

From: Andy Parr <[REDACTED]>

Sent: 03 March 2021 20:13

To: Carlisle, Heather <Heather.Carlisle@herefordshire.gov.uk>; Durkin, Barry (Cllr) <Barry.Durkin@herefordshire.gov.uk>

Subject: Planning Application P210105/F

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Hello Heather,

Please find attached a further objection letter in respect of Planning Application P210105/F and three other attached documents.

Regards,
Andy Parr
3, Birtletons
Upton Bishop
HR9 7UF

Planning Application - P210105/F - Objection

I object to this development and I repeat my comments made in respect of the previous application - P191972/F and P191972/F as amended and my earlier object to this application, P210105/F.

In my first objection letter I noted in the Planning Design and Access Statement by Cotswold Transport Planning (CTP) document page 3, para 1, that we were told that CTP had been in consultation with Balfour Beatty Living Places (BBLP). *'CTP engaged with BBLP to ensure the amended drainage solution would meet with their approval'*, apparently agreeing that Welsh Water (WW) test results could be used. *'That matter was agreed with BBLP'*. This gave the impression that the matter was a "Done deal" and that a determination on the drainage has?X already been agreed upon between the BBLP & CTP and planning approval a foregone conclusion. Clarity was needed to be established as to what was agreed between CTP & BBLP pre application and in what context as it would appear a bias in favour has already occurred when in fact BBLP should have remained neutral.

I was curious so made a formal Freedom of Information request asking for the minutes of the meeting between CTP & BBLP. On 1st March 2021 I received a reply advising me that an *attached email trail was the only information held, as the meeting wasn't a formal meeting so there are no minutes recorded*. I have attached a copy of the FOI reply as a document of reference. Disclosures under the Freedom of Information Act are "to the world" (See ICO website). The disclosure was not restricted, therefore no further redactions need be made to the document.

The attached email document shows a series of emails between CTP & BBLP from 1st June to the 30th October 2020 discussing drainage issues on this proposed development.

The role of the local planning authority and its officers is that they are under a duty to act fairly, and as such there is a duty that there is no bias or pre-determination and each application is dealt with on its own merit.

The email discusses TP08 which was a percolation trial pit dug by Welsh Water in July 2018, it was one of a series of three infiltration trial pits, TP06, TP07 & TP08 dug in a triangular formation in the southern most part of the applicants field adjacent to the B4221 in relation to the development of a Welsh Water facility.

The sequence of email's is;

13:36 1st June 2020 - CTP to BBLP

- Thanking for time earlier and looking forward to receiving WW infiltration rates as discussed.

14:37 1st June 2020 - BBLP to CTP content redacted

13:39 23rd October 2020 - CTP to BBLP

- CTP - *undertaken site infiltration testing at the site in the location below but found poor rates at 1.5m - 2m depth*. Please see attached site plan within email'sXX
- WW 2018 results showed *it is apparent the geology is more favourable... the further south you go*.
- CTP *any proposed infiltration feature is a minimum of 50m away from WW site*
- CTP request to utilise WW test results (TP08) for their proposed design, concluding *Can you please confirm this will be acceptable prior to us re-submitting ?*

10:51 30th October 2020 - BBLP to CTP

- 194240 is WW planning Application for treatment works nearby that is described as being, 'A new buried septic tank and drainage field Waste Water Treatment Works existing field access will be modified and enhanced with a grasscrete road and change of use of land. Development to include various underground permitted development works (For DOC 3 see 202616)'
- BBLP - *the test results are inconsistent, with only one pit showing adequate soakage. Either way we would request additional testing exactly where the drainage field was proposed. It would be in your clients best interest to complete the testing prior to submission*.

The infiltration test done by the applicant were conducted prior, on 15th October 2020.

10:57 30th October 2020 - CTP to BBLP

- CTP - *We are proposing to place the infiltration field in the exact location of the WW testing, as submitted. To be clear, are you saying you are not accepting these results, attached (presumably WW), which were forwarded by you, if we were to make the submission based on the results? Sorry to press*

but we want some surety prior to a submission as to not waste anyone's time. Adding, The attached report is concise and provided by a reputable company...

11:02 30th October 2020 - BBLP to CTP

- ♦ BBLP - *The drainage field would be spread across quite a large area, so you would need at least one other test pit.*

12:47 30th October 2020 - CTP to BBLP

- ♦ CTP - *The proposed location of the infiltration system will be directly on the previously tested (3 times) TP08 location.*
- ♦ *This test has been completed by a reputable company and in accordance with correct testing methodology so I'm unsure why we would need to complete further testing in the same location. Surely for planning, if we can demonstrate a workable solution, these rates and testing locations are suitable. Note, we have not previously been asked to undertake any more than one test location for planning applications in Herefordshire based on assumed size of infiltration basin. Further testing could be conditioned if deemed appropriate.*
- ♦ *In essence, the reason for the additional works and further design is based on your comments relating to previous testing and that you did not accept the methodology. On that basis the current WW testing should satisfy your original concerns ?*

13:03 30th October 2020 - BBLP to CTP

- ♦ BBLP - *I have not suggested that you complete additional testing at the same location as TP08*
- ♦ *At no point have I suggested that I have not accepted the methodology for the testing completed on TP08*
- ♦ *As discussed you will need to arrange testing at the other side of the proposed drainage field.*
- ♦ *The test results at TP08 show that this soil can receive infiltration. Because of the marginal results in the other pits and the width of the drainage field you will need to prove that the soil on the other side of the drainage field can also infiltrate adequately*

13:13 30th October 2020 - CTP to BBLP

- ♦ CTP - *Thank you for confirming TP08 can be used for the purposes of Preliminary design.*
- ♦ *We would propose an infiltration system along the same contour/topography as TP08 hence our argument that we do not believe the request for further testing is justified.*
- ♦ *Common practice for preliminary designs dictates an initial test reading to inform a preliminary design with additional testing pre commencement on condition. By requested additional testing at this stage, on top of the preliminary testing you are in essence stating the client should undertake 3 sets of tests prior to construction as the preliminary test is required to know the anticipated size of system in the first place.*
- ♦ *We have liaised with you throughout and accepted the requirements to provide further testing methodology and testing (which we now have from WW) so I am surprised you are asking for additional test locations when you have not previously on this or any other site we have within Hereford. Can you confirm this is the new set of requirements as we would need to inform our planners and clients they may need to undertake 3 sets of infiltration testing for development ?*
- ♦ *Our suggestion at this stage would be to submit a strategy and statement based on TP08 results with the caveat further testing would be required prior to construction. Something you can satisfy yourself with under condition.*

The applicants Agent is detailed as Matt Tompkins and a search on Linkin.com shows he was employed as a [REDACTED] by Herefordshire Council between [REDACTED] so he would know members of staff within planning and associated teams who may still be in post. His role would have put him in a role of influence.

So the statement by CTP that they had engaged with BBLP to ensure that the amended drainage solution would meet with their approval appears flimsy at best. BBLP has repeatedly asked for additional percolation tests on site; that has not been complied with by CTP.

CTP stated that they are 'proposing to place the infiltration field in the exact location of the WW testing'(10:57 30/10/20), the test was at TP08. TP08 is shown to the south of both the infiltration basin and effluent field in CTP own plan and if the facilities were moved south to be 'directly on the previously tested (3 times) TP08 location' (12:47 30/10/20) then the proposed 50m offset from WW is likely to be compromised.

CTP also 'propose an infiltration system along the same contour/topography as TP08' (13:13 30/10/20), as

an argument for not conducting more percolation tests on site. TP08 is shown as located along contour line 115.5m. The infiltration basin runs along contour 115.5m yet the effluent field is situated higher up between contours 118m - 120m, so on that same argument TP08 results are irrelevant at the higher level. Therefore it should be argued that percolation testing should be done separately for the infiltration basin and effluent field as they are at completely different levels on the hillside. The ground profile within this field is relatively steep and to create any new drainage field on this land would require significant ground reprofiling to facilitate any new drainage field construction.

Percolation testing has been done by the applicant at the southerly end of the effluent field and it has already been described by the agent as 'poor' (13:13 23/10/20). The agent/applicant made the decision not to include these results in this application but rely solely on a single test site TP08 yet their test site results are relevant as they were conducted in the area / contour where they propose to locate an effluent field.

CTP agreed using WW results that *'it is apparent the geology is more favourable to infiltration the further south you go'* (13:39 23/10/20). Equally the WW results showed the northern part of the field had insufficient infiltration to site their drainage facility yet this proposal intends to site the effluent field between an area tested by the agent/applicant where infiltration was found to be 'poor' and an area where WW would not site its facility and then spent a considerable amount and time to find a workable solution elsewhere.

The effluent field and infiltration basin are both positioned running in a line SSE, NNW from a southerly starting position north of TP08, no infiltration testing has yet been done on the northern end of the drainage facility to prove its viability despite repeated requests by BBLP (10:51;11:02;13:03 30/10/20).

Once again I would draw your attention to the guidance provided to Local Authorities from the Environment Agency on how to correctly manage planning applications involving non-mains drainage from non-major development which is supported by Building Regs as the inappropriate use of non-mains foul drainage can pose a serious risk to the environment and to public health. Parts of the Upton Bishop Parish lie within the SSSI Impact Risk Zones for designated sites, in particular the River Wye and would include any development on the west side of the watershed (i.e. west of the ridge from Hilltop - Manor House Road).

The Agent sought clarification if they could utilise WW test results from TP08 (13:39 23/10/20). The actual location of TP08 shown on further CTP documentation needs to be reviewed by both the Case Officer and Drainage Engineer as its plotted location within the Drainage Strategy report, Appendix E is further north than the grid reference provided and by calculations done by other objectors when transposing the location from WW to CTP plans. I was resident here in [REDACTED] my recollection was that the most northerly pit was not as far north as indicated. WW intention was to design and build next to the B4221. It would be prudent for the Case Officer to liaise with WW Land Agent as he has been on site from the 2017 and 2018 trial pits through to completion of the project in 2020.

Trial pit TP08 had dimensions of 4m x 2.4m at the surface reducing to 2m x 1.3m x 1.2m at the base (Appendix C, Drainage Strategy report) this large hole and pile of soil and is a fixed point that does not move by itself but curiously it seems to have moved up hill !

The WW Treatment Works was subject of a Planning Application, P194240/N at 3.1.1 and Fig 3 within the Design and Access Statement should be viewed as it depicts the location of percolation test area's in the fields either side of the bridleway and one wonders why TP08 is now so far north. The grass has not regrown over the test sites completed in October 2020 so a site visit may put matters into context.

Attached are Appendix A & B.

In Appendix A the left hand map shows the Test Locations conducted by CTP 13:39 23/10/20. Using fixed points I have used horizontal and vertical lines to target the Test Locations with the resulting cross hairs being slightly off target the horizontal line being slightly down (south) and the vertical line being right (east) but providing a reasonable point for comparison.

The right hand map/plan/image is taken from Drainage Strategy report, I have added the cross hairs using the same fixed points for reference. The crossed hairs allows comparison of proposed drainage feature locations.

In Appendix B I have used a map from gridreferencefinder.com to plot TP08 and 3 test locations (15/10/2000) using What3words, I have also added the cross hair lines for reference.

In its email to BBLP 13:13 30/10/20), CTP made the suggestion, *'at this stage would be to submit a strategy and statement based on TP08 results with the caveat further testing would be required prior to construction. Something you can satisfy yourself with under condition'*. [REDACTED]

[REDACTED] BBLP have repeatedly asked for further test results and this has been ignored by CTP, a similar strategy took place in the previous application. The Planning department are aware of the issues with drainage on this site due to the poor infiltration rates, the sub soil is clay (191972). It would amount to a complete fudge and dereliction of duty by Herefordshire Council to allow this matter to proceed and drainage be resolved later under conditions. If the Agent/applicant are so confident that they have a workable drainage solution let them demonstrate that now and not cling onto the results obtained by Welsh Water TP08 in 2018.

CTP have had since October 2020 to have further tests completed prior to submission of this application they have chosen not to, in doing so shown contempt for BBLP's requirement to obtain sufficient data to make a sound judgment in this matter. Indeed BBLP advised CTP *It would be in your clients best interest to complete the testing prior to submission* (10:51 30/10/20) that is a clear instruction to do the work prior to submission because if the ground conditions are not suitable they are not suitable and it is pointless carrying on regardless.

As a result of earlier contentious issues with percolation results within planning application P191972/F BBLP commented on 13th August 2019 that future evidence of the percolation testing in this matter should have written results, photographs with time/date stamps and scales supported by test readings to demonstrate how the Vp value was reached. Personally I do not believe that the agent/applicant should be allowed to continue to submit additional supporting evidence once the application has been submitted, the decision to submit was theirs with error and omissions being their responsibility. However if that is the case then application P191972/F and now P210105/F is to all intent and purposes the same application so I ask that this positive and open approach is required again thereby allowing for openness and transparency.

I urge you to consider this application with due diligence and utmost care to ensure this is the right development for this site and importantly the drainage proposals function properly as the indications so far is that it will not and that anything will do just to get the application approved.

I strongly recommend that you Refuse this application as the agent/applicant have failed to demonstrate a clear workable drainage solution for the reason outlined in my objections.

From: Carlisle, Heather <Heather.Carlisle@herefordshire.gov.uk>
Sent: 22 February 2021 17:59
To: Freedom Of Information (Council) <foi@herefordshire.gov.uk>
Cc: [REDACTED]@balfourbeatty.com
Subject: 191972 Land to the South of Upton Crews - FOI request.

Good evening

Please see email below from my colleague [REDACTED] as per the FOI request sent to you this morning. I trust this helps.

Kind regards
Heather

From: [REDACTED]@balfourbeatty.com>
Sent: 22 February 2021 17:52
To: Carlisle, Heather <Heather.Carlisle@herefordshire.gov.uk>
Cc: [REDACTED]
Subject: {Disarmed} FW: 191972 Land to the South of Upton Crews

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Heather

I think this was the email chain you were seeking under FOI

Apologies for not keeping you in the loop

[REDACTED]

[REDACTED]

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[REDACTED]

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From: [REDACTED]
Sent: 04 November 2020 18:14
To: [REDACTED]@cotswoldtp.co.uk>
Subject: RE: 191972 Land to the South of Upton Crews

[REDACTED]

[REDACTED]

In my original email I suggested that it would be in your clients best interest to complete additional testing prior to submission. If this is a risk your client is willing to take then we hold no objection to the test being completed under DOC

We have in the past had to advise the LPA that it is impractical to discharge the respective condition

As discussed, the soil conditions are variable. You have made reference to testing again on the same contour line, but there is no indication that soil type would be similar just because the ground is at a similar level



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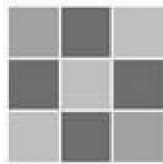
From: [REDACTED]@cotswoldtp.co.uk>
Sent: 03 November 2020 12:40
To: [REDACTED]@balfourbeatty.com>
Subject: RE: 191972 Land to the South of Upton Crews

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Following our discussions last week can you please respond to the below. We propose to issue our revised scheme based on the WW approved rates in that location and do not feel further testing is appropriate for planning. We do however accept that a condition may be applied for testing pre construction once the size of SuDS features has been assessed and confirmed, via current test results. All of our recent planning applications in Herefordshire and throughout the UK have been based on one test location unless we are dealing with large schemes. I look forward to hearing from you and issuing our revised scheme for consideration. Many thank





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PLEASE NOTE: Our office address has changed and all future mail should now be addressed to: Cotswold Transport Planning Ltd, CTP House, Knapp Road, Cheltenham, Gloucestershire, GL50 3QQ

Office Locations:

Bristol – 01179 595882

Cheltenham – 01242 523696

Bedford – 01234 836098



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From: [REDACTED]
Sent: 30 October 2020 13:13
To: [REDACTED] balfourbeatty.com>
Subject: RE: 191972 Land to the South of Upton Crews

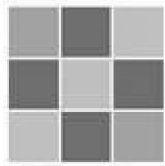
[REDACTED]

Thank you for confirming TP8 can be used for the purposes of preliminary design. TP 6 and TP7 are both downslope of TP8 and therefore it is understood they possess different strata/readings, as can be seen within the report. We would propose an infiltration system along the same contour/topography as TP8 hence our argument that we do not believe the request for further testing is justified. Common practice for preliminary designs dictates an initial test reading to inform a preliminary design with additional testing pre commencement on condition. By requested additional testing at this stage, on top of the preliminary testing you are in essence stating the client should undertake 3 sets of tests prior to construction as the preliminary test is required to know the anticipated size of system in the first place.

We have liaised with you throughout and accepted the requirement to provide further testing methodology and testing (which we now have from WW) so I am surprised you are asking for additional test locations when you have not previously on this or any other site we have dealt with in Hereford. Can you confirm this is the new set of requirements as we would need to inform our planners and clients they may need to undertake 3 sets of infiltration testing for development?

Our suggestion at this stage would be to submit a strategy and statement based on TP8 results with the caveat further testing would be required prior to construction. Something you can satisfy yourself with under condition.

Many thanks



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From: [REDACTED]@balfourbeatty.com>

Sent: 30 October 2020 13:03

To: [REDACTED]cotswoldtp.co.uk>

Subject: RE: 191972 Land to the South of Upton Crews

[REDACTED]

I have not suggested that you complete additional testing at the same location as TP8

At no point have I suggested that I have not accepted the methodology for the testing completed at TP8

As discussed you will need to arrange testing at the other side of the proposed drainage field

The test results at TP8 show that this soil can receive infiltration. Because of the marginal results in the other pits and the width of the drainage field you will need to prove that the soil on the other side of the drainage field can also infiltrate adequately

[REDACTED]

[REDACTED]

Senior Drainage Engineer | Balfour Beatty | Services | Living Places | Herefordshire Public Realm

[REDACTED]

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From: [REDACTED]@cotswoldtp.co.uk>
Sent: 30 October 2020 12:47
To: [REDACTED]@balfourbeatty.com>
Subject: RE: 191972 Land to the South of Upton Crews

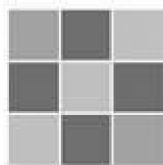
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[REDACTED]

The proposed location of the infiltration system will be directly on the previously tested (3 times) TP8 location. This test has been completed by a reputable company and in accordance with correct testing methodology so I'm unsure why we would need to complete further testing in the same location. Surely, for planning, if we can demonstrate a workable solution, these rates and testing locations are suitable. Note, we have not previously been asked to undertake any more than one test location for planning applications in Herefordshire based on assumed size of infiltration basin. Further testing could be conditioned if deemed appropriate.

In essence, the reason for the additional works and further design is based on your comments relating to previous testing and that you did not accept the methodology. On that basis the current WW testing should satisfy your original concerns?

I look forward to hearing from you



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From: [REDACTED]@balfourbeatty.com>

Sent: 30 October 2020 11:02

To: [REDACTED]@cotswoldtp.co.uk>

Subject: RE: 191972 Land to the South of Upton Crews

[REDACTED]

The drainage field would spread across quite a large area, so you would need at least one other test pit

[REDACTED]

[REDACTED]

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From: [REDACTED]@cotswoldtp.co.uk>

Sent: 30 October 2020 10:57

To: [REDACTED]@balfourbeatty.com>

Subject: RE: 191972 Land to the South of Upton Crews

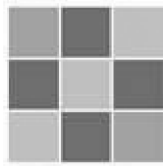
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[REDACTED]

We are proposing to place the infiltration field in the exact location of the WW testing, as submitted. To be clear, are you saying you are not accepting these results, attached, which were forward to us by you, if we were to make the submission based on the results? Sorry to press but we want some surety prior to a submission as to not waste anyone's time.

The attached report is concise and provided by a reputable company, to design Welsh Water assets.

[REDACTED]



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From: [REDACTED]@balfourbeatty.com>

Sent: 30 October 2020 10:51

To: [REDACTED]@cotswoldtp.co.uk>

Subject: RE: 191972 Land to the South of Upton Crews

[REDACTED]

We were not consulted for the Welsh Water drainage field. I'm not sure why.

The test results are inconsistent, with only one pit showing adequate soakage. Either way we would request additional testing exactly where the drainage field was proposed. It would be in your clients best interest to complete the testing prior to submission

[REDACTED]

[REDACTED]

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[REDACTED]

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From: [REDACTED]@cotswoldtp.co.uk>
Sent: 23 October 2020 13:39
To: [REDACTED]@balfourbeatty.com>
Subject: RE: 191972 Land to the South of Upton Crews

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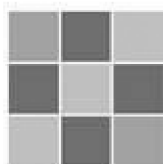
[REDACTED]

I hope you are well.

We have undertaken site infiltration testing at the site in the location below but found poor rates at 1.5m-2.0m depths. Looking at the WW test results previously provided (attached) it is apparent the geology is more favourable to infiltration the further south you go.

We have agreed in principle to locate any proposed infiltration feature a minimum 50m away from the WW effluent fields and we would therefore like to utilise the WW test results (see attached – TP08) for our proposed design for planning. Can you please confirm this will be acceptable prior to us re-submitting?

Many thanks



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From: [REDACTED]@balfourbeatty.com>

Sent: 01 June 2020 14:37

To: [REDACTED]@cotswoldtp.co.uk>

Subject: RE: 191972 Land to the South of Upton Crews

[REDACTED]

Senior Drainage Engineer | Balfour Beatty | Services | Living Places | Herefordshire Public Realm

[REDACTED]

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From: [REDACTED]@cotswoldtp.co.uk>

Sent: 01 June 2020 13:36

To: [REDACTED]@balfourbeatty.com>

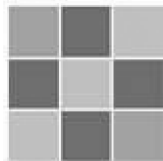
Subject: FW: 191972 Land to the South of Upton Crews

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[REDACTED]

Thank you for your time earlier and I look forward to receiving the WW inf rates we discussed.

[REDACTED]



**COTSWOLD
TRANSPORT
PLANNING**

Tel: (01242) 523696 Mob: 07516 508189 Web: [MailScanner has detected a possible fraud attempt from "eur02.safelinks.protection.outlook.com" claiming to be www.cotswoldtp.co.uk](#)

PLEASE NOTE: Our office address has changed and all future mail should now be addressed to:

Cotswold Transport Planning Ltd, CTP House, Knapp Road, Cheltenham, Gloucestershire, GL50 3QQ

Office Locations:

Bristol – 01179 595883

Cheltenham – 01242 523696

Bedford – 01234 836098



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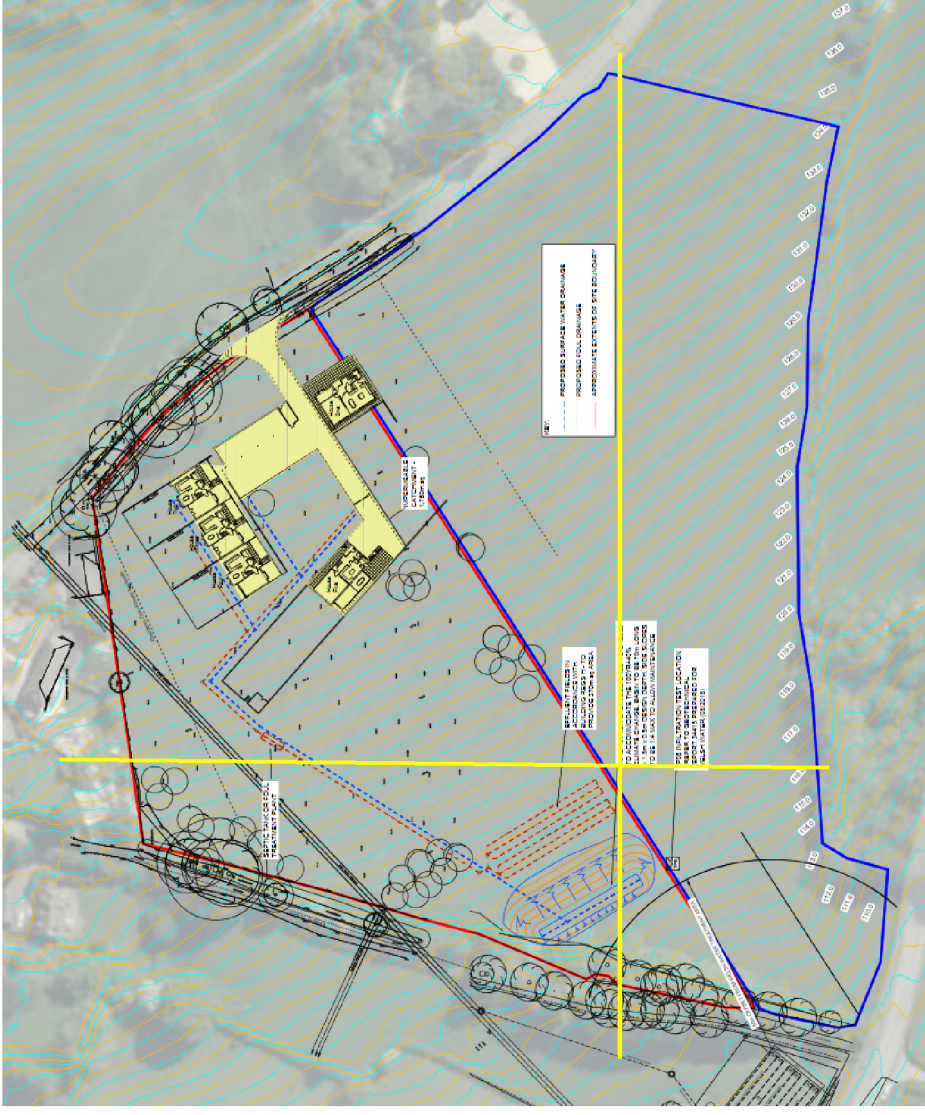
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Appendix A



Above image taken from email sent from CTP to BBLP 13:39 23/10/20 showing 'Test Locations' presumably those carried out on 15/10/20 and shown on Appendix B as three What3word points.

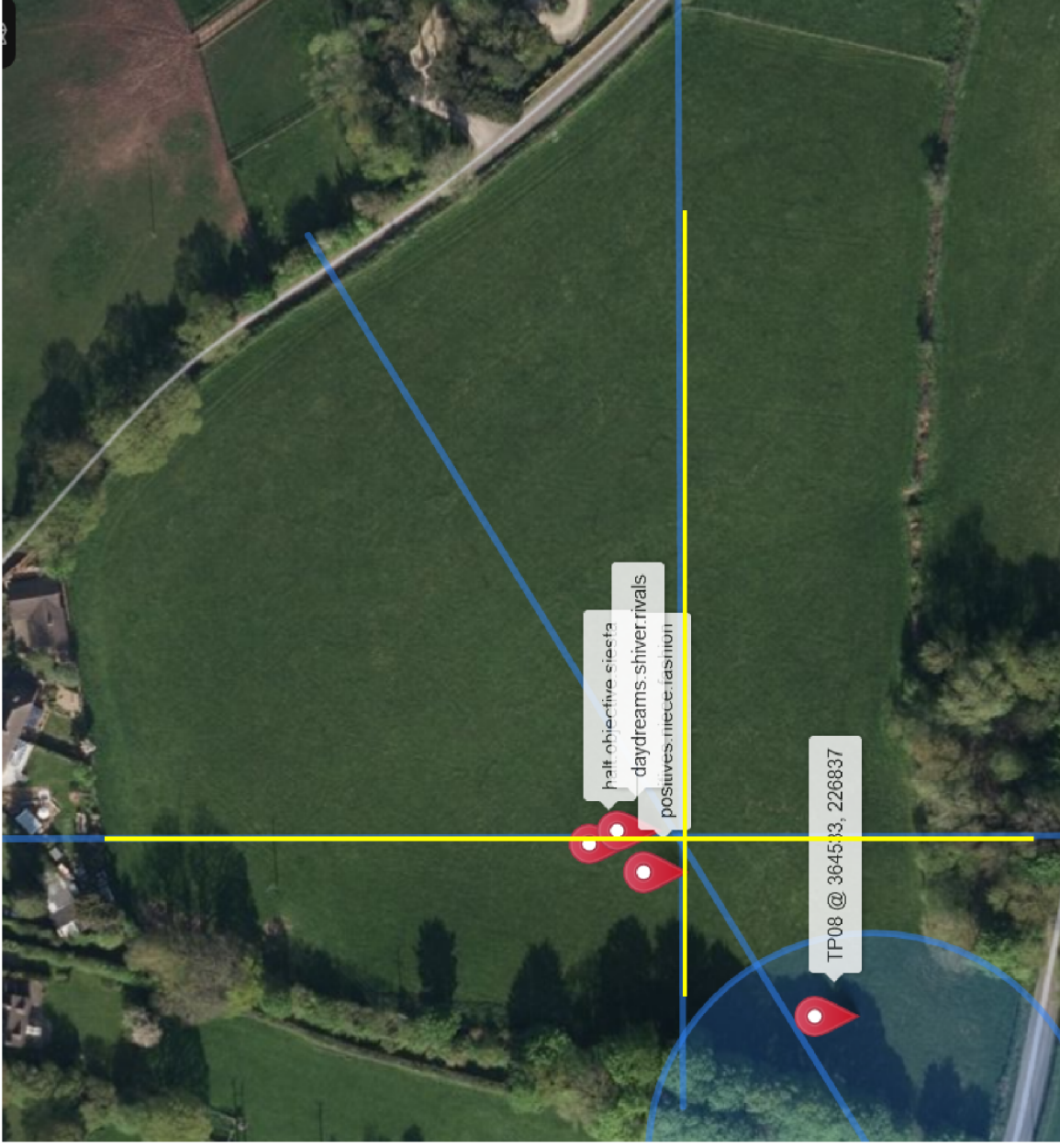
Horizontal vertical fixed point yellow lines crossed hairs target 'Test Locations' to enable comparison with other images



Above map/plan taken from Drainage Strategy report showing planning features including infiltration basin and effluent field. The plan was already laid over a ground image.

Yellow cross hair lines allows viewer to locate features on site in relation to 'Test Locations' (as shown on image to left) described as having 'poor' infiltration results (13:39 23/10/20).

Appendix B



Gridreferencefinder map showing TP08 and three What3word test pit locations from 15/10/20

This map also shows a blue/yellow horizontal and vertical lines taken from fixed points to create cross hair location. The cross hairs are off target being slightly down (south) and right (east) of the Test Locations marked on CTP map - email 13:39 23/10/20.

The horizontal fixed point being the two hedge line junction with Manor House Road.

The vertical fixed point being building roof at top of image.

Please note TP08 grid location compared to that shown on map/plan from Drainage Strategy report, Appendix E.