

<b>APPLICATION NO: 17/00659/FUL</b>		<b>OFFICER: Mr Martin Chandler</b>	
<b>DATE REGISTERED:</b> 31st March 2017		<b>DATE OF EXPIRY :</b> 30th June 2017	
<b>WARD:</b> Charlton Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Lilley Brook Golf Club		
<b>LOCATION:</b>	Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings		
<b>PROPOSAL:</b>	Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material (re-submission following refusal of planning application ref. 16/00383/FUL)		

## REPRESENTATIONS

Number of contributors	<b>10</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>4</b>

10 Hartley Close  
Cheltenham  
Gloucestershire  
GL53 9DN

**Comments:** 2nd May 2017  
Planning Application 17/00659/FUL

I believe the application fails to demonstrate the "proven public interest" required to satisfy Gloucestershire CC Waste Core Strategy WCS14 for major waste development "within or affecting" Cotswold AONB & seek that it be refused.

Public access to many short "pay & play" courses for occasional golfer use (with tuition if required), are available within a few miles radius of the town, Shipton GC & National Star Centre Golf being just two examples in the close vicinity of Lilley Brook GC.

LBGC, is just one of many promoters of healthy outdoor activities undertaken in the area & the import of this huge amount of material cannot be claimed to have significant benefit in this respect("Sustainable development NPPF - Social - 6.51).

Windfall fees derived from the proposed exercise would appear to represent the primary means of "sustaining" the club from competitive pressure until the next request for an "improvement" is formalised.( S.Dev. NPPF Economic - 6.51) A further "waste development" was mooted at the club on Monday 28th September 2015 which LBGC may wish to explain?

Such an approach does not seem to be consistent for a "viable sustainable" business, without detriment to the other users of the local environment( S.Dev. NPPF Environment - 6.51)

When other local clubs are flourishing perhaps the high cost of entry at LBGC presents more of a threat to the club than the benefit claimed for an as yet untested "academy"?

### Existing Practice Ground

Long established; Lilley Brook Golf Club, via their website, present the facility as, "an excellent practice ground"; " with a specific short game area"; "a putting green & bunker" & "it has 3 further greens and distance specific flags to aim at".

It is not possible or clear, from this application, to establish what significant improvement the deposit of 100,000 cubic metres of waste material will bring to bear on the golf terrain or enhancement of a golfers skills set. The applications 3 section drawings, two on the perimeter & the other across the central area give no indication of how each hole contributes to an "improvement". Localised leveling of tees & greens could well prove as effective without the import of such huge amounts of material?

Whilst the :-

Proposed 9 hole "short course"

It is suggested will attract "more occasional" golfers beyond existing members & junior's but does not make clear whether this will be a new enterprise, along the lines of say "pay & play facilities to create a revenue stream?

The proposed course layout beginning & ending on LBGC western boundary when all facilities, changing, monitoring, parking & toilets are located on it's eastern flank is surely counter intuitive? "Occasional golfers" & casual users, once aware, will have an incentive to avoid club scrutiny using Sandy Lane for parking & all other aspects? It is unclear therefore how the LBGC can guarantee no further infrastructure (6.10) would be required, in time, to monitor these aspects & prevent "nuisance" usage?

Should the planning committee be minded to approve this application, may I suggest provision be made within the approval, that this layout is reversed, to encourage access from the existing facilities & that Gloucester Highways are asked to report on the traffic implications in Sandy Lane, for local residents & the many users with regard to the current layout proposal before such approval is granted?

Families, cyclists, walkers, horse riders, birdwatchers etc. are established users of the Sandy Lane access to the hill & given the top section has no footpath increased traffic & congestion would undoubtedly be detrimental.

Deliveries/landscaping

Whilst specific advice has been offered with regard to waste deliveries, no timetable has been presented for the subsequent landscaping of the area with noise & dust implications. This leaves a "door" open for further, minor material requests & a "work in progress" to the detriment of all in the locality. The method of policing specific vehicle visits is yet to be presented & the committees attention to such plans would be appreciated.

Other objections

I am mindful of the flood concerns expressed by others in respect of this proposal & trust the committee will continue to give them due scrutiny. To claim the site is not at risk of flooding is elementary to all given it's position high above surrounding property however using Southfield Brook as a "sump" for run off has already brought flooding for the Sandy Lane properties at the Highland road junction.

Given the proposal affects the west side of LBGC, concentration of run off will equally be on this flank with predictable concerns. Appreciating the slope/fall is from south to north, in direct contradiction of the flood assessment, it raises considerable concern overall in the veracity of the assessment

I urge the committee to refuse the application in it's current form.

53 Sandy Lane  
Charlton Kings  
Cheltenham  
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**Comments:** 1st May 2017

Waste and Minerals Policy Implications of Planning Application

There are a number of matters in this development plan that CBC have not yet examined to the required standards.

It is my understanding from contact with the GCC experts responsible for applying the WCS that they will be commenting on this latest version of the application and that the CBC treatment of this plan as a non waste development is undergoing a more rigorous review at County Level.

#### 1) MISLEADING DEVELOPER STATEMENTS ON NATIONAL WASTE POLICY AND LANDFILL POLICY

The developer's claim that the narrative of the National Waste Management Plan supported the proposal is misleading.

The developer's planning statement selectively quotes from the Gloucestershire Waste Core Strategy (WCS) of November 2012 and the National Waste Management Plan for England (NWMP) of December 2013.

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265810/pb14100-waste-management-plan-20131213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf))

On Page 10 of the Developer's application, the developer asserts from the NWMP that

"within this document , page 13 states that "inert waste was be (sic) recovered or recycled wherever possible. "

The developer also claims that the NWMP "sets a more permissive approach to the use of inert waste as a recyclable landscaping..." .

Had the developer quoted the section of the SWMP on page 13 in full, then the planning officer and planning committee would have read the following statement :-

"inert waste can and should be recovered whenever possible. However, the disposal of inert waste in or on land i.e. landfill, remains a valid way of restoring quarries and worn out mineral workings where this is a planning requirement."

The last sentence provides the only acceptable exception that should be applied to the use of inert waste as landfill, which is for use in quarries or mineral workings and ,only then, where the use of the material is a planning requirement.

The developer also failed to quote from the NWMP the section that follows the p 13 section on the disposal of inert waste on p 14 and discusses disposal landfill which reads as follows

Disposal

"Landfill or incineration without energy recovery should usually be the last resort ..... Landfill tax is the key driver to divert waste from landfill.."

## 2) MISLEADING CLAIM THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE GCC WASTE CORE STRATEGY (WCS)

The developer's claim that the proposal was in line with the WCS is also untrue and reflects a fundamental misunderstanding of the policy objectives and measures.

The assertion that the proposal helps meet the objective of WCS4 is erroneous. This GCC WCS specifically calls for 85,000 tonnes per year of inert waste to be diverted away from landfill and recycled and recovered. It is untrue to claim that the planned development is recycling or recovering material when its only use at the development site is as landfill.

For the argument that the activity is a recovery operation to be favourably applied, the WCS makes clear that any proposal to recover inert waste of this scale should only be approved for operations in Zone C.

As this site is within the AONB and therefore not in zone C the council should not be able to approve this major development without there being very valid and exceptional reasons provided as to why the WCS3 should be set aside. To do so must require county support.

The Cotswolds conservation board asked the same question which remains unanswered they said:-

The Board considers the importation of 100,000 cubic metres of inert landfill material into the nationally protected AONB to be a form of "major development" and therefore paragraphs 115 and 116 of the NPPF are relevant in this case. Accordingly the Board considers the proposal does not meet the exceptional circumstances tests of Paragraph 116. The landscaping proposals, at the scale of 100,000 cubic metres, seems to be a figure derived at based on a waste operation rather than what is actually needed (if at all) to re-profile the golf course? The Board continues to question whether the predominant purpose of the development actually involves profiting from waste disposal rather than engineering for the benefit of the golf course. The Board also questions, given the location in the "sensitive" AONB landscape (as stated within the EIA guidelines), whether this proposal has been screened for the need for an EIA. The proposal will result in a substantial level of HGV movements which will erode the rural road network and result in the importation of waste into the AONB. Although in landscape terms the scheme offers restoration of the landscape, the short term harm and wider impacts of this development on the environment of the AONB, have not been adequately assessed.

## 3) ENVIRONMENTAL POLICY RELATING TO WASTE RECOVERY PLANS AND PERMITS HAS NOT BEEN APPLIED OR ADHERED TO

The developer has, contrary to planning guidance, not treated this development as a major development or referenced the Environmental Agency policy guidance on Waste Recovery Plans and Permits ( <https://www.gov.uk/guidance/waste-recovery-plans-and-permits>) published in October 2017.

This guidance reflects and applies the tests set in European Community Policy for defining waste disposal or waste recovery operations.

It is not clear whether the experts advising the planning committee would have been aware of this policy at the time the matter was last considered in late 2016.

This Planning Guidance sets very clear criteria to determine whether a waste development proposal represents a "recovery" or "disposal" operation.

Based on the criteria set out in that paper, the developer's claim that this is a recovery operation does not satisfy the UK Government test or European Community criteria required to satisfy the developer's claim that this is a waste recovery operation

To qualify as a waste recovery operation this government paper requires that the developer must show it intends to carry out a waste recovery operation and specifies that -

...Your plan must show that if you could not use a waste material you would do the work to get the same outcome using non-waste materials.

It also requires the developer demonstrates that

...You could provide evidence to show that if you carried out the work with non waste you would benefit from a net financial gain.

and

...If you would have used non waste for your work, without any net financial benefit, you could provide:

evidence that you have secured the funding you need to cover the cost of the work using non waste details of your expected costs in your waste recovery plan.

and

You could provide evidence that you're obliged to carry out the work

The developer has not provided this evidence. It is also noted that the guidance states that developer is also required show evidence that

... the waste material used will directly replace non-waste material

...the development will only use the amount of waste needed to carry out the function that would otherwise be provided by non waste

If after considering all this policy framework the CBC is inclined to favourably consider the developer's argument that this is not a Landfill operation, CBC should ask why the proposed landscaping requires such a huge amount of material to achieve the landscaping objective, and whether the developer could achieve the same outcome with earth moving and slope strengthening using the material onsite without importing any waste.

It would seem that self-evident that the Cotswold AONB Representative's view is correct that this option has not been considered by the developer because the operation would result in a cost to the developer and not generate revenue to be earned by turning the field into an untaxed waste disposal site.

#### 4) PREVIOUS MINERALS AND WASTE POLICY CONSULTANT ADVICE HAS BEEN MISUNDERSTOOD

The Minerals and Waste policy team guidance on the last version of this proposal appears to me to have been misinterpreted or misunderstood because the planning officer notes stated:-

..the County Waste and Minerals Team have commented on the application and have confirmed that the proposal should not be classified as a 'waste' application on the assumption that prior-processed, recycled materials will make up the vast majority of the material to be used and that all imported material will have been subject to some form of processing activity with no further processing allowed to take place on site.

My reading of the expert advice was that it did not classify the operation as non waste. Instead it recommended rigorous review of the claims that the material to be used were not waste,

highlighted the planning committee should exercise great care in reviewing the application against policies to assist them evaluate the proposal, and did not confirm the proposal could be classified as a waste operation and did not use any narrative to this effect. CBC did not do this.

#### 5) SEQUENTIAL APPROACH TO MAJOR WASTE DEVELOPMENTS HAS NOT BEEN APPLIED

Waste is not considered a water compatible development and the sequential approach to any development in a Flood Risk Zone 2 or 3 should, therefore, be applied .

(para 7.3.2 Strategic Flood Risk Assessment for Minerals and Waste Development Framework Level 1 - FINAL September 2008 )

#### RECOMMENDATION

CBC and experts advising the CBC should refer to the relevant policy framework that this paper draws its attention to and should ask the developer to provide the requisite information mandated by local and national policy to

- Help CBC and its consultants to properly consider whether this proposed development is a waste recovery or waste disposal site
- In either instance, apply the sequential test to this development proposal
- Consider whether a placement of a waste disposal or recovery site in an AONB and Flood risk zone 2 is consistent with National and Local Planning guidance
- Establish whether the exception test would justify the development being approved on a location outside the strategic zone allocated by GCC for this proposed waste landfill development.

#### **Comments:** 1st May 2017

FLOOD RISK ANALYSIS OF THIS PROPOSED DEVELOPMENT HAS BEEN EXTREMELY SUPERFICIAL AND REFLECTS POORLY ON THE EXPERIENCE OF THE CBC PLANNING COMMITTEE WHO ADMITTED AT THE REVIEW OF THIS PLAN THAT THEY REQUIRE MORE TRAINING ON THIS COMPLEX SUBJECT AREA.

THE FLOOD RISK ASSESSMENT PLANS AND DRAINAGE PLANS CURRENTLY TO HAND ARE NOT A SAFE BASIS FOR APPROVAL AND THE LLFA HAS ALSO HIGHLIGHTED THEIR CONTINUING LACK OF DETAIL

The CBC have not in the last meeting properly reviewed the Flood Risk Assessment and the application should have been refused at the last meeting because it lacked the details called for by the LLFA, and did not provide any reduction in flood risk as called for by many different national and local policy and flood risk management plans.

There is a host of very good reasons for rejecting the current development plan due to the inadequacy of the Flood risk analysis and drainage plans submitted, and failure for the plan to comply with National and County Plans and guidance for major development proposals.

THE PROPOSED PLAN DOES NOT YET COMPLY WITH NPPF PLANNING GUIDANCE PARAGRAPH 102 RELATING TO DRAINAGE REQUIREMENTS

The LLFA has highlighted the shortcomings in the developments design detail and disclosure and has specifically called for more information on the proposed engineering of the SUDS structure and details of drainage plans to downstream water management of Peak Flows from the developer's property and from the development site to downstream drainage.

The FRA does not follow the Sustainable Drainage Systems Non Statutory technical standards Paragraph S1 and S2 which focus specifically on the details required to demonstrate that peak flow controls, including SUDs structure and downstream drainage are properly designed to avoid the structure increasing flood risk outside the development.

#### THE PROPOSED PLAN DOESN'T YET COMPLY WITH NPPF PLANNING GUIDANCE PARAGRAPH 100

The Proposed Plan does not yet comply with NPPF Planning guidance Paragraph 100 which requires FRAs to demonstrate that the development will be safe for the lifetime of the development.

The developer has not indicated what the proposed lifetime of his major development will be.

The current plan is highly unsafe and unfit for purpose and not compliant with planning requirements because no detail has been given about what surface water flood risk management controls will be put in place before the development is started or during the construction phase.

Here the LLFA advice has been helpful, but was not applied.

The LLFA stated :-

"Development shall not begin until drainage design details of the proposed swale, basin, control device, connecting channel and outfall structure have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

#### THE PROPOSED PLAN AND CBC HAVE NOT SATISFIED THE NATIONAL AND COUNTY REQUIREMENTS FOR MAJOR DEVELOPMENT DRAINAGE PLANS TO REDUCE FLOOD RISK

NPPF Guidance "Flood risk and coastal change" calls for planners and developers to seek opportunities to reduce the overall level of flood risk has not been applied

Paragraph: 050 Reference ID: 7-050-20140306 of this guidance specifically calls for planners to seek opportunities to reduce overall levels of flood risk. It is not clear why has the CBC not identified this development as a golden opportunity to reduce flood risk across a very considerable area.

Paragraph: 038 Reference ID: 7-038-20140306 states

The developer's site-specific flood risk assessment should demonstrate that the site will be safe and that people will not be exposed to hazardous flooding from any source.

The development location is a hazardous flood zone prone to frequent surface water flooding. The absence of the downstream drainage plan renders the FRA currently provided by the developer unfit for purpose and fails this NPPF guidance.

#### THE PLAN DOES NOT APPLY KEY FLOOD RISK STRATEGIES OR GOVERNANCE PROTOCOLS OF THE GCC COUNTY

CBC planning practice relating to this proposal does not have applied three of the six key strategic objectives for the Local GCC Flood Risk Management Strategy

The six key strategic objectives for the Local Strategy are:

1. Improve our understanding of local flood risk.

CBC planning committee have failed to properly recognise that the development is a Flood Zone 2 site with very high surface water flooding risk history that urgently needs to be reduced to safeguard neighbours and the community. CBC has also failed to demonstrate any understanding of the scale and gravity of surface water flood risk present at this development site.

2. Put in place plans to manage these risks.

CBC have so far not applied any national and local policy, guidance, or planning powers to call for this developer to reduce the surface water flows and flood risk associated with this Major Waste Disposal Development proposal.

This is exactly the type of development where the risk profile, flood history and scale and nature of the Development absolutely justifies the use of national and county planning policy and GCC strategy to conditioning any FRA plan and planning approval to demonstrate a material reduction in surface water flood risk post development.

As this is a major development proposal, it is extraordinary that the CBC appears reluctant to apply available policy to require the developer to reduce the surface flood volumes from the site.

3. Avoid inappropriate development and ensure new development does not increase flooding elsewhere.

CBC and have failed to ensure the development does not increase flood risk downstream, despite the LLFA advising them to focus on this matter.

The current SUDs plans radically changes the drainage from the development site and do not demonstrate how drainage from the SUDS unit will be controlled and attenuated to avoid increasing surface water flooding downstream and off the development property.

THE CBC HAVE NOT APPLIED LOCAL PLAN POLICY UI2 AND NOT EXPLAINED ITS REASONS FOR IGNORING THE PLAN

The Local Plan policy UI2 requires new development to reduce quantities or rate of surface water run-off.

So far, this policy has not been applied and no reasons have been given as why this should be an exception to policy

THE CBC HAVE NOT APPLIED THE SUSTAINABILITY PRINCIPLES OF POLICY INF 2 AND INF3 OF THE JCS

Approval would be inconsistent with Policy INF 2 of the well documented Joint Core Strategy stated below which states major development should not be located in Flood Zone 2: -

The development site lies within Flood Zone 2, no reduction in flood risk has been called for and the sequential test should have but has not been applied.

GCC JCS Policy INF3: Flood Risk Management

1. Development proposals must avoid areas at risk of flooding, in accordance with a risk- based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on the site or elsewhere. For sites of



strategic scale, the cumulative impact of the proposed development on flood risk in relation to existing settlements, communities or allocated sites must be assessed and effectively mitigated.

2. Minimising the risk of flooding and providing resilience to flooding, taking into account climate change, will be achieved by:

i. Requiring new development to, where possible, contribute to a reduction in existing flood risk

ii. Applying a sequential test for assessment of applications for development giving priority to land in Flood Zone 1, and, if no suitable land can be found in Flood Zone 1, applying the exception test

The present unsatisfactory situation if not addressed create significant potential CBC Exposure to Legal Risk, which puts local financial resources at undue risk

Approval without applying the above strategies and imposing a requirement to reduce risk in an area with elevated surface water flood risk characteristics, would be negligent and a non-compliant application of planning procedure. It would also expose the CBC to significant legal risk arising from future flooding claims arising from this decision not to apply the requirement to reduce flood risk in major developments.

**CBC HAVE NOT APPLIED THE SEQUENTIAL TEST TO THIS MAJOR DEVELOPMENT PLAN**

CBC and other expert advisors have also so far failed to apply the sequential test that it should given that the site is a Flood Risk 2 zone and proposes re-development of the site into a waste disposal area with subsequent 9 hole golf course "cap".

**THE CBC HAS NOT APPLIED THE BEST AVAILABLE INFORMATION TO EVALUATE THE FLOOD RISK ASSOCIATED WITH THIS PLAN AND HAVE NOT ALLOCATED THE CORRECT FLOOD RISK CLASSIFICATION TO THIS DEVELOPMENT OF FLOOD RISK ZONE 2**

The LLFA and CBC have not used the best available local information for evaluating this plan.

The LLFA stated, "The site is situated in Flood Zone 1 according to the flood maps for planning provided by the Environment Agency and this would indicate that the site is at very low risk of flooding from fluvial sources. " It completely omits reference to Surface Water flooding or Pluvial Flooding.

The developer, LLFA and planning committee should have consulted the Cheltenham Strategic Flood Risk Map "Tile B4" showing detailed location specific flood information for this location. This resource is held on the Cheltenham Borough Council Website.

This shows clearly that the development site has Flood Zone 2 Markers and that many properties and locations below the development site have suffered from flooding of the main river and roads that are flooded by surface water run off from the developers land

They and the developer's flood risk consultant should have referenced the very detailed Cheltenham Flood Zone Map that clearly shows the development site has Zone 2 Classification of Flood Risk, supported by film and documentary evidence of significant flooding on and from the site.

. ([https://www.cheltenham.gov.uk/downloads/file/776/cheltenhams\\_flood\\_zone\\_map](https://www.cheltenham.gov.uk/downloads/file/776/cheltenhams_flood_zone_map))

**CBC HAS FAILED TO ENGAGE WITH THE LOCAL COMMUNITY WHO HAVE VOICED CONSIDERABLE CONCERNS ABOUT THE FLOOD RISK PRESENT ON THIS DEVELOPMENT SITE**

CBC has failed to engage with the local community on this matter.

To date the CBC planning committee has not demonstrated any inclination to follow the spirit or letter of the policy stated in Section 3 of the GCC strategy that is to engage with the public and community groups such as the Charlton Kings Flood action Group (CKFAG). The CKFAG have consistently highlighted that this development possesses considerable flood risk dangers that are not yet being properly or professionally addressed by the developer or the planning process. The CBC have not acknowledged, answered, or addressed any of these concerns properly.

**THE SUDS PLAN DOES NOT PROVIDE ANY DETAIL OF DOWNSTREAM DRAINAGE IMPACTS ARISING FROM THE DIRECTION OF SURFACE WATER THROUGH ONE DISCHARGE MECHANISM**

GCC Policy has not yet been properly applied because the Developer has not provided any detailed drainage plans from the SUDS mechanism.

Table 2.1 on page 9 of the GCC Strategy mandates the County and its Planning Authorities as detailed below

Ensure the design, construction, operation and maintenance of Sustainable Drainage Systems in new developments and redevelopments meet national standards.  
New developments will have surface water drainage which meets national standards; ensuring adequate drainage provision is in place.

Seek earlier consultation with developers to ensure they are cognisant of drainage requirements at an early stage of site master planning.

**DRAINAGE MATTERS SHOULD NOT BE LEFT FOR THE CBC TO DECIDE AND REGULATE AFTER APPROVAL HAS BEEN GIVEN AND IN THE ABSENCE OF PRIOR PUBLIC SCRUTINY AND COMMENT.**

Drainage will be considered at an earlier stage of the development process, helping to ensure a more optimal drainage strategy for development sites

Contrary to requirements, the developer's FRA does not provide any detail of the developer's plans for management of the drainage from the structure on his property onto off-development sites.

As the FRA documentation is incomplete, the plan should be rejected until all the required information has been presented for public and expert scrutiny

The SUDs design has been confirmed by the LLFA as broadly compliant with the requirements of a viable SUDS. This requirement provides no betterment at all.

The LLFA has highlighted that the developer did not supply the requested downstream drainage details. This omission was not picked up or properly challenged at the last CBC planning meeting.

The LLFA rightly cautioned CBC that the SUDS structure does not ensure that flood risk will not increase elsewhere because the changes to the drainage downstream from the development site has not been detailed.

The SUDS mechanism currently proposed by the developer has a potentially massive impact on the direction and impact of surface water flows below the structure. Instead of surfaces water draining out from along the lower development boundary of circa 250 yards, all the run off will discharge from one pipe.

It is crucial that planners, drainage officers, LLFA, CKFAG and neighbours can see how this now significantly concentrated volume of water is intended to be discharged to downstream drainage and to satisfy itself that this WILL NOT be discharged directly without adequate control to Sandy Lane, its sewers and culverts and the Chelt River main river tributary running on the development site border without further attenuation as there is no evidence that these water courses have capacity for the now concentrated outflow.

The drainage officer recommendation that provision of this information should be a condition of approval and that details be submitted post approval. This recommendation should be set aside.

Given the proven flood risk features of this site and its dangerous history, the public.

The LLFA and drainage officer should require the developer to submit details of this plan demonstrating to the public and planning process that this altered drainage plan will at least meet minimum planning conditions that flooding not be increased elsewhere before any decision is made by the CBC or County.

THE PLANS PROVIDE NO DETAIL OF WHAT FLOOD RISK AND SURFACE WATER CONTROLS WILL BE PROVIDED TO COMPLY WITH THE NPPF DURING THE 18 MONTH CONSTRUCTION PERIOD OF THE PROPOSED DEVELOPMENT WHEN THE NEIGHBOURHOOD AND COMMUNITY WILL BE POTENTIALLY EXPOSED TO SUBSTANTIALLY INCREASED SURFACE WATER RUN OFF RISKS FROM THE SITE THAT HAS NO TOPSOIL OR VEGETATIVE ATTENUATION OR COVER.

Lifetime Safety of the Proposed Development of the site and has not been considered at all

The PPG for Flood Risk and Coastal Change states that the Council and Waste and Mineral's authorities must satisfy themselves, using the sequential test, that this proposed major waste disposal operation cannot be located elsewhere.

If this sequential test is applied and passed then the exception test has to be applied.

The Exception Test, as set out in paragraph 102 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Paragraph: 023 Reference ID: 7-023-20140306

There is no evidence that these tests have been applied to this major development proposal and it is not clear whether CBC is authorised to set aside these requirements being applied to this proposal.

**THE CBC CONTENTION THAT THIS IS NOT A MAJOR DEVELOPMENT IS INCORRECT AND NOT CONSISTENT WITH NATIONAL OR COUNTY PLANNING GUIDANCE**

It is the opinion of the CBC planning officer that this is not a major development This point of view is not consistent with national or council planning policy.

The facts are: -

The development site has a ground surface area of more than 5 hectares - an area larger than 6 international football pitches,

The developer proposes to convert the site from Greenfield to landfill and dispose of 100,000 cubic meters of inert waste on the site.

The volume of 100,000 cubic meters of waste is the equivalent of more than adding more than 3,000 nine-foot high, twenty-foot long, fully loaded containers of waste on the development site.

The NPPG Guidance for Flood Risk and Coastal Change classifies "major development" as follows: -

In respect of non-residential development, new floor space of 1,000 square meters or more, or a site of 1 hectare or more. (Paragraph: 044 Reference ID: 7-044-20140306 of Guidance, Flood risk and coastal change,)

## RECOMMENDATION

The application should continue to be refused until a proper drainage plan is presented which reduces surface water flood risk from this major development site and demonstrates robust controls will be applied and put in place before the construction phase of the project begins.

Whilst this is being prepared the CBC committee should undergo training without further delay so that they understand that controlling and reducing surface water in major developments in the upper catchment areas of Cheltenham provide the most cost efficient and effective long term strategy for the reduction of surface water flood risk threats to neighbours and downstream residents and property.

## Evidence Base

Using Opportunities offered by new development to reduce the causes and impact of flooding paragraph 100. <https://www.gov.uk/guidance/national-planning-policy-framework/10-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>

Lifetime Safety of Flood Risk Structures paragraph 102. <https://www.gov.uk/guidance/national-planning-policy-framework/10-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>

Department for Environment, Food and Rural Affairs  
Sustainable Drainage Systems

Non-statutory technical standards for sustainable drainage systems

March 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/415773/sustainable-drainage-technical-standards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf)

Flood risk and coastal change

From:

Department for Communities and Local Government

Part of:

Planning practice guidance and planning system

First published:

6 March 2014

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Major Development Classification

Paragraph: 044 Reference ID: 7-044-20140306 of Guidance, Flood risk and coastal change, from:

Department for Communities and Local Government, Part of, Planning practice guidance and planning system, first published: 6 March 2014. (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>)

GCC/CBC Policy INF3 and GCC Policy F7  
[http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/EvidenceBase/City\\_Plan\\_Evidence\\_2017/TopicPapers/Flooding\\_Topic\\_Paper.pdf](http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/EvidenceBase/City_Plan_Evidence_2017/TopicPapers/Flooding_Topic_Paper.pdf))

Landfill developments: groundwater risk assessment for leachate.  
<https://www.gov.uk/guidance/landfill-developments-groundwater-risk-assessment-for-leachate#inert-waste-landfills>

JCS Policy INF3 Flood Risk Management Policy  
[http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/EvidenceBase/City\\_Plan\\_Evidence\\_2017/TopicPapers/Flooding\\_Topic\\_Paper.pdf](http://www.gloucester.gov.uk/resident/Documents/Planning%20and%20Building%20Control/EvidenceBase/City_Plan_Evidence_2017/TopicPapers/Flooding_Topic_Paper.pdf)

Cheltenham's Flood Zone Map Download from link and Look for Development Site on Tile B\$

[https://www.cheltenham.gov.uk/downloads/file/776/cheltenhams\\_flood\\_zone\\_map](https://www.cheltenham.gov.uk/downloads/file/776/cheltenhams_flood_zone_map)

GCC Strategy Local Flood Risk Strategy  
3.3 Working With the Public and Other Community Groups.  
Accessing Best available Local Information  
[http://www.gloucestershire.gov.uk/media/2189/1\\_glos\\_local\\_strategy\\_summer\\_2014\\_-\\_main\\_document-61257.pdf](http://www.gloucestershire.gov.uk/media/2189/1_glos_local_strategy_summer_2014_-_main_document-61257.pdf)

**Comments:** 1st May 2017

This stance is because the geological characteristics of the planned site have not been reviewed to satisfy the planners and community that the proposed development is suitable or safe from a geological or engineering standpoint.

**GEOLOGICAL RISK ASSESSMENT REQUIREMENTS**

To date no evidence has been presented to demonstrate that the planned development location is suitable for the geology where the waste disposal landfill is proposed.

**LEACHATE RISKS**

Contrary to UK Government Planning Guidance, for a proposed waste development site of this scale and location in a flood risk zone, no Hydrological Risk Assessment has yet been provided to demonstrate that the leachate from the landfill will not pose an unacceptable risk to groundwater of watercourses.

**RECOMMENDATION - LEACHATE ISSUES**

The developer should provide a geological survey demonstrating that the existing geological barrier (under the land raising) provides sufficient attenuation and barrier between the landfill source and potential groundwater receptors.

If this cannot be established then a leachate control mechanism must be provided for in the development plan.

**LANDSLIP RISK**

A geological survey should also be required to determine the slope stability, permeability of planned deposits and consequent potential landslip risk of the placement of the proposed enormous quantity of waste on top of a surface that is known to have poor water absorption

qualities and to be in a geological feature (the Cotswold escarpment) known to be highly susceptible to landslide risk.

Where high surface water flood risk is combined with geologies known to be subject to elevated slope instability the location will be exposed to substantially increased risk of landslip.

The combination of water and slope instability is a toxic combination that produces potentially catastrophic threats to people and property located in the immediate vicinity of the proposed development.

The development site is situated at the foot of the Cotswold escarpment that places it in a high-risk zone with significant vulnerability to landslip arising from its geology.

The national geological map referenced below, mapping landslip risk, shows considerable deposits of landslip rock at the foot of the Cotswolds Escarpment.

The National Landslide Database lists the Cotswolds as being susceptible to Cambering and Rotational landslides.

National Landslide Review Research commissioned by the UK Government (Department of the Environment) identified nearly 9,000 reported landslides in the National Landslide Review (Geomorphological Services Ltd 1987; Department of the Environment 1994). (Other landslides not recorded in the literature exist but are not reflected in this total). The resulting distribution of recorded landslides (Figure 5.1) shows marked concentrations especially in South Wales, the Weald, along the Cotswold's escarpment, the Pennines and in the Scottish Highlands.

The report referenced below states "2013-14 and the summer of 2012 saw extensive periods of prolonged precipitation and a corresponding marked increase in the number of landslide events reported at both the coast and inland. These events had significant impacts on infrastructure and people with 43 % of landslide events involving engineered earthwork slopes.

This report goes on to state that some 43% of landslides events involve small-scale slumps or flows affecting engineered earthwork slopes of transport infrastructure embankments and cuttings.

The additional information detailed below is also very relevant to this point as it describes the instability of the geology of the planned development site.

Lee et al. (2000) describe how the National Landslide Review revealed a number of landslide prone strata and geological settings associated with particular types of landsliding:

The Development Site at Lilleybrooke Golf Course has "Group C" Landslide Characteristics; the occurrence of sequences of lithologically variable rock types which create potentially unstable conditions. For example, many areas of known instability are associated with the presence of thick horizons of impermeable fissured clays or mudrocks overlain by a massive, but well jointed, permeable caprock of sandstone, limestone or volcanic rocks. Multiple rotational slides and compound failures are the dominant forms of landsliding associated with this setting.

Classic examples of instability promoted by these unstable combinations of rocks include the Upper Greensand and Chalk overlying the Gault Clay along the Isle of Wight Undercliff (Study Area G1) and Folkestone Warren in Kent, the Carboniferous Coal Measures of South Wales, the Inferior Oolite and underlying Lias Clay in the Cotswolds, and the Millstone Grit Series of the Pennines.

**RECOMMENDATION - LANDSLIP RISK**

Given the enormous scale of the proposed development and waste mass to be deposited on the site, the council should insist that a plan for proposed engineering for the development on this site is presented.

It should be independently checked by qualified engineers and geological experts to ensure that the engineering will ensure that the mass of landfill to be deposited in the land raising will not be secure from flood induced landslip or slope instability which could have a devastating impact on properties downhill and adjacent to the development

Evidence base

(<http://mapapps.bgs.ac.uk/geologyofbritain/home.html?location=landslip&jobBtn=goce> )

([http://nora.nerc.ac.uk/510521/1/Penningtonetal\\_REVISIONv5.pdf](http://nora.nerc.ac.uk/510521/1/Penningtonetal_REVISIONv5.pdf))

<https://www.gov.uk/guidance/landfill-developments-groundwater-risk-assessment-for-leachate>

Charlton Kings Parish Council  
2 Church Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AR

**Comments:** 22nd May 2017

Objection

We previously commented on the earlier refused scheme 16/00383/FUL and also on revisions made in December 2016. As before we are formally reviewing the plans as they have potential impact on our parish.

We note that in April 2017 the Land Drainage Officer was concerned with the lack of drainage design details of the proposed bund, swale, basin, control device, connecting channel and outfall structure. In our view these are serious matters and the application should not be permitted without all this in place, as otherwise the risk of flooding remains. The Officer also states that 'it is important these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality'. In our view it is crucial that all technical elements of the plan are agreed and conditioned in any permission. As an example of an issue needing clarification, there is nothing specific on how the volume of water in the swale would be assessed.

We are surprised that a comprehensive geotechnical survey has not been carried out. Without such technical analysis and subsequent mitigation, it's possible that there is a risk of ground slippage. Filling on the hillside could trigger the movement of slip circles in the ground, with the potential for upwards heave and new springs being formed, as far as several hundred metres downhill of the fill. Although Ordnance Survey shows no presence of springs, these do exist and there are flows of underground water which need to be taken into account.

Detail is lacking on plans for downstream drainage and these need to be in place. Also binding conditions must be made for the on-going maintenance of the scheme.

The Charlton Kings Flood Action Group (CKFAG) has commented in detail and we support their concerns and are clear that robust flood reduction mechanisms have to be in place before any scheme begins.

As this can be considered a 'major development' it's our understanding that this means that the Borough Council has the right to insist that the scheme results in an improvement to existing drainage mechanisms, not just maintaining the status quo.

Finally, we note from the website that the application is presently due to have a delegated decision. We request that it goes before the Planning Committee, as it has before, due to its potentially seriously damaging impact not just on residents in our parish but further downstream across Cheltenham.

12 Hartley Close  
Cheltenham  
Gloucestershire  
GL53 9DN

**Comments:** 2nd May 2017

Many of the negative comments made in connection to the two previous unsuccessful applications (15/00328/FUL and 16/00383/FUL) and which remain on file also apply to this current application, relating to the risks of worsening flooding, the destructive influence in an Area of Natural Beauty etc. In addition we concur with other comments made in objection to the current application. We share concerns about the increased traffic and parking at the narrow top of Sandy Lane, which is unsuitable for this, resulting from this development and about potential creeping development in this.

This proposed waste disposal and income generation scheme for the Golf Course will have a significant deleterious influence in the AONB - we note that the proposed area abuts closely on the Sandy Lane track which is used extensively as a recreational and leisure facility and is a main pedestrian access to the hill. As regular users of this area for walking, running and cycling, and as residents who are concerned about the environmental and flooding risks in the surrounding area, we object to this proposed development.

52 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DQ

**Comments:** 5th May 2017

Letter attached.

72 Roman Hackle Avenue  
Cheltenham  
Gloucestershire  
GL50 4ST

**Comments:** 2nd May 2017

I am in full support of this moving forward as it's essential to help build the game through the local community by providing a much needed academy course to help encourage children and new players to try the game.



Brookside  
32 Brookway Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HD

**Comments:** 2nd May 2017

I am writing as Chair of the Charlton Kings Flood Action Group to express our concern that the Planning Committee has not properly considered flood risks and exercised its official responsibilities in relation to this proposal. We realize that the council does not usually revisit decisions. However, in this case we feel it is clear that very important and necessary information has not been considered within the process or was overlooked, and thus urge the council to review the decision in this case, and address the issue of significant flood risk.

As a further general consideration arising from this, we would wish to urge that this and future such proposals should not be approved without the implementation of a very robust and informed flood reduction framework. The specifics of this case bear on the committee's need to consider in a serious and informed way the need for drainage controls before and during construction, so that the community, both neighbouring and downstream in Cheltenham, can be properly protected from surface water and downstream flooding.

With respect to the proposal, the CKFAG is concerned that the Planning Committee has not properly considered flood risks, and its responsibilities, in relation to this proposal.

1) In the minutes of the committee meeting, members acknowledged the need for training in the area of flood alleviation, so that they could discharge their responsibilities in a proper way. This seems to us not only a minimal requirement for an informed decision, but clear grounds for contesting the decision itself.

2) We note that the Planning Committee minutes give no reason why it did not exercise its authority under the Joint Core Strategy to demand a reduction in flood risk for this proposal. It also continues to ignore overwhelming evidence of flooding on the development and adjacent sites. There is a substantial evidence base on film and in county records that shows that this site is the source of considerable surface water floods which have historically and regularly flooded adjacent and downstream properties. Our conviction is that the proposal is still not fit for purpose and poses a very significant flood risk and that not to address this issue and this responsibility could be construed as negligence on the part of the committee. How this might offer grounds for legal redress in the event of future flood events is clearly a further question.

3) Could we also have clarification as to whether the council was aware, at the time of the meeting that the planning policy required that flood risk be demonstrably reduced on new developments? The minutes do not make clear whether the planning officer advised the committee on this issue, and this is something that clearly needed to be done.

4) While acknowledging the nature and limits of LLFA advice to the committee, we note that the LLFA recommended conditions that were overlooked or ignored, and we note also that the council failed to consider how flood risk was to be controlled before and during the development phase. We feel very strongly that necessary suds and flood controls must be in place before any development begins.

5) No details of downstream drainage control are evident in the plan. This is where considerable flood risk exists and has so far been ignored. This omission is a clear failure of the council's responsibility and to ignore this matter any longer would be reckless. The club has not disclosed how or where the water goes when it leaves the site, and the community, residents, council and local drainage officer must be in a position to assess how water leaves the attenuation basin through the now proposed single point of development site drainage. The plans

must provide proper details to demonstrate that the drainage management by the developer off the developer's property does not increase flood risk off the developer's property. The committee has ignored in this respect the LLFA recommendations.

6) Clearly, it is important that the drainage officer be given scope and information to comment on downstream drainage, and that a quality construction plan be submitted for the Lilleybrook waste disposal site accordingly.

7) Finally, a geological survey needs to be done urgently to assess the stability of the site, and its capacity safely to support the proposed development. At the moment there is an absence of any engineering details or leachate analysis or controls, as well as a lack of specific detail of the nature and mix of the waste materials involved, and issues of water sedimentation, sewer blockage and contamination downstream.

Noting that the last occasion this matter was reviewed, 4 councillors abstained from making any decision on the matter, and that the need for training was explicitly acknowledged it is evident that the committee is currently not confident about its ability to assess these complex matters. We at the CKFAG would be very pleased to provide them with training and support to understand why the proper management and control of this very significant and powerful surface water flooding source is so important to the safety and interests of the community. We would recommend this is done before this proposal is re-visited at planning committee.

In the event that the committee is minded to approve the plans without addressing the very real issues and dangers highlighted in this and other correspondence to the council, the CKFAG will be forced to escalate the matter to the County for review.

28 Everest Road  
Cheltenham  
Gloucestershire  
GL53 9LG

**Comments:** 18th May 2017

Lilley Brook Golf Club is attempting to improve its golfing offering to the local community, having quite recently become a CASC. This application has been very carefully considered by the club, and my understanding is the so called 'flood' issues will be improved via re-shaping of land and the addition of further ditches that are not currently there. The floods that happened in 2007 were a once in generation day where blockages in PUBLIC DRAINS and soakaways on the roads leading down from Leckhampton hill were the culprit for the flooding in Sandy Lane - it was NOTHING TO DO with the golf course drainage.

At a time when more and more children spend all their spare hours staring at video games on Iphones, one would hope the council will see that any sensible attempt to improve sporting facilities in Cheltenham should be supported. Furthermore I understand there will be zero traffic affect on Sandy Lane as the work will take place via access from the golf club car park i.e. Lilley Brook private property.

It really is time this application was passed and the Nimby's in Sandy Lane read the facts.

40 Tommy Taylors Lane  
Cheltenham  
Gloucestershire  
GL50 4NJ

**Comments:** 18th May 2017

I would like to register my support for this application.

It is a fantastic initiative that will help promote the game within the local community and offer a much needed place for children and beginners to learn.

This will all be achieved without any negative impact on the surrounding areas, especially now that the concerns have been addressed with regard to access.

39 Roman Road  
Abbeymead  
Gloucester  
GL4 5HR

**Comments:** 18th May 2017

In my view this application should be approved. The proposal to provide a "mini golf course" where both young and old can get into golf is a great idea. We should be grasping all opportunities to encourage people to take up sport and exercise to improve their health and golf is such a wonderful and sociable past-time in which to do that.

My understanding is that the previous application was rejected on 2 counts; an archaeological dig/survey and concerns about additional surface water. The dig/survey has been completed with a green light to proceed and measures are in place in excess of current mandated standards to ensure that additional surface water from this practice area will not impact on Sandy Lane residents.

I can therefore see no reason why it should not be approved and very good reasons why it should be.

Planning Office  
Cheltenham Borough Council.

52, Sandy Lane  
Charlton Kings  
Cheltenham  
GL53 9DP.  
1.5.17.

With reference to the recent planning application  
submitted by the Silley Brook Golf Club.

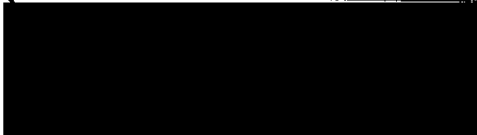
We have visited the Planning Office and studied the new plans and information regarding this project. Much of the correspondence you received for the two previous applications has concerned the use of domestic roads, particularly Sandy Lane.

The latest proposal raises these concerns again about off-street parking and access to the site. Although we understand that lorries will be re-routed from Cirencester Rd across the golf course during construction we have grave concerns about what happens afterwards.

Sandy Lane residents are already having to tolerate dangerous parking on verges and pavements and obstructing pedestrians and house entrances when rugby and cricket matches are being played in the Pates Field and these new proposals may well exacerbate this problem.

It is essential that there be no  
authorised or other access for people coming to  
play golf or to be dropped off by parents + others  
for lessons from Sandy Lane which would  
encourage <sup>more</sup> car parking here.

Access by car or pedestrians should only be  
permitted from the main Golf club entrance



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BUILT  
Recd - 3 MAY 2017  
ENVIRONMENT