

**From:** John Walton <jwalton467@btinternet.com>  
**Sent:** 05 December 2021 14:11  
**To:** 'Billings, Claire'  
**Cc:** '.Wilcox, Michael Councillor'; '.Wilcox, Sonia Councillor'; '.Cross, Derick Councillor'; 'Dave Whatton APC'; 'Kathryn Powell'; 'FREYJ@parliament.uk'  
**Subject:** RE: Green Acres @ Alrewas - COMPLAINT NOT TO BE PROGRESSED

Claire,

I have spent far too much of my hard earned retirement, over the last three years in particular, attempting to draw attention to issues on the Green Acres development. There comes a point where enough is enough and I have reached that point. It appears that no matter how much local concern is expressed and technical knowledge offered, it is futile. However, despite my efforts and those of many Villagers, these concerns are still unresolved. Accordingly, I want to be absolutely clear as to the facts so that LDC can progress or discard them, if it so wishes, but moreover any Villagers that may be in the unfortunate position to have to make claims, can similarly have access to the facts. I will include some items that have caused frustration and from which I trust LDC will take on board so that others can be spared the same frustrations:

**Town & Country Planning Act Sections 56 and 106:**

Section 56 clearly and objectively states what constitutes development commencing. The Section 106 Agreement for this development introduces a subjective term of “site preparation works”. This resulted in site activities commencing in February 2019, well before the official commencement of development in August 2019. During this period, HGV routing and other site activities were not properly controlled as the relevant Planning Conditions were related to the development commencement date of August 2019. This, in my view, caused acrimony from the start and could have been avoided.

Post August 2019, the HGV’s accessing and departing the development were still out of control, e.g. not sticking to the approved hours, going the wrong way along the one-way section of Micklehome Drive, using roads with no footpaths, not keeping the agreed Construction Traffic Route, etc. The developer appeared incapable of controlling this and so on 21 September 2019, I e-mailed them with a plan of signage locations and suggested wording, which they eventually implemented and which considerably eased the situation. I include this because it was construed by Villagers that a “couldn’t care less” attitude was being displayed by the developer. It also shows that the Villagers were able and willing to cooperate and assist the developer. This was further demonstrated when Western Power Distribution needed to lay 11kv cables to bolster supply due to the electricity requirement of the development (from the Micklehome Drive Sub-station to the Exchange Road Sub-station, with supply route to the development along Exchange Road/Park Road/Dark Lane and onto the site Sub-station). These works could have severely disrupted the Construction Traffic Route along Exchange Road / Park Road / Dark Lane. I organised mail-drops to residents and made sure that parked vehicles were cleared to enable the works to go ahead unimpeded. The developer was invited to meetings regarding this but did not attend or take any interest. I am sure you will agree that these examples show an intent from the Villagers to engage, and the temptation to disrupt or not cooperate was never considered.

**Foul Water Sewer (FWS) Capacity – Dark Lane Pumping Station:**

As you are no doubt aware, the Dark Lane Pumping Station and other parts of the existing FWS System regularly fail, necessitating foul sewage to be tankered away. As I understand it, Severn Trent cannot refuse an application to discharge into its FWS System and must deal with the FWS sewage, which tankering appears to be an acceptable solution pending FWS System upgrade. The Villagers asked if the developer would assist in pressing Severn Trent into upgrading, as the 121 new properties were exacerbating the situation. This reasonable request was declined by the developer.

**Surface Water Sewer (SWS) System Storage Capacity and Groundwater Ingress:**

This is best explained by a timeline:

- a) Approval of Conditions of Development 18/01491/DISCH3 issued by LDC on 09 April 2019
- b) The developer provides a link to the approved drawings on 25 June 2019 – The first time that Villagers have seen these drawings.
- c) Drawings reviewed by the Villagers and have concerns, and hence a request to the developer to meet its technical experts was made but declined.
- d) Green Acres @ Alrewas, Flood Risk Assessment & Drainage Strategy, Comments presented by The Alrewas Residents' Group, by John E Walton & Trefor Milns to Staffordshire County Council – Local Lead Flood Authority on Monday 25 November 2019 @ 2:30 pm – SCC Offices. This presentation set out the concerns regarding Surface Water Sewer (SWS) System Storage Capacity and Groundwater Ingress.
- e) SCC LLFA agree with the presentation content and request further information off the developer.
- f) Enzigo Environmental Consultants Hydrogeological Assessment (HF.1132.253.HY.R.001.B dated January 2021). This report agrees that groundwater ingress is an issue.
- g) SCC LLFA approve drawings and calculations in August 2021 that:
  - a. Appear to not account for the storage requirement of the SWS System during severe rainfall events when the River Trent is in flood, and
  - b. Contain 17 locations where groundwater can ingress the SWS System
- h) So the current position is that if these drawings and calculations are approved by LDC on recommendation of SCC LLFA then existing properties to the south of the development are at risk of flooding.

**Drainage Ditch and The Beach:**

Approval of Conditions of Development 18/01491/DISCH9 issued by LDC on 08 October 2020 should not have been issued because:

- a) No evidence has been produced to confirm that the crossing of the Gas Pipeline needed to be moved to the west when a relaxed specification was agreed by National Grid Gas Transmission plc.
- b) The consultations with the EA, SCC LLFA and Severn Trent are irrelevant to the alignment put forward by the Villagers in July 2020
- c) The developer states the alignment of the Drainage Ditch suggested by the Villagers would involve additional hedgerow removal and that it would not offer the same level of “flood buffering” as that at The Beach. I cannot reconcile what the developer is claiming.
- d) No account has been taken of the hygiene issues associated with the virtually flat Drainage Ditch and the likelihood of stagnant water discharging onto The Beach, used for recreation/leisure/picnicking, particularly during the summer.

**Community Infrastructure Levy (CIL):**

We are now in month 29 of a 36 month development programme and LDC is still unable to confirm if CIL will be collected from the developer. Under these circumstances, such a financial risk to the developer (rough estimate £500,000) has to be mitigated and this would normally be done by Value Management, i.e. methods to find the optimum balance of project benefits in relation to project costs and risks – or in other words cut out some features and reduce the specification in others.

**Biodiversity:**

We are now in month 29 of a 36 month development programme and LDC is still unable to confirm if the impact on biodiversity by the development will be a net gain or a net loss.

**Maintenance:**

The assurances published to date have been insufficient (regarding the scope, contractual arrangements, funding, longevity, etc. of the “Estates Management Contractor”), to give comfort that existing and new Village residents will be protected by the maintenance arrangements for the life of the development.

**Alrewas Footpath 51 – Dark Lane:**

It appears abundantly apparent that the hopes of the Villagers to retain as much of the northern hedgerow of Alrewas Footpath 51 will be dashed by the progressive destruction, which does not appear to be opposed. This is an appalling destruction of an historic Village feature.

**Local Equipped Area for Play (LEAP):**

The existing play area on Walkfield has been the subject of regular antisocial behaviour and vandalism. Accordingly, I suggest that the experiences of the Alrewas Parish Council in dealing with such concerns be accessed prior to agreement of the final positioning of the LEAP on Green Acres.

So, in summary, I do not want my Complaint to be progressed but please do not interpret that as withdrawing the Complaint. With the greatest of respect, I will not be responding to any further communications, and hence if you have any issues, please refer them to our Elected Representatives. I have tried to keep this e-mail brief, but do point out that these subjects are covered in copious detail in other exchanges and in the form of Objections to Planning Applications (which incidentally, I note have yet again been removed from Planning Application 20/00359/FULM – fortunately, I have copies of them all.)

Kind regards

John

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**From:** Billings, Claire <Claire.Billings@lichfielddc.gov.uk>  
**Sent:** 01 December 2021 17:08  
**To:** jwalton467@btinternet.com  
**Cc:** .Wilcox, Michael Councillor <Michael.Wilcox@lichfielddc.gov.uk>; .Wilcox, Sonia Councillor <Sonia.Wilcox@lichfielddc.gov.uk>; .Cross, Derick Councillor <Derick.Cross@lichfielddc.gov.uk>; 'Dave Whatton APC' <dave.whatton@alrewasparishcouncil.org.uk>; Kathryn Powell <clerk@alrewasparishcouncil.org.uk>; FREYJ@parliament.uk  
**Subject:** FW: Green Acres @ Alrewas - COMPLAINT NOT TO BE PROGRESSED

Dear John,

Thank you for your email.

I acknowledge and appreciate your comments and the concerns you and other residents have in regard to elements of this development.

In regard to the specific comments you have made, I provide the following further advice to explain and clarify matters.

### **Drainage ditch and The Beach.**

The planning application, 20/00359/FULM sought to amend a number of individual elements of the approved and implemented planning permission 13/01175/FULM and 18/1491/FULM. The amended drainage system, including repositioning the ditch and its outfall, was only one element of the proposal. In determining applications, a Local Planning Authority assesses each of the individual elements in relation to planning matters and determines which are or are not acceptable. The decision that is issued relates to all the elements of the application, in totality. Where particular elements are not acceptable for planning reasons but the rest of the application is, the usual procedure is to either explicitly preclude those details by condition and to omit the related plans from the approved plans list. Council's do not (and cannot) issue split decisions on full and S73 planning applications. In this case the Planning Committee discussed in detail the drainage details, but did not explicitly refuse them on such grounds nor did they refuse the change to house designs and the landscaping elements of the scheme. The refusal of the planning permission related solely to housing mix and no other matters. The refused plans list in the decision notice provides the definitive list of all plans which were submitted as part of the planning application and were considered by Committee in determining the application. The purposes of this list of determined plans, is to clarify the plans subject of an application and subsequent decision.

Whilst I appreciate your comments on this, I do not consider that there was/is a conflict between the refusal of planning permission and the subsequent approval of the drainage ditch via a discharge of condition; which is a separate application relating to one technical element of the development. I appreciate this may appear confusing

but the reason for refusal clearly establishes that the only reason for refusal of the planning application was on housing mix and no other matters.

Turning to your comments regarding the technical matters and rationale for the revised drainage ditch position, the Local Planning Authority were presented with this alternative location and sought an explanation from Crest Nicholson prior to the Planning Committee; which was made available on the public file. The location of the ditch in relation to 'the Beach' was not considered to raise technical issues by the Environment Agency, Staffordshire Flood Authority or Severn Trent. The technical assessment therefore made by such specialist advisors concluded that the technical details were/are robust.

In relation to 'the Beach', I feel that the Planning Committee were made fully aware of the importance this area is to the local community, by the Ward Councillor and your own presentation at the meeting and I note that the matter was furthermore discussed by the Members in reaching their decision that refusal on these grounds specifically was not justified. I do not consider that the Committee came to such conclusion lightly and that they gave the matter robust and detailed consideration prior to making their decision on the application.

Having regard to the above, I do not consider that the approval of the drainage ditch revised design under the discharge of condition ref 18/01491/DISCH9 was flawed and the decision to approve this was made having regard to all relevant planning matters. I appreciate that you do not concur with this view.

In relation to the technical matters you refer to and in respect of the gas pipe and reason for the relocation of the ditch, these are matters I cannot comment on, as they are technical decisions of the developer, Crest Nicholson. I can forward a copy of your email to them and request they provide you with a direct response, if you would be accepting of this. Please however be aware, that I cannot obligate them to a respond.

To overturn/quash a planning decision, this is usually done via the Judicial Review process, whereby an application to challenge the legality of a decision is made on a point of law. Such challenges are normally brought by third parties and leave to progress a judicial review should be submitted within 6 weeks of the date of the decision. As recommended previously you may wish to seek independent legal advice, should you or other interested parties wish to pursue this matter. The Council would not be seeking to quash the decision it has made, as it is considered the decision made is lawful.

#### **Community Infrastructure Review.**

The original planning permission was not subject to CIL, but rather a S106 agreement was completed in regard to certain elements. I need to review the various advice provided in regard to this matter from colleagues and have regard to the relevant CIL legislation. Once I have opportunity to do this, I will respond to you on this matter in due course.

#### **Biodiversity.**

The biodiversity enhancement report was reviewed and agreed as acceptable by the Councils Ecologist. I will forward your comments however to them and ask that the matter is reviewed and then we will provide a further update to you on this.

#### **Maintenance.**

I have previously provided you with a comment on this. However, in regard to the drainage management, Crest Nicholson confirmed previously that this would be through a management company; which is accepted normal practice. The responsibility for ensuring maintenance is on-going falls to the management company and ultimately the residents of the estate who clearly have a vested interest in ensuring that maintenance is ongoing. The use of a management company is an appropriate and acceptable means with which to manage the drainage system.

I note that you have mentioned a plan that isn't on the web site, I have asked the planning case officer to check this further, but I thank you for bringing this to my attention. If this is missing we will update the website accordingly.

I hope that I have however provided you with the assurances that the approved drainage system is acceptable and has been fully considered and agreed as appropriate by the relevant specialist advisors, including the Environment Agency, Staffordshire County Council, as Lead Local Flood Authority, Severn Trent and the Highway Authority.

If you would like to come back to me on my query as to whether you would like to me to forward your email onto the developers for further comment I will arrange that this is done.

Kind Regards,

*Claire Billings*

Claire Billings  
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**From:** John Walton [<mailto:jwalton467@btinternet.com>]

**Sent:** 27 November 2021 15:33

**To:** Billings, Claire <[Claire.Billings@lichfielddc.gov.uk](mailto:Claire.Billings@lichfielddc.gov.uk)>

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**Subject:** Green Acres @ Alrewas - COMPLAINT NOT TO BE PROGRESSED

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Claire,

I am greatly appreciative of the time and effort that you have put into responding to my Complaint, particularly, as I understand it, LDC Planning resources are severely stretched at present. As you are no doubt aware, many residents have expressed their concerns to LDC, of which many have also contacted Michael Fabricant MP. At the request of Michael Fabricant, I and a couple of residents escorted him to The Beach on Saturday 20 November 2021. The site visit was most useful and I am keeping him informed, as he requested.

Through face to face contact in the Village, e-mails, social media, etc. it is clear that there is a great sense of outrage at the loss of The Beach. The Drainage Ditch and outfall at The Beach have been treated with a distinct lack of sensitivity to the environment and in particular to the Villagers. It baffles me that four Drawings can be Refused on 06/10/2021 and then Approved two days later. This however, highlights a serious point of principle in that proposals by the Developer are either acceptable or they are not, and the Planning Procedural route they take should be irrelevant.

Accordingly, I wish to stress my concerns at the destruction of The Beach and I am also concerned that many other subjects, in my view, are not right and I hope that my comments below will be suitably incorporated into your processing of the outstanding matters.

**Drainage Ditch and The Beach:**

- 1) Planning Application 20/00359/FULM – Refusal of Planning Permission dated 06/10/2021
  - a. This Application relates to several Conditions of Planning Application 18/01491/FULM, including Condition 6 – Drainage
  - b. The Refusal clearly lists 32 “Refused Plans” of which 4 are the same as those Approved in 2) below

- 2) Planning Application 18/01491/FULM – Approval of Conditions of Discharge 18/01491/DISCH9 dated 08/10/2021
- a. “Drawings considered to be acceptable” under this Approval but are “Refused Plans” under the above Refusal.
    - i. Plan P18-336:131
    - ii. Plan P18-336:SK49 – This Drawing shows an arrangement for crossing the Gas Pipeline that Crest Nicholson claims National Grid has refused.
    - iii. Plan P18-336:07 C7 – This Drawing is not in the Public Domain and does not appear on the Planning Portal under either 18/01491/FULM or 20/00359/FULM
    - iv. Plan P18-336:132 Rev A
  - b. The realignment of the Drainage Ditch to cross the Gas Pipeline to the west of previously Approved locations was based on the level of the Gas Pipeline as determined by Trial Holes and a Geophysical Survey. In addition, it is understood that National Grid has relaxed the specification required at the crossing point. I have seen no evidence of the Gas Pipeline levels from which acceptable crossing points can be determined. i.e. Was there a need to move the Drainage Ditch from (or so far from) the previously Approved alignment?
  - c. The reasons put forward by Crest Nicholson for not realigning the northern end of the Drainage Ditch and avoiding The Beach are strongly contested. (i.e. “would involve significant tree/hedge loss” and “The depression within the riverbank allows additional buffer for the river level to rise before surcharging the drainage outfall, unfortunately the other locations along the riverbank suggested by residents do not have this benefit and thus would be more likely to encourage flooding of the system.”)
  - d. The LDC Planning Committee on 04/10/2021 received an Officer’s Report and Presentation that gave emphasis to, and reliance on, consultations with Severn Trent Water (STW), Staffordshire County Council Lead Local Flood Authority (SCC LLFA) and the Environment Agency (EA). None of these consultations are relevant to the Objections of the Villagers regarding the loss of The Beach as a long frequented leisure amenity and beauty spot.
  - e. The hygiene concerns / health risks regarding the potential stagnation of water in the Drainage Ditch discharging at The Beach were not considered.
  - f. The deadline encountered by Crest Nicholson regarding the EA Permit restrictions was entirely self-inflicted, due primarily to the prompt dismissal of Villagers’ views expressed in July 2020.

I therefore conclude that Planning Application 18/01491/FULM – Approval of Conditions of Discharge 18/01491/DISCH9 dated 08/10/2021 should be quashed.

**Surface Water Sewer System – Storage capacity and Groundwater ingress:**

- 3) SWS System - Planning Application 18/01491/FULM – Approval of Conditions of Discharge 18/01491/DISCH3 dated 09/04/2019
- a. The Drawings referred to in this Approval have long since been superseded. The Planning Condition 6 of Application 18/01491/FULM required these to be agreed prior to the development commencing.
  - b. The most current Drawings of the SWS System, I believe, are contained in the posted document P18-336 - AU Technical Note 14.07.21 on Planning Application 20/00359/FULM. It would appear from the final response from SCC LLFA posted on 13/08/2021 that all these Drawings and underpinning calculations are acceptable. I do not believe that the following have been addressed sufficiently to give assurance to the existing Villagers that they will not be flooded:
    - i. Calculation of the storage requirement of the SWS System when the River Trent is in flood and severe rainfall events occur (including severe rainfall events).
    - ii. Confirmation that such storage capacity will be available.
    - iii. The requirement within the Secretary of State’s Decision that rainwater not able to enter the SWS System should flow overground, heading for the fields to the north, not south heading for the existing properties within the Village.
    - iv. The means of preventing groundwater entering the SWS System and reducing available storage capacity are not acceptable. (i.e. From the Infiltration Basin, the Infiltration Blanket, the 10 Collector Pipes, and the 5 Geocellular Storage Crates – incidentally, these Crates

range from slightly bigger than the volume of a single garage to nearly as big as a double garage and are light structures and will experience basal heave which in turn could compromise the integrity of the water tightness.)

**Community Infrastructure Levy (CIL):**

- 4) Clarification as to whether Community Infrastructure Levy (CIL) will be charged on the Green Acres development should have been clarified prior to August 2019 by the submission of a Planning Application Additional Information Requirement Form. This appears to be outstanding and as such there is a doubt as to whether CIL will be charged. As this is some £500K it is quite surprising that such a sum is unresolved at this stage.

**Biodiversity:**

- 5) Planning Application 18/01491/FULM Condition 11 sets out a means by which the impact of the development on biodiversity will be a net gain. The development is not following the "Biodiversity Impact Assessment and Habitat Management Plan" produced by Ecolocation dated September 2017", which I understand is acceptable to your consultees on this matter. However, can you confirm, with suitable substantiation, that the current proposals will result in a net gain, equivalent to or better than that set out in the Biodiversity Impact Assessment and Habitat Management Plan?

**Maintenance:**

- 6) Many of the aspects of maintenance, if not done correctly or suitably funded or scoped properly, could impact on the Village. Accordingly, I am requesting more detail of how the maintenance will be assured for the life of the development.

**In summary, I believe that the above points are pertinent to the fair, proper and reasonable processing of the remaining outstanding matters and as such I trust that they will be accounted for. I am sure that our Elected Representatives will be monitoring the situation on behalf of their Electorate.**

**Accordingly, I do not wish my complaint to progress any further.**

Kind regards

John

John E Walton



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