W/19/32438 – a Summary of Proceedings

DAY ONE (8th February 2021)

The broad headings discussed today were:

- 1 Status of the site and History
- 2 The site in relation to both Corsham Neighbourhood Plan and Wiltshire Core Policy.
- 3 5 year Council land/housing supply
- 4 Affordable housing provision
- 5 Self-build housing provision.

The two major points of contention today were items 2 and 3.

On the question of declared policies (item 2) from both Councils, there was a robust discussion concerning the question of development generally. Although, there has been little (if any) historical discussion about residential development on the site, there are indicators that there might have been a historical 'inclination' towards possible commercial development which could provide employment.

However, the current development policies, adopted by both Councils, are that the site is outside of any currently identified area for development, and this is one of the primary reasons for seeking to have the appeal dismissed.

A lengthy discussion then followed on the question of Land Supply. Major Councils are required to ensure that a land supply, of at least FIVE years (for future housing supply) is maintained. Wiltshire have openly admitted that currently they only have a supply of around 4.6 years. The reason given for this shortfall is that there is currently a 'lag' as a result of the extensive building that has been undertaken in Wiltshire in the recent past, and that the situation will 'correct' itself. The point was made that Wiltshire has exceeded its Land Supply target in each of five out of the past six years.

DAY TWO (9th February 2021)

As expected, a large part of the day was dedicated towards the hugely important aspect surrounding drainage of 'run off' water from the site. From the very start, it was clear that there is a wide margin between the stance taken by the Wiltshire Council and the Appellant.

Essentially Wiltshire do not accept that the site is previously developed land (Brownfield) as it has remained 'unused' for the period from 1956 (when Wiltshire Council stated that the site would be closed and did not 'anticipate' any further occupation), to the current day, a period of 65 years. Additionally, Wiltshire reiterated that this site is completely outside any development area defined in either their current Core Policy or in the current Corsham Neighbourhood Plan.

The appellant claims that there is 'clear' evidence that the site is a Brownfield site because the remaining 'structures' of roadways and former building foundations are clearly visible today. They

also made the point that previous (historical) indications from both Councils that there might be an opportunity to develop land to the south of Westwells Road for employment purposes, indicated that development *should be allowed* on the site.

An extended period of technical data ensued, and the accepted differing rates of 'run off' from both Greenfield sites, and Brownfield sites were discussed and explained at length. There then followed a further, long explanation, of how accumulations of surface water can be dealt with. In simplified terms, this can be in any one, or more typically as a combination, of three differing ways. They are:

Attenuation Holding the bulk of water in ponds or other bulk storage facilities for gradual and eventual dispersal. (You will no doubt be familiar with such a pond on the new housing estate on Park Lane)

Infiltration This is the natural seepage of water into the 'soft' areas (non-developed) of a site as would happen in say, agricultural fields.

Formal drains This requires a network of drains and a route to a natural water course which is lower than the source of the run off. In this case, that location is the open culvert at the bottom of Spring Lane, some 400 metres to the North.

The appellant stated that the site could not be dealt with by Infiltration alone. In part this is because of underground workings (close to the site) which are still in occupation by third parties.

They have produced plans that include a sizeable Attenuation facility, in the North Eastern corner of the site (the closest corner to Moor Green) which has a design depth of approx. one metre and is capable of holding 2450 **cubic metres** of water.

They have also 'discovered' a private drainage network that was probably created during the wartime period, and is of unknown ownership. It was almost certainly created as drainage for the former HMS Royal Arthur site (now Wadswick Green)

If they are able to utilise this drain, their problems of dealing with run-off will be largely solved.

This network was the subject of a comprehensive CCTV survey in April 2019 and it is shown to be in an extremely poor state of repair. The network also passes through (and under) 13 separate landowner's properties in and around Westwells and varies in depth from between two and five metres. It would seem that none of these landowners have any legal agreements in place that require them to give access for maintenance to this network. This arrangement is commonly called an 'Easement'

In 2016/7 there was an incredibly violent rain event in the middle of the night, which resulted in several Westwells properties being flooded, sufficiently badly, that they are no longer able to obtain Flood Insurance cover. In fact the Inspector will be travelling to the site, later this week, to perform a site inspection and to inspect some of the properties which were so badly affected.

This event, coupled with the increasing amount of new building that has occurred (and is scheduled to occur in the medium term), will likely be repeated if some form of permanent solution is not found to deal with surface water that originates at the top of Hawthorn Hill, and naturally chooses to flow to the nearest open water course which is Spring Lane (via the Westwells area)

Clearly an additional 85 dwellings on The Donkey Field will not help the situation

The current point of 'impasse' is that the Appellant is not minded to invest a large capital sum to investigate how this private network might be engaged/repaired without the 'security' of granted outline permission to develop.

From the opposing view, Wiltshire is not prepared to even consider permission (for a number of reasons) but not least of which is the increased risk of localised flooding in Westwells without an approved drainage strategy in place.

I am afraid that reflects the situation currently, and the inspector must now deliberate, and come to a judgement.