

**From:** publicaccess@lichfielddc.gov.uk  
**Sent:** 29 May 2021 10:31  
**To:** jwalton467@btinternet.com  
**Subject:** Comments for Planning Application 20/00359/FULM

Mr John Edward Walton,

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority using your email address. A summary of your comments is provided below.

Comments were submitted at 10:31 AM on 29 May 2021 from Mr John Edward Walton.

## **Application Summary**

**Address:** Land North Of Dark Lane Alrewas Burton Upon Trent  
Staffordshire

**Proposal:** Variation of conditions 2 (Approved Plans), 6  
(Drainage) and 13 (Landscaping) of permission  
18/01491/FULM relating to plot substitution of 52 of  
the approved 121 dwellings, updated landscaping and  
drainage schemes

**Case Officer:** Karen Tate  
[Click for further information](#)

## **Customer Details**

**Name:** Mr John Edward Walton  
**Email:** jwalton467@btinternet.com  
**Address:** 56 Park Road, Alrewas, Burton Upon Trent,  
Staffordshire DE13 7AJ

## **Comments Details**

**Commenter Type:** Member of public

**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

**Comments:** I refer to the request that I sent to Michael Fabricant MP on 06 May 2021 and to the response that I received on 26 May 2021, which as I understand it, was conveying to me what the LDC CEO had sent to him.

The responses give me some considerable cause for concern and I must admit, a high degree of disappointment.

To keep the continuity, I have similarly responded to the ongoing thread on a point-by-point basis, as set out below:

Green Acres @ Alrewas - Request for Help  
Query from John Walton to Michael Fabricant MP dated 06 May 2021:  
Firstly, many thanks for your help over the past two years regarding the Green Acres @ Alrewas Development, by

Crest Nicholson. Unfortunately, your help will again be much appreciated. There are several key concerns that do not appear to be progressing towards a satisfactory conclusion. I believe that much of the delay is due to the number of interested parties involved, combined with a general unwillingness to engage with the Villagers. However, through the planning process, I see this as a role that Lichfield District Council, as Planning Authority, should be coordinating. I will try, as succinctly as possible, to set out the salient points of concern. If you require further information or clarification, then I shall be pleased to supply such.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:  
Council officers have been working with various parties to seek to resolve the issues raised by a number of parties and on going discussions have been undertaken with the developers to gain solutions and to seek to rectify any matters. This approach has been in line with government guidance and also the Council's adopted Enforcement Plan.

Response by John Walton submitted as an Objection on 29 May 2021:  
This approach is respected and very much appreciated. Indeed, the Alrewas Residents' Group (ARG) and latterly individuals have also worked hard to assist LDC Planning Services and other interested parties in evaluating the submissions by Crest Nicholson. Often, not an easy task.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:  
Planning Application 20/00359/FULM:  
This Planning Application (a Variation to 18/01491/FULM) was submitted by Crest Nicholson on 05 March 2020. In the intervening period, it has evolved and has been the subject of contradictory/confusing submissions. Fourteen months later, it still has not been determined. Meanwhile, house building and sales continues at pace.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:  
Due to concerns raised we have sought further amendments to the scheme during the course of the consideration of the planning application, in order to ensure all issues are resolved under this pending application. Progression with the application has been delayed by/due to the engagement with interested parties; which has been outside the control of the District Council i.e. The County Council and National Grid. We have to rely on the specialist advice of important statutory consultees of course in order to resolve and progress matters that have been raised in relation to drainage and the gas pipeline, as the District Council does not have such specialists in house. In addition, various further work has needed to be undertaken by the developers, including site investigation works; these works have experienced some delays due to weather conditions and also the national pandemic.

Response by John Walton submitted as an Objection on

29 May 2021:

I accepted the complications of involving all the interested parties in my request to Michael Fabricant MP. However, I think that you will appreciate that the only aspect that is progressing at pace, albeit at risk, is the house building, and this concerns many Villagers whilst so many key aspects of the development remain unresolved.

You will have to enlighten me on the additional site investigation works carried out by Crest Nicholson. The only one that I am aware of is a Geophysical Survey of the Gas Pipeline in June 2020.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Flood Risk Assessment & Drainage Strategy (FRA&DS):

It is widely accepted that the FRA&DS submitted by Lioncourt/Atkins in 2013 may have been deficient in accounting for the effects of groundwater infiltration on the ability of the Surface Water Sewers (SWS) to accommodate severe storms when the River Trent is in flood, often for several weeks. In early 2019, Crest Nicholson exacerbated the situation by introducing a further route for groundwater to enter the SWS in the form of an Infiltration Blanket. Latterly, submissions have proposed digging up the Infiltration Blanket and replacing it with a sealed storage system. Really? Right outside the Show Home. The latest submissions propose that five properties each have some fifty cubic metres of surface water storage in their back gardens. Unbelievable!

It must be remembered that until this matter is satisfactorily resolved the risk of flooding to existing properties to the south of the development is real.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

The development was granted planning permission, whether or not the information considered at such time by the Planning Inspectorate and subsequently the Secretary of State was deficient. We cannot revoke that consent and so the developers could implement such. The developers and others have however been working to achieve a suitable drainage solution that does not exacerbate existing flooding issues in the local area. The development cannot however be required to resolve any pre-existing flooding issues, rather it needs to mitigate for the development that has been granted permission.

Response by John Walton submitted as an Objection on 29 May 2021:

I fully appreciate that the Lioncourt/Atkins Flood Risk Assessment & Drainage Strategy (FRA&DS) received Planning Approval via the Secretary of State but dispute that the Surface Water Sewers proposed in early 2019 by Crest Nicholson/Simpson in Drawing Numbers P18-336:01 to 07 Revision T6 were in accordance with that FRA&DS, in particular the significant changes summarised below:

- a) Reduction in size of the Infiltration Basin to the west of the site
- b) Reduction in size of several pipe runs
- c) Introduction of more hydro brakes
- d) Introduction of the Infiltration Blanket to the east of the site

e) The first detail of the Drainage Ditch from the development to the outfall to the River Trent As soon as these drawings were made publicly available, the then Alrewas Residents' Group (ARG) carried out a review and submitted initial concerns to LDC Planning Services on 25 August 2019.

On 25 November 2019, after persistent approaches by the ARG, a meeting was convened with Staffordshire County Council Lead Local Flood Authority (SCC LLFA) at which these concerns were raised. This meeting, I believe I am right in saying, enlightened the SCC LLFA that there was a serious issue with the groundwater infiltration into the Surface Water Sewers (SWS) and the storage capacity of the SWS when the River Trent is in flood. In the intervening period, numerous submissions have been made by the ARG, Trefor Milns, myself and several others in attempts to assist those addressing these problems. So, in summary, some 21 months later, these concerns have still not been addressed and several options for their resolution have been lost due to the house building progression. This is surely an unacceptable rate of progression on what is a serious but straightforward problem.

Lastly, I make absolutely clear that the issues referred to above are not pre-existing flooding issues, but are due to the SWS design of the new development, i.e. a field has been turned into a significant impermeable area and in periods of River Trent flooding, the rainfall cannot discharge from the SWS system and hence requires suitable and sufficient storage, which to date has not been demonstrated by Crest Nicholson.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Drainage Ditch crossing of a 900 mms diameter high pressure gas pipeline:

The need for the Drainage Ditch from the SWS system on the development to cross this gas pipeline was identified in the FRA&DS in 2013. The feasibility of this was questioned with LDC Planning Services some twelve months ago. In the intervening period submissions have moved the Drainage Ditch, proposed an inverted syphon crossing under the gas pipeline, then proposed the Drainage Ditch, in pipe, to pass over the gas pipeline. This is a nationally strategic gas pipeline and it is imperative that National Grid Gas Transmission plc and Cadent Gas Limited are acquainted with the full details of the proposed crossing and give its approval to the crossing detail, specification, construction methodology, maintenance methodology, and approve the construction and maintenance contractors.

This is not stated as being in place on the publicly available information.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

Council officers and other statutory consultees have worked hard to seek to resolve this issue. Following further site investigations, revised plans were submitted to address this issue. The Council despite consulting several times with the relevant gas organisations and the

HSE, it has received no response from them. The information now submitted however by the developer does show that there would be suitable separation (even though the drainage ditch crosses over the top of the gas pipeline) for the two systems to operate appropriately. Without evidence from a specialist to the contrary, the District Council would need to support such position.

Response by John Walton submitted as an Objection on 29 May 2021:

This is probably best addressed by a timeline:

- a) Lioncourt/Atkins FRA&DS identified the existence of the high pressure gas pipeline in October 2013 (Paragraph 3.3.2) and proposed the SWS to outfall from the development in a northerly direction towards the River Trent, crossing this gas pipeline.
- b) Crest Nicholson/Simpson Drawing P18-336:07 T6 details the Drainage Ditch (February 2019 but not publicly available for several months).
- c) Trial Hole dug at the intersection of the Drainage Ditch and the Gas Pipeline in summer 2019. It is inconceivable that National Grid Gas Transmission plc and/or Cadent Gas Limited and the developer were not fully aware of the findings of that Trial Hole.
- d) 19 April 2020 I discovered pegs at this intersection with dip levels marked on them, which on interpolation appeared to show a conflict between the Drainage Ditch and the Gas Pipeline.
- e) Informal enquiries to National Grid Gas Transmission plc confirmed that there was a conflict that was unacceptable. (Have not been able to get written confirmation of this.)
- f) I informed LDC Planning Services of this potential conflict on 26 April 2020.
- g) 01 June 2020 Crest Nicholson carry out a Geophysical Survey of the Gas Pipeline.
- h) 29 July 2020 Crest Nicholson post on the 20/00359/FULM Planning Application Portal, Drawing Number P18-336:SK40 which shows that if the Drainage Ditch is moved approximately 100 metres to the west, it will clear the Gas Pipeline.
- i) 13 October 2020 Crest Nicholson post Drawing Number P18-336:SK49 which now shows the Drainage Ditch (on the same line as h) above) conflicting with the Gas Pipeline and hence requiring an Inverted Siphon solution.
- j) 26 April 2021 Crest Nicholson post Drawing Number P18-336:131 which now shows Drainage Ditch (on the same line as h) and i) above) not conflicting with the Gas Pipeline.

As you are no doubt aware, this Gas Pipeline is nationally strategic and as such is the subject of daily helicopter surveillance, which conservatively must cost some £1,000 per hour.

It concerns me greatly that taking the above history into account, that LDC are prepared to accept the Crest Nicholson proposals on Drawing Number P18-336:131 which incidentally shows two different crown levels for the Gas Pipeline (50.306m AOD and 50.860m AOD - i.e. some 554mms difference - nearly 2 feet).

As a minimum, I would expect LDC to request evidence

from Crest Nicholson that National Grid Gas Transmission plc and/or Cadent Gas Ltd fully approve the construction and subsequent maintenance works in the vicinity of the Gas Pipeline.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Drainage Ditch route to the River Trent:

In brief, the gas pipeline is laid flat, across a flat terrain and the Drainage Ditch is flat (1 in 1300) so the options for the point of discharge into the River Trent are considerable. Why therefore has the point of discharge been chosen to obliterate the local beauty spot and frequently used area known as The Beach?

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

This is proposed and has been accepted previously, we cannot readdress this issue at this stage.

Response by John Walton submitted as an Objection on 29 May 2021:

Firstly, LDC is not in possession of an agreed crossing point for the Drainage Ditch and the Gas Pipeline that has been approved by National Grid Gas Transmission plc and/or Cadent Gas Ltd.

Secondly, the Gas Pipeline is some 100 metres from the River Trent and hence there is ample opportunity to align the Drainage Ditch to outfall to the River Trent to the west or preferably the east of The Beach once the Gas Pipeline has been crossed.

As many have pointed out to LDC, The Beach is a beauty spot, well-used by Villagers for many years and will no doubt be well-used by the new occupants of the Green Acres development. Many in the Village are viewing this as vindictiveness.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Alrewas 51 Footpath - Northern hedge removal:

The Crest Nicholson Sales publicity describes the Idyllic Village of Alrewas. One of the features that contributes to this is the historic Alrewas 51 Footpath, Dark Lane. The northern hedgerow of this is being obliterated and replaced by a 1.8 metres high close boarded wooden fence. This is a travesty.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

With regards to hedgerow removal along the Dark Lane footpath, the proposed plans show that this hedgerow will be retained, and boundary treatments sited north of the hedge, so that they're not visible from the footpath. Our planning enforcement team have been investigating this and have inspected the site. It appears that the approved and proposed plans do show a gap in the hedge opposite the pumping station building. There is however some discrepancy of treatment in regard to alongside plot 22 and down the side of the site towards the entrance of the development, as to whether new planting or retention of the existing vegetation, although the proposed boundary scheme submitted with the current pending application (ref. 20/00359/FULM) does show a 1.8m high new close

boarded fence and existing hedge to remain. We will be raising this matter with Crest Nicholson/the developers.

Response by John Walton submitted as an Objection on 29 May 2021:

This would appear to be a clear breach of Planning Application 18/01491/FULM Conditions 5 and 7. It is incredible that some four years after the Secretary of State's Decision, the boundary detail along the northern side of Alrewas 51 Footpath, Dark Lane is still being debated.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Biodiversity off-setting - Wildflower Meadow:

The development considerably impacts on biodiversity. To offset the loss, a Wildflower Meadow was a Condition on the 18/01491/FULM Planning Approval. Works on this should have commenced in 2019 but as yet has not been commenced. This two year minimum gap between loss and replacement of habitat renders the biodiversity off-setting report as invalid. No action appears to be taken by LDC Planning Enforcement.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

Crest Nicholson confirmed in Sept 2020 that all the approved docs were still up to date and the approved timetable is still being followed. They advised that there was a slight delay to grass mowing due to flooding, but all works within year 1 are on track to be completed. Therefore no action is required in this regard.

Response by John Walton submitted as an Objection on 29 May 2021:

Planning Application 18/01491/FULM Condition 11 states: "The development shall be carried out in accordance with the biodiversity offsetting scheme (Biodiversity Impact Assessment and Habitat Management Plan' produced by Ecolocation dated September 2017) approved under discharge of condition application 13/01175/DISCH1 (13/01175/FUL) dated 13th December 2017, unless otherwise first agreed in writing by the Local Planning Authority by the submission and approval of revised details."

On page 10 of the "Biodiversity Impact Assessment and Habitat Management Plan" in relation to the Wildflower Meadow, it states - "Timetable of Management Works: Management activities will commence in the first year of commencement of the development scheme." i.e. August 2019. It goes on to state that the Year 1 activities are as follows: Harvest any remaining crop, Deep plough/harrow to break up ground, Allow weeds to grow, Contact herbicide to kill new weed shoots, Sow seeds & fence area. To my knowledge, none of this was done in 2019 or 2020. In addition, the Year 2 activities have not been commenced.

The Wildflower Meadow, according to the report, makes the development into a biodiversity net gain. The current position is that habitat and species were lost in 2019 and hence the development is a biodiversity net loss. With the gap in loss and creation of biodiversity, the report

recommendations require updating.

There is also a school of thought that a Wildflower Meadow on the nutrient rich River Trent Flood Zone 2 will not work, i.e. wildflowers (nutrient deficient lovers) being overtaken by nutrient loving nettles, docks., etc. This would result in the development having a biodiversity net loss.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Post completion maintenance & repair:

It would appear that significant amounts of the roads, paved areas and the Surface Water Sewers will not be built to adoptable standards or will not be applicable to adoption criteria. These un-adopted features contribute to the functionality of the SWS in severe rainfall events when the River Trent is in flood. Accordingly, the protection against flooding for existing properties to the south of the development will be the remit of an Estates Managing Agent. It is unclear how this entity will be funded, its contractual relationship with the new property owners and how long it will exist. This would appear to make existing residents vulnerable as the Estate Managing Agent will not be accountable to these residents. This is not an acceptable situation.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

It is to be appreciated that this is the situation often with many new housing developments. The requirements of future maintenance lies with the relevant water authority and this lies outside the remit of the function and responsibilities of the local planning authority. Whilst the concerns are noted, this is not something we can take any action in relation to.

Response by John Walton submitted as an Objection on 29 May 2021:

The point being made in the initial request to Michael Fabricant MP was that the risk of flooding to existing properties within the Village will be dependent upon the maintenance of drainage and roads/paved areas that will not be to adoptable standard and will therefore be in the remit of an Estates Managing Agent.

Query from John Walton to Michael Fabricant MP dated 06 May 2021:

Summary:

Giving consideration to the above and the protracted determination of this Planning Application, it is my respectful and reasonable request that works be suspended until such time as proposals are submitted and approved that address these serious concerns set out above.

Response from Lichfield District Council CEO to Michael Fabricant to John Walton dated 26 May 2021:

This is not something that we feel is necessary at this time. We feel the development is progressing in an appropriate manner, in line with guidance and advice from various parties. The developers are also aware that any works they are doing are done so at their own risk until



such time that the pending application is determined.

Response by John Walton submitted as an Objection on 29 May 2021:

It is my view and that of many within the Village that the only way to get resolution to these serious concerns is to stop house building until such time as proposals are acceptable to those most affected by them.



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