



WATERMEAD PARISH COUNCIL
working for our community...

**CONSULTATION RESPONSE
PLANNING APPLICATION 14/01575/APP
Erection of a crematorium on the Riviera
Site, Watermead**

13th November 2017

INTRODUCTION

Please note WPC's updated submissions are indicated in blue type in this document to assist Officers and Councillors who have read the original document, submitted in November 2017, before the application was finalised by the Applicant.

This document contains Watermead Parish Council's representation as a Consultee in respect of Planning application number 14/01575/APP, for the erection of a crematorium on the Riviera Restaurant site, Watermead. The Parish Council strongly objects to this application for the reasons stated below.

The planning considerations are for ones for the Strategic Development Management Committee. Images have been included to assist Councillors and provide context.

Expert Opinion and analysis is included, paraphrased within the report. Full reports are included in the Appendices. It is submitted that the application cannot rationally be granted and that to do so would be injurious to the Council's credibility and reputation and would expose it to having that decision quashed for a second time. At its simplest this is because the application is dependent on needs and sequential testing exercise whereby the site fails the criteria adopted by the applicant's consultants for the purposes of that study. It is positively insulting to the intelligence of the Council's officers and Members to expect them to fail to notice or understand this. There are a host of additional reasons why the retention of the applicant's unlawful development would be wholly unacceptable which are included below for completeness. However the most fundamental and unanswerable basis for refusal resides in the applicant's brazen 'double speak' and attempt to foist an irrational decision on the Council in relation to the internal contradiction of its 'evidence' in an area where justification in terms of need and sequential testing is a pre-requisite to arriving at a point where its application can fairly be assessed in terms of all material planning considerations.

Accordingly it may be helpful to members in lightening the burden upon them if they first read this introduction and the section on headed '**EVIDENCE OF NEED AND LEGAL MATTERS**'

It is considered critical that Committee members appreciate that the application is now one for the *retention* of a building and associated hard and soft landscaping which the applicant, Westerleigh Crematorium Management Ltd (CML), has chosen to construct *unlawfully*, knowing that this was a flagrant breach of planning control, and for which there is no excuse. CML plead that their choice was driven by having entered into a construction contract. However, regardless of when this was done, CML knew that it neither had an unassailable planning permission, nor any assurance of acquiring one. The Parish Council signalled clearly and at the earliest stage that they aimed to procure quashing of the original planning permission if it was granted. Please see the attached order of events which records the relevant timings.

Accordingly, any commercial loss to CML is entirely its responsibility. Our legal advice is definitively that there is no basis upon which responsibility for this could be shifted to the Council. CML have also acknowledged, via their submitted opinion poll material, that demolition of their development is the alternative to permission, assuming that the Council is convinced that material considerations indicate that permission should be refused, as the Parish Council and numerous local residents urge must happen.

Secondly, it is critical that the Council's officers prepare their report on the correct legal basis. Despite the PC and their legal advisor repeatedly pressing the Council for clarification of this, they have declined to indicate what stance they will take to date. As referred to below, the application by CML to retain their unlawful development must be assessed against the baseline of a cleared site, and *not* on the assumption that the former building they chose to demolish would somehow rematerialise if the unlawful development were erased. Patently that will not happen for two reasons. The restaurant failed commercially and secondly any development proposed in future would also have to be considered against the baseline of the cleared site.

For clarification or questions please contact Noreen Shardlow CiLCA, Parish Clerk,
Watermead Parish Council:
Telephone 01296 395211.
Email noreen.shardlow@watermead-pc.gov.uk

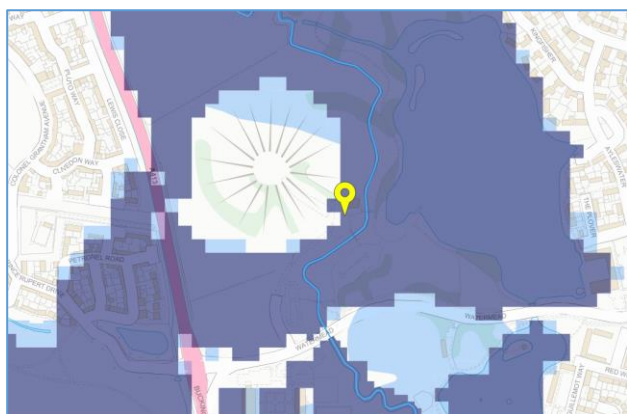
GROUNDS FOR OBJECTION

FLOOD RISK

The River Thame flows through Watermead and the village was built on the flood plain. The original planning consent for housing limited the size of the development and a large area was dug out to form a two-part lake to alleviate flood risk. Despite this, the lake regularly overflows and floods surrounding land, including the front gardens of lakeside houses and the steps of the Piazza – Watermead’s central shopping area. At times in most years, lakeside footpaths are impassable due to flooding.

In recent years, since the major housing development in the area and with climate change factors, the risk of flooding of Watermead has heightened by 30%; with some reports saying 40%.

The Riviera site lies mainly within Flood Zone 3b – functional flood plain. Environment Agency (EA) advice is that this site has a 1 in 20 chance of flooding in any year. EA guidelines designate this land suitable only for water-compatible development.



Environment Agency Flooding Map 2017 The yellow marker above shows the site of the demolished Riviera building and majority of the application site is within Flood Zone 3b and it is wholly surrounded by land.



Water in the new flood alleviation areas, already filling after a period without significant rainfall

Despite CML having constructed the main crematorium buildings in Flood Zone 1, a significant part of the built area including hard surfacing is within Flood Zone 3b. Plainly this is not ‘water-compatible development’.

The application must be considered as a whole, not just as a building. Completion of the unlawful development now enables the extent of hardstanding and increased build heights of both the building and car park to be identified.

This may well artificially reduce on-site flooding. However there is now an increased risk of flooding of the surrounding area, due to run-off. Although two ‘flood alleviation’ areas have been dug out one of these is on land which is covered by a Section 52 Agreement, and should therefore have remained available to the public. The other is a large trench which runs between the window of the crematorium building and land owned by the PC, this is already holding standing water.

Mr Ian Brazier, an expert in drainage and engineering issues has been retained by WPC as a consultant and his conclusions are extracted opposite from his advice letter of 15th September 2017, for transmission to AVDC, giving his initial conclusions on the validity of the Sequential Test submitted and included at Appendix I. These are that the site patently fails if CML's selection criteria [are applied to it on at least two grounds, conclusions which are also confirmed by Ambiental](#) (see below). As our consultants also confirm there has been no adequate study of the effects of flooding downstream from the site, not just in Watermead itself but further afield and so the seriousness and extent of that effect is wholly unquantified. This, in itself, is a justification for refusing the application.

Images of flooding to application site in previous winters:

The following images show volume of water flooding Riviera car park which can now only be diverted into the village from the revised run off arrangements.

This picture illustrates what happens when the Thame floods, adjoining the application site to the immediate left of the driveway.



NPPF technical guidance table below shows requirements for each designated flood zone.

Flooding in Watermead is not solely dependent on rainfall and surface run-off. It is most affected by what happens upstream. The lower reaches of the River Thame from Chearsley, Thame, and Stadhampton and on to Dorchester are regularly flooding now, far more seriously in recent years; these vast areas of flood waters are, in part, due to building around the river course. Potential climate change effects can only be expected to exacerbate the other factors.

Our consultants' reports cover the technical planning grounds for refusal of this application. Full reports are included in the Appendices to this document. [We also attach an Evidence of Need document we have prepared from our own investigations with our own observations correlating with our experts' reports and advice.](#)

The pictures below show the effect of flooding in Watermead. The flood mitigation carried out by the Applicants to the site can only result in a significantly increased flood risk to the village and properties therein, caused by run-off from the site.

The soil in this area is clay and water lies on it, rather than soaking through it. The small 'balancing pond' created from the former Riviera foundations is already full of water. This is despite there having been very little rainfall of late. Once this overflows, and in the event the Thame is already in full flood, it will inevitably cause flooding.



The PC cannot understand how this proposed development can possibly be allowed in an area proven to flood. NPPF Paras 100 and 101 state that development should preferably be on sites which do not flood; unless there are substantial benefits (particularly social) to permit it. This is very far from being the case here. Watermead will suffer significant dis-benefit with increased threat of flood and the inevitable economic consequences such as increased insurance premiums and difficulties in insuring properties.

It cannot be over-stated that every winter Watermead residents fear a flood event. This application significantly worsens this fear.

Notwithstanding whether the Aylesbury Crematorium site is the only site available or not, the analysis of the site level Sequential Test in this document is deeply flawed. The requirement for a site level Sequential Test is covered in paragraph 103 of the NPPF which again reiterates that this is the responsibility of the LPA. The proposed development has been identified as 'Less Vulnerable' in accordance with Table 2 (Paragraph 066 Reference ID: 7-066-20140306) in the National Planning Policy Guidance (NPPG). Table 3 below taken from Paragraph 067 Reference ID: 7-067-20140306) of the NPPG shows the compatibility of Less Vulnerable sites with different flood zone. It specifically states that less vulnerable development **should not be permitted** in Flood Zone 3b.

Table 3: Flood risk vulnerability and flood zone 'compatibility'

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

Key: ✓ Development is appropriate.
 ✗ Development should not be permitted.

The Applicant's 'Flood Risk Sequential Test and Exception Test' report fails to consider the sub-division of Flood Zone 3. Instead, on the last page of the report reference is made to 'Flood Zone 3' which clearly does not address the Sequential Test in the way it was intended.

In the absence of an accurate and correct Sequential Test from the Applicant, I have undertaken the Test myself with the intention of informing the LPA so that they can make a decision based on the facts. Enclosed is drawing 17040/102 which shows original survey levels and proposed development levels taken from the Stride Treglown drawing 80424-A1(0)003 revision A. On this I have superimposed the as built levels taken from a laser level survey commissioned by yourselves. The drawing shows the proposed and as built levels are generally the same. I have also produced drawing 17040/103 which shows the flood zones based on the original site levels. This shows that all of the car park area is in Flood Zone 3b and at least part of the new building is in Flood Zone 3a. The car park forms part of the development and is therefore classified as 'Less Vulnerable' which should not be permitted in Flood Zone 3b. Therefore, the development fails the Sequential Test and should not be allowed on breach of planning policy. Furthermore, even if the proposed and as built levels are used, the car park would remain in Flood Zone 3b.

I would be grateful if you could pass this letter and drawings on to the LPA for consideration. I understand that the original planning permission was quashed at Judicial Review on the grounds of failing the Sequential Test. Clearly based on the new evidence I have presented this ruling should be upheld by the LPA when determining this application.

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
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	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

Key: ✓ Development is appropriate.
 ✗ Development should not be permitted.

Bearing in mind the alternative site, less than 2 miles away, currently being completed without any flood risk this site cannot be considered suitable, putting 2000 people at risk; as well as visitors to the application site.

The image on the right shows the walkway on the small lake.



Below the walkway can be seen completely submerged by flood water which rose overnight, without warning.



IMPACT

National Planning Policy Framework (NPPF)

Paragraph 70 clearly states that Planning Authorities should seek to deliver the social recreational and cultural facilities and services that the community needs, planning positively for the provision and use of community facilities and other local services to enhance the sustainability of communities. They must guard against unnecessary loss of valued facilities and services.

Public opposition to this development on this site is very significant and if another facility is needed there is ample time for a better site to be found. Such sites emerge as being suitable and available sporadically and studies of current availability are inherently limited in their reliability and are prone to being manipulated to serve the interests of those funding them.

Evidence for this is apparent from the Bierton saga where following its failure to have the permission there quashed the applicant has performed a *volte face* from asserting stridently, with consultant backing, that there is a need for only one facility to their current position that there is not only a need, but an acute pressing need, for two.

Whilst WPC believes there may conceivably be a need for a crematorium in the Council's area, the need is not acute, especially with the prospective opening of Bierton early next year.

These factors must be given the strongest possible recognition and weight in the decision-making process.

The restaurant formerly on this site provided a service to the community, matching the original concept plan for the village.

This area of Watermead is designated for recreation and leisure; the loss of any such facility is in conflict with GP93¹ of the NPPF.

¹ *The Council will resist proposals for the change of use of community buildings and facilities for which there is a demonstrable local need. In considering applications for alternative development or uses the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed use. Where permission includes building conversions, conditions will be imposed so as not to exclude later resumption of a community use.*

SECTION 52 AGREEMENT (Town & Country Planning Act 1971)

Watermead was devised as a self-contained village bringing new sport, leisure and recreational facilities, together with a better quality of housing to Aylesbury Vale. It has, over time, developed a unique and distinct identity and community.

As part of the original planning permission for Watermead a **Section 52 Agreement** (under Town & Country Planning Act 1971) was executed between Aylesbury Vale District Council and Royco Corporation Ltd (the developer) in 1986, amended in 1988, to protect public interest in all amenity land within Watermead. It details the recreation and leisure facilities to be included in the development, provided for use free of charge, in perpetuity, with the Agreement applying to all successors in Title to Royco.

A copy of the Agreement is included within the Title Deeds of properties developed by Royco. Obligations of the Developer included the following facilities (some of which were not built but the Riviera (originally conceived as the Lake Clubhouse operated, until demolished on the site as a restaurant):

- Water sports lake with boat slipway
- Scenic Lake
- Public Recreation Meadow
- Dry Ski-Slope and car park
- Wildlife Reserve
- Jogging Tracks and footpath
- Lake Clubhouse
- Ski-Slope Shop and Café
- Interpretation Centre

Copies of the two S52 Agreements are included at Appendix II, including maps.

The adverse impact of this proposal will destroy the identity of Watermead, forever. The development's impact on the local landscape can already be seen to be far reaching, since it has already been constructed without planning permission, affecting everything from the peaceful enjoyment of the facilities, to the ability to hold community events on leisure land surrounding the crematorium site.

It is unlikely that visitors will enjoy the leisure land when funerals, burials and scattering of ashes take place in full view from this open and highly visible site, which affords no privacy to the bereaved. The natural respect felt, by most people for the bereaved, as well as the uninterrupted views, even into the Chapel of the crematorium from the panoramic windows, will inhibit enjoyment of the surrounding land. [The Parish Council and local residents' wish is that the site is reclaimed as a component in the overall leisure aspirations it was originally meant to serve and that in particular the crematorium use and buildings are not allowed to remain so as to blight those uses.](#)

This planning application (for the unlawfully built crematorium and car park) has delivered what we can now see is a totally overbearing building, surrounded by concrete car park, both raised, making them totally out of keeping with the village vernacular, part of the building having been built on flood zone 3b.

WPC public amenity land surrounds this site on all sides, making it landlocked, with only one access point. The surrounding public amenity land is in constant use. This land has allowed us to achieve a wonderful sense of community in Watermead and is heavily used by walkers, dog walkers, keep fit groups (for health & wellbeing), for family picnics, local Scouts, Beavers & Cubs groups, fetes and events, outdoor concerts, plant sales, joggers and cyclists, walks, charity runs, and much more.

The adjoining land to the south west is used by visiting circuses several times a year, and is known locally as the 'Circus Field'. The land to the south east is regularly used by hot air balloonists for popular meetings, comprising takeoffs with many balloons participating, which are welcomed by the local community and add colour and vitality to the local scene. Discussions with the balloon club reveal that they have grave concerns about safety and aesthetics if they were to contemplate continuing their activities in a place where the hot exhaust air and particulates from a crematorium chimney could be released into the air during their activities.

The village allotments are to the west of the ski slope and adjoin the proposed memorial gardens. The notion of the crematorium operating is deeply unpleasant to our allotment holders who believe this would be a gross intrusion on their established and much loved allotment ground. A statement from the allotment holders is included at Appendix III.



This picture shows the total width of the site drive up to the kerb stones. The Applicants placed their construction fencing on PC land giving the impression of a pathway either side.

This land belongs to WPC. The Applicants have been asked to restore to land to its previous state.

SECTION 106 AGREEMENT (Town & Country Planning Act 1990)

Land under the ownership of Watermead Parish Council is governed by a Section 106 Agreement, executed on 20th April 2009.

It identifies land in Watermead designated for recreation and leisure, together with stipulations for management of wildlife, flora and fauna.

This Agreement does not supersede the existing Section 52 Agreements, since it refers to different land areas, not those under the 1986 and 1988 Section 52 Agreements.

LEGAL ADVICE CONCERNING SECTION 52 AGREEMENTS

WPC has taken Counsel's Advice regarding the Section 52 Agreements affecting the proposed site, and adjoining area (now partly dug up for flood alleviation). The full Advice is included in this document at Appendix V.

ADVICE

Whether the section 52 planning agreement is still binding

16. The 1971 Act only allows section 52 agreements to be varied or discharged by deed or upon application to the Lands Chamber of the Upper Tribunal. Notably, the Council has not sought to argue that the 1986 Agreement no longer applies to the land. Rather, the Council's argument is that in the 1988 Agreement the parties agreed that the area of land to be maintained and used for recreational facilities in perpetuity would be the reduced area of land described as the land "edged green" on the plan attached to the 1988 Agreement. This plan did not include the land known as The Riviera.

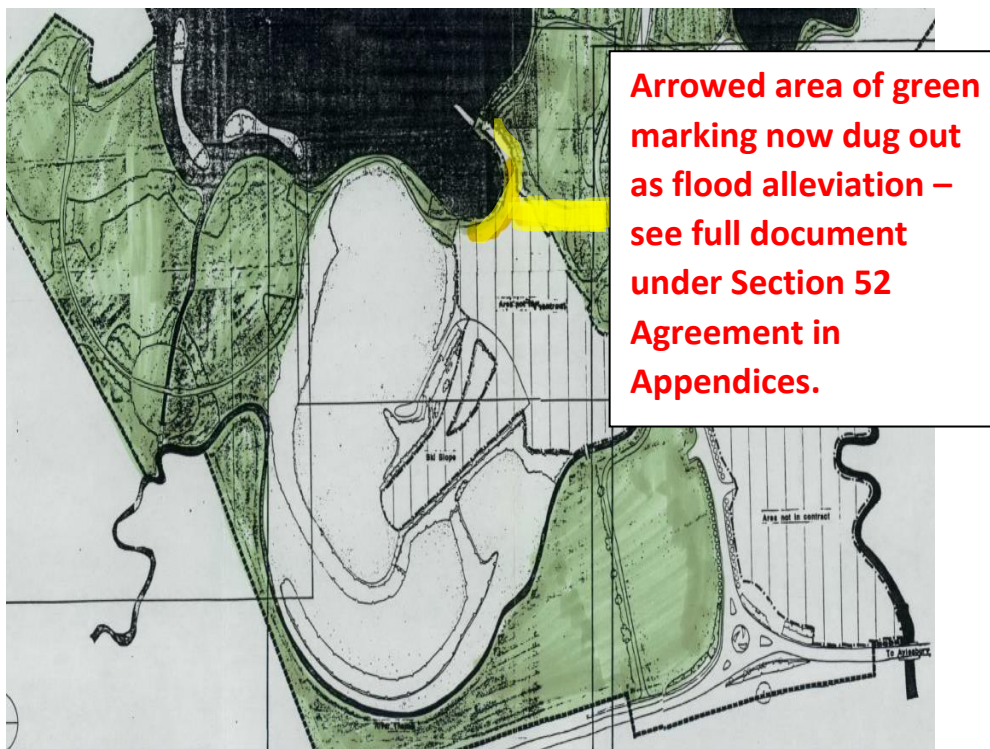
17. In response to the Council's argument, this is quite simply not what the 1988 Agreement says. It states that "[i]n accordance with clause 2(b) [of the 1986 Agreement]...RLP agreed to maintain the aforementioned recreational facilities

A summary of Mr Richard Kimblin, QC's Advice is as follows:

'It is clear that the crematorium application does not fit into any of the restricted uses, nor does this restriction/Section 52 not apply when considering this planning application. Such obligation to provide something new, does not allow for the existing restrictions to be taken away. Change of use of this site is prohibited by the Section 52 Agreement. We have seen **no** evidence that Aylesbury Vale District Council has lifted these Agreements. An application would need to be made to the Upper Chambers (Land Tribunal) under Law of Property Act 1925, for any modifications to be made'.

Counsel's Advice was reported to Mrs S Kitchen of AVDC who, in turn, advised that her understanding was that there is no scheme to protect the land outside the green edged land identified in the 1988 agreement (1988 map below), including the Riviera land and facilities, in perpetuity.

Even if we accept Mrs Kitchen's view (and we don't) regarding the site of the building and car park the map supplied by her clearly shows that the area between the River Thames and the Lake **IS** within the area covered by a Section 52 Agreement, yet a large part of this area has been dug out for 'flood alleviation'. **How can this be allowed?**



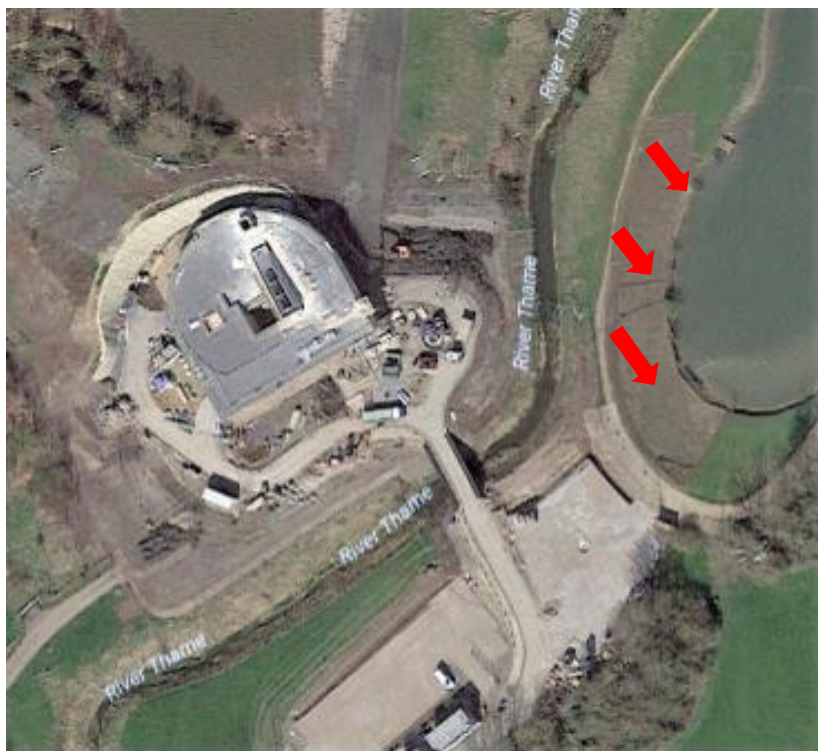
At the initial stage of this application, on 30th August 2013, the former Planning Officer, Mick Denman advised the Applicant in writing as follows:

“Please note the leisure building referred to is the application site“. The leisure building adjacent to the lake and the ski slope formed part of the original concept for the Watermead development in 1986, and a legal agreement was entered into relating to the provision of recreational facilities. Although it is recognised that the existing use of the building represents a move away from the original concept, it remains a recreational facility in association with public access to the land adjacent.

The proposal would change the primary use of the land and may be seen to give rise to potential conflict between the needs of a crematorium and its users and the use of adjacent land for recreational purposes. In addition, it is my understanding that the original agreement remains in force and that therefore chance of use of the land and building may also necessitate agreement to and completion of a deed of variation”. (emphasis added)

This telling admission was ignored by the Council in granting permission on this application site, prior to its quashing. It should not be ignored a second time by Committee Members. There remains a flagrant conflict between the proposed use and the leisure concept that the Council was instrumental in bringing into existence. There has been no variation and there is no justification for one. The Council should keep faith with its own original requirements and refuse permission on this ground even if it were a sole justification for refusal, which of course it is not.

The image below, recently downloaded from Google Earth is evidence that the green space alongside the lake path route has now been excavated for flood alleviation measures.



Red arrows highlight excavated Section 52 land now flood mitigation no longer available public open space

SECTION 106 AGREEMENT LAND

Balloon Meadow Watermead

As mentioned above, this land is used for the launch of hot air balloons, hence its name 'Balloon Meadow'. The land has been used for this purpose continuously since Watermead was built.

The first flight entry recorded at Watermead was on 26th September 1992; this should be a time for celebrating the 25th Anniversary.

This facility has provided a great spectacle for so many residents and visitors over the years. Since the original hearing of this application we have received notification from Champagne Flights that they will no longer be able to fly from the Balloon Meadow, Watermead in the event planning permission is given. A full-size version of this letter is at Appendix VI.



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Noreen Shardlow
11 Ayleswater
Watermead
Aylesbury
Buckinghamshire
HP19 0FB

12/07/2017

Dear Noreen

I was very concerned to hear that the planning decision for the crematorium will be redetermined by AVDC in the near future.

It would be a terrible blow if the balloons are no longer able to use the Balloon Meadow at Watermead as it has provided a great spectacle for so many people over so many years. Looking back through my log books I have found the first flight entry from Watermead on 26/09/1992, so coming up 25 years!

I think the site of the crematorium next to the Balloon Meadow will have a massive affect on our business in Aylesbury, and spoil a great leisure facility for local residents. It hardly seems appropriate for colourful balloons full of excited passengers to take off next to a crematorium chimney.

Apart from the sheer unpleasantness of launching next to such a facility, I am very concerned that the safety of our flights will also be compromised not only by the structure but by its emissions.

It seems as if we will be able to continue our flights for this season, however we may have to think about relocating next year if the facility should commence operations.

It would be an extremely controversial planning decision to allow this facility to be built in the middle of a large area of housing, bringing all the trappings of death into the midst of the lives of so many families, what on earth were they thinking when this was originally passed? Let's hope that common sense prevails.

Yours Sincerely

Stuart Seager

an unforgettable tour of earth and sky

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Stuart Seager Managing Director



2017 Some uses of public amenity land surrounding application site



Scouts & Beavers summer picnic



Tug of war at May Fair



Charity fun run

TRAFFIC AND INFRASTRUCTURE

In their application documents CML have included various submissions in respect of traffic, infrastructure, flood event management and general site access.

Our general comments on these submissions follow, with detailed technical opinion from our advisors in the Appendices to this document.

The Crematorium Acts provide guidelines and requirements for crematoria which include:

“Any proposed crematorium site should provide for safe and convenient vehicle movement, to and from the building”.

The single access point to this site is via a driveway accessed from the Watermead spine road, beside the Gatehouse, with land immediately adjacent belonging to the PC.

The access point located 135 metres east of the A413 is not leased to the Applicant, and therefore should not be taken into consideration. It is not possible for the Applicants to provide an ‘in and out’ driveway arrangement due to lack of a second access road. Therefore no separate entrance / exit point is achievable (as would be preferable pursuant to the Act). There is no other land with direct access to roads around the application site, available or otherwise.

Regulations state there must be a pedestrian gateway adjoining the entrance gateway.

This requirement has not been addressed. There is no such gateway, nor could one ever be provided. The land on either side of the existing gate and driveway is owned by Watermead Parish Council, right up to the kerb.

This land is not for sale, nor could it be sold since it is subject to a Section 106 Agreement, safeguarding it for the community’s benefit in perpetuity.

Planning Conditions in the original, quashed, planning permission included:

“The crematorium hereby permitted shall not be used for funeral services scheduled to commence before 10.30am or after 16.30pm on Monday to Friday, before 10.30am or after 14.00pm on Saturdays, and shall not be used for funeral services on Sundays, or on bank or public holidays”.

The current application amends and increases these hours. Information sent to funeral directors includes a timetable showing cremations from 8.30am. This would result in more traffic, particularly during the morning peak period using Watermead spine road.

This road is the only road into and out of Watermead village, and residents will be extremely inconvenienced by regular funeral traffic, whatever the number of vehicles. The siting of the single entrance gate, without pedestrian access, means that vehicles turning into the entrance from the Watermead spine road will have to wait while vehicles exit the site before being able to enter the driveway. The entrance space is insufficient for a vehicle to turn into the entrance, completely off the highway, if held up in this way.

The Applicants state the traffic flow as being mainly from the A413 turning left into Watermead from the north and turning right into Watermead from the south, at filtered traffic lights. This is not the case during peak hours when vehicles drive straight across from Buckingham Park and attempt to turn right to avoid queuing in the right filter lane from Buckingham Park. These vehicles either attempt to turn into traffic leaving Watermead village, or drive into Watermead, turning in the first available drive. These include the entrances to the Circus Field, the hotel and former Riviera sites. Funeral cars will only cause more problems to exacerbate an already dangerous situation.

The picture below shows a funeral limousine attempting to drive into the site, while an ordinary saloon car exits. It shows that it would not be possible for both vehicles to pass through the gates together.

Adding pedestrians to this situation would result in real danger. Those with mobility issues, or the blind, would be severely disadvantaged. Visitors to the memorial gardens would be unable to access the site when closed, if the gates were to be shut at any time. Further, WPC land to either side of the drive is equally inaccessible if the gate is closed.

Regulation further states that entrances and exits require careful planning; should be from local distributor roads, with appropriate sight lines provided. The gateway at the entrance to the site should be set back enough to allow a full turn-in from the road for any vehicle before passing through the gates. A pedestrian gateway should be provided adjoining the vehicular gateway, as many visitors to the crematorium grounds and remembrance chapel may come at a time when the main building is closed.

The Applicant cannot comply with this regulation. There is no pedestrian gate, no 'full turn-in' from the road for any vehicle before passing through the gates.



Local roads: Watermead's single access is the spine road, which has been closed twice in the recent past due to serious accidents and is not suitable for parking. In the event of permission being given it will be necessary for parking restrictions to be implemented, for safety. Where parking takes places on the road and verges it damages the verges, making pavements inaccessible in places. Although most would not attempt to overtake a funeral cortege inevitably there will be those who become frustrated and do so. This represents a danger to

motorists and is unacceptable. The road is not wide enough to accommodate numbers of vehicles waiting to turn into the narrow drive of the site. Those exiting the site will have an incomplete view of oncoming traffic from the main road, again increasing accident risk.



The area immediately outside the entrance with parked cars illustrated the lack of space and visual splay - this is a regular occurrence.

When large village events take place, parking is always managed by using additional space provided by neighbouring landowners, this will never be an option for the Applicants.

The Applicants state that in the event of flooding, they will have advanced notice. This is not true, as already stated in Flood Risk (above). Flooding is generally unexpected and not always due to localised rain. The suggestion that mourners should be contacted by the funeral director to tell them to park in the town (at an unspecified location) and use public transport or a shuttle bus to reach the crematorium is impractical. It is not always known who will attend a funeral in any case.

Furthermore, any funeral director will not wish to drive a hearse through standing water. Presumably the funeral could not then take place.

The Applicant states in their Transport and car park flood management document that “*prior to the 2015 crematorium planning consent, the site served as the location of a restaurant which seated up to 100 people. The restaurant hosted parties and functions, and was fully licenced to perform civil wedding ceremonies. The lake adjacent to the site was well stocked with fish and the restaurant offered fishing permits. During the summer season rowing boats were available to hire from the restaurant*”. This is inaccurate.

The rowing boats were disused for many years, few weddings were held (mainly at weekends) and most business was local, with only occasional full capacity use of the car park. Restaurants do not attract traffic, as with corteges, and never in the rush hours. Traffic being staggered throughout the lunch and evening service periods.

This site remains an unsuitable development in the wrong place in terms of both transport and infrastructure provision.

Analysis of the transport submissions is included at **Appendix VII**

The photograph below shows the original level of the gravelled driveway. It should be noted that the land shown outside the Herris Fencing is owned by WPC (during construction this fencing has been moved a wider distance giving the impression of a space for pedestrian use).

This is not the case, this land is not part of the application site as previously stated. The Applicant’s leased land is roughly the width inside the fencing above, now bounded by raised kerbstones; giving no scope for creation of a pavement.



LOCATION

Crematorium Regulations

The Crematorium Act's main principles include the following requirements:

- a. *that the site is well suited for the building, and **is accessible by public transport**, and, normally, that **all main services** are available;*

We believe there is no mains gas on site. The bus service detailed in the application no longer operates, despite the presence of a bus stop. The nearest stop is 0.4 miles from the site.

- b. *that the crematorium is so sited that **its use does not have any material effect** on the immediate neighbourhood;*

This development is extremely detrimental to the health and wellbeing of all residents of Watermead village both in terms of inconvenience and damage to the landscape, public amenity, and loss of recreation and leisure land together with a seriously increased threat of flooding.

- c. *that the layout of the site provides for the easy movement of vehicles to and from the building, and adequate parking space;*

It does not. This is dealt with, in detail, under Transport, above.

- d. *that the building should be so planned as to allow convenient circulation;*

We cannot comment on this.

- e. *that proper amenities are provided for those attending or working at the crematorium;*

We cannot comment on this.

- f. *that the cremation room and its ancillary rooms and spaces comply with good practices and permit cremation to be carried out in a reverent and dignified manner.*

We cannot comment on technical requirements.

It is further required that efficient, modern cremators should be installed and should not cause any nuisance or inconvenience to houses in the vicinity. BUT, to allow for any possible emission of fumes, the direction of the prevailing wind should be taken into account in the selection of a site.

The prevailing wind is towards houses in Watermead, which is a matter of serious concern to local residents, particularly owing to their proximity. Operation of crematoria frequently causes smells, problems with emissions and there is general concern about the emission of mercury.

Since building was completed, despite having no planning permission the Applicant applied to AVDC for a Licence to operate the cremator. For an unaccountable reason AVDC has granted this Licence stating that it meets regulations. We do not believe we should be subjected to even the most remote risk of any smells or emissions reaching the village on the prevailing wind and the modest separation distance increases the risk.

CREMATION ACT 1902, Chapter 8 S5

*This Act states that no crematorium shall be constructed nearer to any dwelling house than two hundred yards, except with the consent, in writing of the owner, lessee, and occupier of such house, nor within fifty yards of any **public highway**, nor in the consecrated part of the burial ground of any burial authority.*

This application site is not far outside the minimum distance from the nearest house. The nearest home in Watermead is in Osprey Walk (350 yards) without screening, and the closest house is in Buckingham Park (330 yards). The gym building is 306 yards away. This means that the crematorium is only some 1,000 feet away from housing. The lack of screening and siting of the chapel with its 'panoramic viewing windows' means that mourners will have full view of village homes, and residents will be subjected to the sight of funeral services, as will walkers who can see into the chapel with ease. This is totally unacceptable.

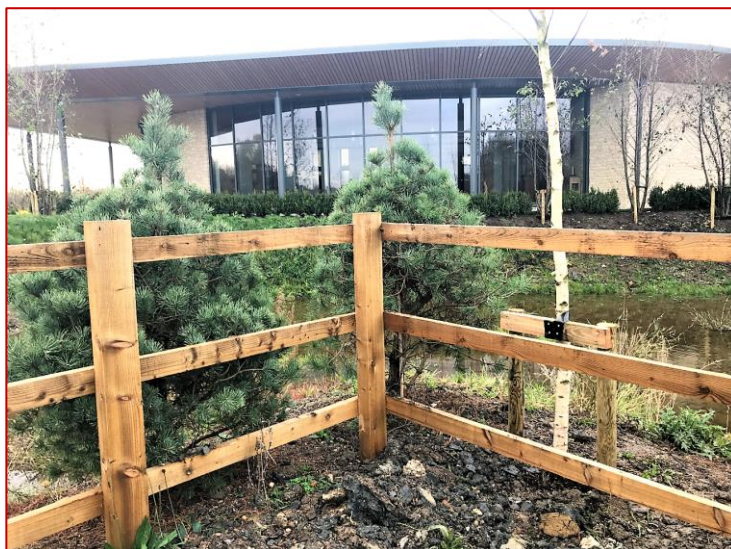
Publicly accessible land

*The most widely known right to cross public or private land is known as 'right of way'. If this is a right granted to everyone it is a 'public right of way'. There are several types of 'way' and together they are called 'highways'. In normal language a highway is often considered to be a major road (probably because of this common meaning in America). The proper sense of this word is, according to Highway classification¹ in Common law, that a highway is a defined route, which "the **public at large**" can pass or re-pass as frequently as they wish, without hindrance and without charge.*

As previously stated under Impact, above, WPC and AVDC entered into a Section 106 Agreement on 20th April 2009. The First Schedule of this Agreement stating:

"Not to cause permit or suffer the Land to be used for any purpose other than as a recreation or amenity area to which the public shall have access at all times without the need to make payment".

WPC public amenity land, which is freely available to all, and is considered to be equivalent to a 'public way' in accordance with the definition above, is within 50 yards of the application site.



This image was taken from WPC land and illustrates the close proximity and visibility of the interior of the Chapel affording no privacy.

The public have rights to cross and re-cross it and so a purposive interpretation is called for. The facility must therefore not be permitted in this location. AVDC retained policy GP.84 below refers.

¹ Classification reference provided by, Practical Law.

Aylesbury Vale District Council Retained Policy GP.84

In considering applications for development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes. Where it is proposed to stop up or divert a public right of way to enable development to take place, permission will only be granted where there is an existing suitable alternative route, or provision is so made.

WPC's land is open to all, and we have provided full disability access by pathways and other work. Nobody will enjoy using this land in future for recreation and leisure in the presence of funerals and memorial garden in such close proximity, (less than 50 yards away, just the other side of a fence).

ENVIRONMENTAL ISSUES

The Applicant's Design & Access statement submitted with the original planning application on 30th May 2014 states that Environment Agency (EA) advice is that to safeguard biodiversity, a fifteen to thirty metre buffer zone should be established around both the River Thame and Watermead lake, free from built development, including lighting, gardens, formal landscaping and footpaths.

We submit, as evidenced by the image below, that this requirement has not been met.

Within the area which should have been the buffer zone are landscaped gardens, lighting and car parks.

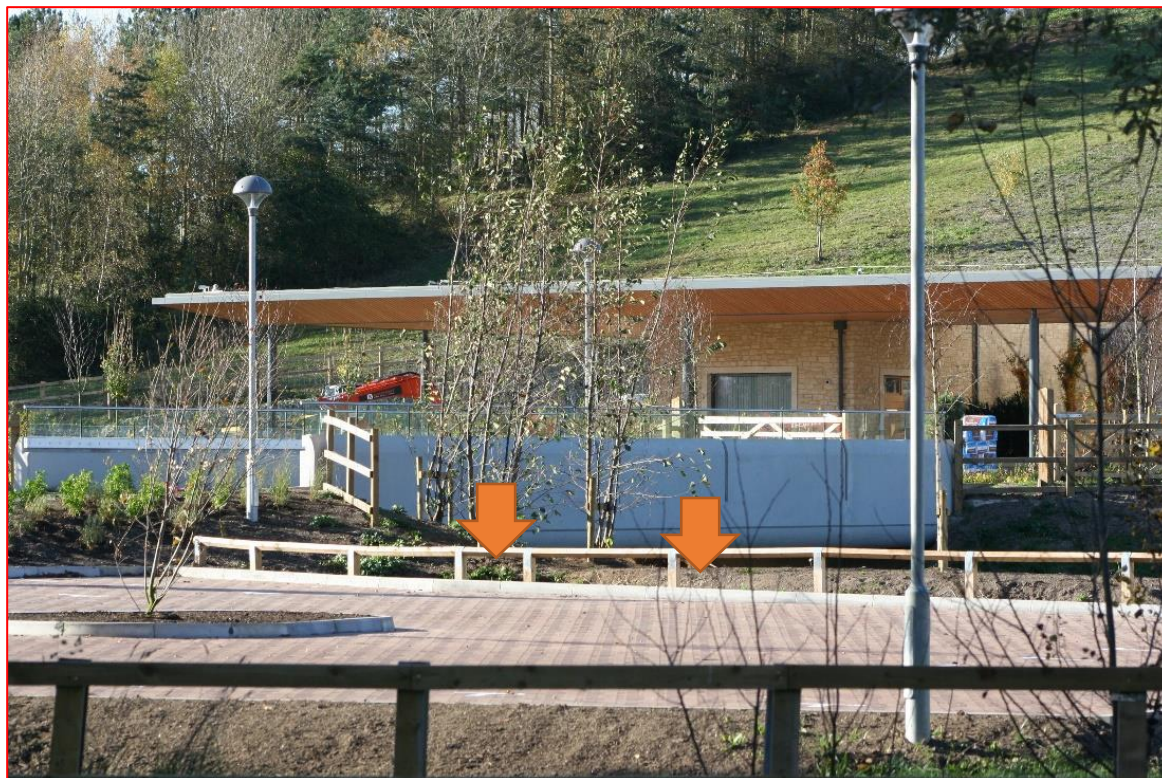
For ease, the EA requirements are included in this document at Appendix VIII

AVDC retained policy GP66

In riverside or canal side development proposals, the Council will require access corridors and buffers adjacent to the watercourse to:

- conserve and enhance existing areas of landscape or wildlife value;
- promote public access and provide recreational opportunity; and
- protect or enhance the environment and habitat of those watercourses.

In the photograph below the location of the River Thame is shown by orange arrows.



Scattering of Ashes

Operators are required to carry out site-specific risk assessments if ashes are to be scattered at their sites. No such assessments were included in the original submission documents, and despite being listed on the planning portal they are not available to view. (*Proposed ash scattering area dated 22nd December 2017*).



If the Applicant does not intend to allow the scattering of ashes at this site, we need to know what measures will be put into place to prevent this happening.

Watermead residents understand that it may be acceptable, in strictly legal terms, to scatter ashes in a

lake or river, but it is not acceptable to neighbours when it will, necessarily, be carried out in full view of many homes in the village, and passers-by and others using the public amenity land.

Guidance received from the Environment Agency confirms ashes themselves have little impact on water quality; however, other items should not be placed in the water with the ashes. Personal items and wreaths might contain plastic and metal parts, which can cause litter and harm wildlife. They must not be put into the water or left on the riverbank where they could be washed into the water.

We ask that the Planning Officer requests confirmation of the methods being employed to prevent harm to our environment and wildlife. In the unthinkable event of a planning permission being granted a condition would need to be imposed with stringent requirements in this area to protect the Watermead environment.

Environment Agency Conditions – Burial of Ashes

- No burials should take place below the water level.
- No burials should take place within 30m of any surface watercourse or lake.
- No burials should take place within 10m of any drain field

These regulations are particularly important at this location due to its proximity to both the River Thame and Watermead Lake

EVIDENCE OF NEED AND LEGAL MATTERS

As part of the former Local Development Framework (LDF) process, Aylesbury Vale District Council previously identified the need for a new cemetery and crematorium, mainly due to the fact, as written in the LDF, ...'that by 2016 the existing Aylesbury Cemetery, and other parish churchyards will no longer be able to accept new burials'.

In fact, Aylesbury Cemetery still has a large area available for burials. There is also a green burial area near Aylesbury.

The planning consent for a crematorium at Berton was already in place before the application was submitted for Watermead. The site for Berton was carefully considered after thorough sequential test and site search found this site to be ideal, with minor traffic works to stop up Cane End Lane. Further, the Berton proposal was extensively consulted in the wider area including all surrounding villages, with stakeholders and publicised throughout the area by the Applicants. It was not opposed by Berton Parish Council and there is only one house nearby. The outcome of the consultation and original planning process was that the site was approved with public support. Concerns were raised, but these were relatively few and minor or easily resolvable in nature. The concerns were around roads and junction design, which the developer worked to overcome with the objectors.

After this, Westerleigh applied in 2014 for a second crematorium, in Watermead, claiming that only one was required. (Their thinking appeared to be that if their legal challenges to Berton were to be successful they would be left with a non-competitive field of operation). They took their case to the High Court to have Berton's planning permission quashed on the ground that a great crested newt survey and any necessary mitigation scheme had not been carried out for the site. Planning was quashed and this work was completed.

Westerleigh's simultaneous application at Watermead was approved by AVDC, despite the application being flawed and the strongest possible public opposition.

Following the Westerleigh determination, WPC applied to the High Court for a Judicial Review. This was refused and a further application was made, which was successful.

During this period Berton's application was re-approved. At the committee meeting for this application Westerleigh, once again, stated to the committee that only one crematorium was needed in Aylesbury. A member of the committee queried that if they felt there was only need for one, why had they put in an application after Berton had already been approved. We do not have a record of the answer but it is of little consequence. Westerleigh then launched a further challenge in the High Court to the Berton approval. This failed.

In the meantime, WPC were given permission to appeal to the Court of Appeal. Westerleigh, as Interested Party, were fully aware of the action. They continued to carry out what they described as 'enabling works' on the site which included groundworks, and demolition of the Riviera Restaurant.

Strong pressure was put on WPC by the Applicant's solicitors in an attempt to stop them from seeking Judicial Review. They cited the possibility that the PC was acting recklessly, outside of its Powers, without public acquiescence. Since this and other assertions in their letter were unfounded WPC continued with the action.

The Court of Appeal hearing was held in November 2016. The Applicant's Counsel contended, at this hearing, that AVDC now agreed with them that two crematoria were needed in Aylesbury! Since AVDC had its own Junior Counsel in Court, who didn't speak for them we assumed that this had been agreed between the Applicant and AVDC.

The Judgement took a long time to arrive, but was handed down in March 2017, quashing the planning permission.

From this time onwards, the Applicants built at a fast rate and fully completed the buildings and ancillary works by late summer, even furnishing the chapel and installing and testing a cremator, which has been given an Environmental License by AVDC. When questioned, Licensing advised that they had no reason or ability to refuse to consider the application.

WPC did not understand how an illegal building can obtain any sort of License, but were advised that planning permission was not a requirement. We are certain the Government, in devolving this Power Local Authorities, expects them to check on this point.

The Applicants have recently produced a highly flawed 'opinion poll', which has no weight in planning terms but does not appear to have been carried out in the immediate vicinity. The questions are highly slanted eliciting the required response. It is a distraction in this case.

Equally, the letter sent by the Applicant to all committee members included the poll but, more seriously, inaccuracies regarding the position and behavior of WPC.

Parishioners and other local residents are objecting to this application on the strongest planning grounds. The volume of representations numbers some 493 letters of objection, some template letters stating planning considerations, together with some individual letters, were hand delivered to AVDC on Tuesday 7th November. Since then, as the Applicant has submitted documents many more submissions have been received.

Sadly the applicant's propensity for arm twisting and dubious tricks with the agenda of either cowing us as their principal opponents or seeking to smear us has continued recently with the insinuation that we might have approved or condoned apparent criminal damage perpetrated at the crematorium building.

Instead of broaching such absurd notions with us, the applicant issued briefings to local press and radio media and an open letter deprecating what they falsely presented as our responsibility for the occurrence. We rebutted this to media who had been used as cat's paws in this way and the applicants then fell silent, but of course have not apologised to us for their cynical and self-serving slur.

Updated Evidence of Need from WPC

1. EXISTING AND PLANNED PROVISION

Aylesbury has experienced considerable development in recent years and current and approved sites include, as well as infill and other plans in the pipeline.

Berryfields & Buckingham Park approximately 4500
Kingsbrook 2500.
Woodlands 1100
Hampden Fields 3000

We have assumed that Aylesbury will have an increase in its population across all ages of around 15-20,000 within the next five to ten years.

Crematoria already operating include the following, listed in order of distance from Aylesbury (*source The AA*):

Bierton 3.2 miles
Amersham 14.9 miles
Barton Crematorium, Headington 20.8
Caddington Crematorium, Luton 21.5 miles
Crown Hill, Milton Keynes 23.1 miles
West Herts Crematorium 24.2 miles
Slough Crematorium, 27 miles
Luton, Butterfield Green Road 29.5 miles
South Oxfordshire Crematorium (Bicester) 33 miles
Reading Crematorium, Caversham 37.2 miles
Oxford Crematorium 37.2 miles
Breakspeare Crematorium, Ruislip 39.5 miles

The information which follows has been derived from the most reliable, independent and unbiased source, namely enquiries made of funeral directors.

- Given the proximity of many of the above to major road networks such as A41, M25, M40, M4 many families choose locations outside their own immediate area to accommodate the attendance of family members from elsewhere. It has been assumed by the applicant that local families only use local facilities; this assumption is incorrect.

For many years Aylesbury residents have used Chiltern and Milton Keynes crematoria without difficulty. There has never been any known issue with booking a funeral.

Following the applicant's press statement stating that any delay to the opening of their facility

"...would be a heartless thing to do. We have had this facility ready since May [despite it not having planning permission], and it is vital that it opens for the busy funeral period over the winter'. In another statement the Managing Director of Westerleigh further stated "the nearest local crematorium is at Amersham but it is the second busiest in the country. Like other crematoria at Milton Keynes and Oxford getting to Amersham in a funeral cortege also takes well over half an hour".

Such an amount of time taken to arrive at a crematorium is expected and there is no evidence that this has presented a problem to those using the Amersham facility or has attracted any comment, adverse or otherwise. It is inimical to the solemnity that should attend a funeral if arrangements are rushed either at the crematorium or beforehand. The objective is not to process funerals at maximum speed, regardless of whether this would suit the financial interests of a commercial operator.

The statement from Westerleigh led us to investigate: We have included below screen shots from the Chiltern Crematorium booking calendar for the period over Christmas which illustrates that there were plenty of available slots throughout the period, without any other provision in the locality.

Enquiries made with local funeral directors have also confirmed that they have experienced no particular difficulties in booking suitable slots, although obviously the middle of the day is preferred by many families.

Bierton Crematorium will be ready for use shortly and additional burial space has already been created at Aylesbury Cemetary, and the Natural Burial Meadow at Owlswick. The Needs Study report by Impact for Westerleigh takes in surrounding areas, all covered by the closer crematoria, as opposed to our listing of all crematoria.

Factors in bereaved families making their choice of crematorium: We dispute the applicant’s assertion that a 30 minute drive time is **the** criteria to use when assessing need, it is just one of many factors, including preference, convenience for wider family and economic considerations.

Current diary

Milton Chapel

Week from 29 / 12 / 2017 go

	Friday 29/12/2017	Saturday 30/12/2017	Sunday 31/12/2017	Monday 01/01/2018	Tuesday 02/01/2018	Wednesday 03/01/2018	Thursday 04/01/2018
7:45							
8:30							
9:15							
10:00		SHEPHARD, Brian Arthur					BRETT, Barbara Agnes Joan
10:45	MARTIN, Anita Diana						COX, Michael Joseph Garner
11:30						PEARCE, Michael York	MATTHEWS, Kathleen Elizabeth
12:15							WHITAKER, George David
1:00	SMITH, Paul Richardson				STOREY, Sylvia Maude	FINCH, Violet Annie	KIRKPATRICK, Alan
1:45	HARLAND, Arthur Austin				YATES, Claire	PAYNE, Patricia Marion	
2:30	PETTET, Ashley William					BRACKLEY, Carole Verena BRACKLEY, Frederick Charles	CHANDLER, Eileen May
3:15	CRISP, Ethel Lena Georgina					NORTON, Rosemary Elizabeth	
4:00							
4:45							
5:30							
6:15							
7:00							

Screen shot from Chiltern Crematorium booking system showing week commencing 29.12.17 with many spaces plus one other chapel, more booked.

However, there was no week between 1st December 2017 and 26th January 2018 when it was fully booked with no slots available.

A local funeral director commented that ‘provided you had the paperwork I could arrange a funeral tomorrow’. The other factor is the requirement for bereaved families to agree a date and time.

POPULATION GROWTH AND NEED FOR CREMATORIA

An expert has been consulted who advises Local Authorities indicated to us that the following calculations are correct:

Population growth to 2033 = 258,280 based on the following:

18,400 new households resulting in:

77,280* new individuals

**Assumption: Each household contains 2 adults and 2.4 children likely to be less,*
181,000 current individuals

258,280 Total new population of Aylesbury Vale District by 2033

Current and future death rates

Given the death rate of 0.81% of population, current actual deaths are 1466 per annum, with 75% of those choosing cremation, giving a requirement for 1099 cremations per year as a reasonable current estimate of need.

With a population of 258,280 and death rate of 0.81%, future actual deaths would be expected to be 2092 per annum, with 75% choosing cremation resulting in 1569 cremations.

Holding these cremations over 255 working days (excluding bank holidays and weekends) equates to 6.15 cremations per day.

CONCLUSION

It is clear that any additional capacity that can be predicted on the above figures is already met by Berton Crematorium, which was always originally planned as the single additional facility required in Aylesbury Vale District.

The applicants have sought to confuse issues by asserting that the Watermead application is the original. This is incorrect, and its unlawful construction has merely been the result of legal and planning tactical manoeuvring by the applicants in furtherance of their commercial interests, rather than need.

The Council has arrived at a false position, owing to its decision to resist the attempts by the applicants to have the Berton permission quashed on the basis that two facilities were needed. It can now be seen that the case for a further crematorium is extremely weak.

Furthermore, there is demonstrably no need for an additional facility within the foreseeable future. Any such need could not materialise for many years hence and would not arise as a sudden acute need but would begin to be identifiable years in advance. That would give more than ample time for other more suitable sites to come forward.

This is an unsuitable site which fails the criteria set by the applicant's own sequential testing methodology, by reference to which they have rejected other immediately identifiable candidate sites.

The promotion of such an application on this basis is positively insulting to the intelligence of planning officers and planning committee members and could not be granted without discredit to the Council and without resorting to a level of irrationality that would render the decision quashable in the High Court, For there to be a second quashing would be most unfortunate from the Council's perspective.

Accordingly it is urged that the application must be refused.

RETAINED POLICIES

AVDC's retained policies which we believe should be given weight in determining this application include:

GP35

The design of new development proposals should respect and complement:

- the physical characteristics of the site and the surroundings;
- the building tradition, ordering, form and materials of the locality;
- the historic scale and context of the setting;
- the natural qualities and features of the area; and
- the effect on important public views and skylines.

GP66

In riverside or canalside development proposals, the Council will require access corridors and buffers adjacent to the watercourse to:

- **conserve and enhance existing areas of landscape or wildlife value;** ^{[[[SEP]]]}
- **promote public access and provide recreational opportunity; and** ^{[[[SEP]]]}
- **protect or enhance the environment and habitat of those watercourses.** ^{[[[SEP]]]}

GP84

In considering applications for development affecting a public right of way the Council will have regard to the convenience, amenity and public enjoyment of the route and the desirability of its retention or improvement for users, including people with disabilities. Planning conditions will be imposed on planning permissions, or planning obligations sought, to enhance public rights of way retained within development schemes.

Where it is proposed to stop up or divert a public right of way to enable development to take place, permission will only be granted where there is an existing suitable alternative route, or provision is so made.

National Planning Policy Guidance (NPPG) Protection of Existing Open Space

Existing open spaces, whatever their function, contribute a great deal to the character of the District and the quality of the environment. Difficulties in providing new open spaces within the existing built-up area serve to emphasize the importance of retaining and making best use of those that already exist. The need to protect open space that contributes towards meeting community needs for both formal and informal recreation is vital. The types of open space to which this policy applies include the following, whether in public or private ownership:

- formal and informal landscaped parks and gardens; ^{[[[SEP]]]}
- sports fields; ^{[[[SEP]]]}
- recreation grounds; ^{[[[SEP]]]}
- play areas; ^{[[[SEP]]]}
- areas of amenity space provided as part of the design or landscaping of developments; and ^{[[[SEP]]]}
- other areas of open space such as churchyards and burial grounds.

GP93 Policy

The ***Council will resist proposals for the change of use of community buildings and facilities*** for which there is a demonstrable local need.

In considering applications for alternative development or uses the Council will have regard to the viability of the existing use, the presence of alternative local facilities and the community benefits of the proposed use. Where permission includes building conversions, conditions will be imposed so as not to exclude later resumption of a community use. ^[1]_(SEP)

GP95

One of the main objectives of the AVDC Plan is to ensure the efficient use of land whilst ***minimising conflict between adjoining land uses***.

Certain existing uses are poorly located or have a detrimental effect on neighbouring land uses, and the environment generally. Whilst under ideal conditions the Council would wish to take positive action to relocate unneighbourly uses, the economic climate will determine whether such action can be taken. Nevertheless, ***the Council will seek to ensure such effects do not worsen and that new development does not cause similar problems***. In appropriate cases, the Council will encourage the relocation of existing unneighbourly uses to more suitable sites and will permit the redevelopment of the site for some other suitable use appropriate to the character of the area. For the purposes of this Plan, un-neighbourly uses are those that have a detrimental impact on neighbouring land uses, arising from factors such as noise, vibration, dust, fumes, smell or excessive traffic generation or other adverse effects on health, safety or amenity.

In dealing with all planning proposals ***the Council will have regard to the protection of the amenities of existing occupiers***.

Development that exacerbates any adverse effects of existing uses will not be permitted.

CONCLUSION

A conclusion is scarcely necessary as the application fails on all counts, is entirely without merit, and can only be categorised as a desperate 'try-on' and rearguard salvaging effort in the attempt to avoid a commercial loss which the applicant has exposed itself to with no justification and as a result of the most breathtaking hubris and presumptuousness.

That presumption is that Aylesbury Vale District Council is either so lacking in critical faculties or so pusillanimous, or both, that it can be imposed on to the extent that it is willing to retrospectively regularise unlawful development of a form and make up which could not conceivably be rationally entertained as acceptable if it were being applied for *de novo*, i.e. without the existing built form having been constructed as an attempted *fait accompli*.

The correct and only interpretation is that the application has to be assessed against the baseline of a *cleared* site. There is no default right to reconstruct the Riviera Restaurant and its associated development once the present unlawful development is enforced against and removed, nor any basis for anyone to claim that any attempt might be made to pursue such a scheme, nor, in that hypothetical scenario, that it would be granted.

If further nails in the coffin of this application were needed (which they are not) then the absurdity of it being promoted on the basis of the glaring internal contradiction relating to needs and sequential testing is of itself fatal.

The promotion of a site on the basis of a study with criteria which not only rejects the site itself, but does so by a wider margin than the other putative sites it rejects in order to suggest that the site is itself acceptable, is positively embarrassing. Watermead Parish Council trusts and expects that the Council and Members will not impute that embarrassment to themselves by entertaining the slightest possibility that it either might, or properly could, grant what can only be described as an absurdly promoted application.

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