

Mill Hill Preservation Society founded 1949



Patron: Lady Hobson OBE JP
President: David Welch MA FCIS
Chairman: John Living AAdip CMdip RIBA
Vice Chairmen: Kevin Green, David Farbey
Hon. Solicitor: Robert Cottingham MA
Hon. Treasurer: Wendy Living BA ACA JP
Administrator & Membership Secretary: Kim Thompson

...making change worthwhile

For the attention of Elizabeth Thomas
Planning Officer, London Borough of Barnet
Development Management & Building Control Service
Barnet House, 1255 High Road
London N20 0EJ

12th April 2018

Our Ref: JL / jl / mhps planning St Vincent's: 18/1518/FUL

Dear Elizabeth Thomas,

TOWN AND COUNTRY PLANNING ACT 1990

SITE: St Vincent's Catholic Primary School, The Ridgeway, London NW7 1EJ

PROPOSAL: Improvements to school grounds to create level areas to be used for outdoor sports, horticultural activities, informal recreation and general outdoor education and play

PLANNING REFERENCE: 18/1518/FUL

1.0 Introduction

1.1 The Committee of Mill Hill Preservation Society (MHPS) has examined the application on the LBB website and have canvassed neighbouring residents. This site is in the Green Belt, in the Mill Hill Conservation Area and is designated as a Borough Grade II Site of Importance of Nature Conservation (SINC) being the remaining part of the Drivers Hill Nature Reserve and a site that requires special consideration. The citation for the Drivers Hill SINC was notified in January 1997, edited in January 2006 and updated in March 2006 and is therefore seen as of value to the London Borough of Barnet. The latest application is identical to that **refused** planning permission May 2017 (see 17/1204/FUL).

1.2 The Planning, Design and Access Statement (March 2018) under 'The Proposal' states the importance of the Forest School concept (see items 2.12 – 2.15). We understand from our research that formal playing fields are not part of the concept which concentrates on: environmental education, field studies, bushcraft, horticulture, earth education and adventurous activities. There is already an orchard at St Vincent's School that was given to them under the Growth for London scheme in 2009, registration 108, and which is somewhat neglected and will be further impaired by the proposed landfill. The Society believes it is not necessary to undertake a landfill project facilitate the Forest school concept. Indeed we would believe that having a SINC within the school grounds with access to animals and insects in their wild habitats would be ideal conditions to compliment a Forest school, a situation that other Forest schools would treasure as an asset.

2.0 National Planning Policy Framework (NPPF)

2.1 The NPPF requires a determination to be made as to whether development is appropriate within the Green Belt. In cases where development is considered to be inappropriate development (by definition), then 'very special circumstances' would need to be demonstrated. In this case, no very special circumstances have been demonstrated to justify the proposed development. In our opinion the proposed development does not result in benefits that would outweigh the identified harm. Also, there are no vindicating arguments put forward to support the need of a second full size football pitch on this site.

2.2 We referenced the NPPF Section 9 Clause 89 allows “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and **does not conflict with the purposes of including land within it.**” In this case the proposed additional sports pitch is only available because of the proposed landfill, and as the landfill is over a site of Borough Importance for Nature Conservation (SINC) this does conflict with the purpose of including the land in Green Belt and the Conservation Area, and is therefore inappropriate. There are no special circumstances argued in the application that would ameliorate this harm.

2.3 Similarly under Clause 90, engineering operations are singled out as ‘not inappropriate’ – however this also relies on the understanding that the work does not conflict with the purposes of the land being included in the Green Belt. As the site is of Borough Importance for Nature Conservation (SINC) the engineering operation (i.e. 30,000 cu. metres of landfill) does in fact conflict with the purpose of including the land in Green Belt, and is therefore inappropriate.

2.4 In order that the argument for ‘special circumstances’ is met, alternative schemes need to be considered to achieve the optimal solution. The fact that the applicant has submitted an “identical scheme” suggests that they have not looked seriously at the need for such an assessment and concentrated solely on trying to refute the arguments presented previously by the planning authority. In our opinion various options for the alternative layout of the site to achieve the same ends, but be more in keeping with the character of the area, have not been considered. We believe that if one is really needed there is the possibility of the new playing pitch being located nearer the school, and the garden areas located down the eastern slopes with the new pond at the lowest part of the site to act as part of the surface water attenuation to protect Woodcote Avenue from potential flooding. The current proposal does seem to concentrate on maximizing the amount of land-fill and thus the considerable income to the school.

3.0 Local Planning Policy

The application raises various local policy issues from the Barnet Local Plan (Core Strategy) 2012. These are set out in the Planning Design & Access Statement dated March 2018.

Clause 5.2.1 Section 6: Vision and objectives

The first clause quoted from this section is headed “To ensure efficient use of Land and Natural Resources”, which applies to “development of previously developed land” and is therefore not applicable to this application.

The second clause quoted from this section is headed “To enhance and protect our green and natural open spaces” which calls for new enhanced public spaces, which this is not, and for the protection of biodiversity – which this landfill project does not do.

Clause 5.2.2 Section 7: Barnet’s place shaping strategy

Under 7.3 Protection, clause 7.3.1 is being quoted that calls for the protection and careful stewardship of open space assets. We consider that this landfill project does not comply with the clause as irreparable damage will be done to the Green Belt and the SINC. There are also other parts of the site that can provide for adequate sports facilities.

Clause 5.2.3 Section 12: Enhancing and protecting Barnet’s open spaces

We believe a balance has to be struck between the provision of an additional sports pitch, of which there are over 277 in the borough, and the need to protect and preserve the last vestiges of natural habit in the borough, of which this site is an example. There are also other parts of the site that can provide for adequate sports facilities without the need for extensive landfill.

Clause 5.2.4 Section 15: Enabling inclusive and integrated community facilities and use

We do not see the relevance of Clause 15.7.7 to this application as it is about the provision and the setting up of a range of schools in Barnet, not a landfill project.

Clause 5.2.5 Section 16: Green Belt and open spaces

The argument here is not simple one of 'open space' and the replacement of 'open space', but one of quality. The landfill scheme will decimate the SINC. The Ecological Report states (Clause 5.2.4) that of the site area of 3.8 ha only some 1.38 ha will remain for wildlife – that means 2/3rds. of the SINC will be lost. The impact on the wildlife will be considerable; with loss of habitat and the impact of organised sport on a regular basis much of the wildlife will disappear.

Clause 5.2.6 Policy CS13: Ensuring the efficient use of natural resources

Again, we do not see the relevance of this clause to a landfill scheme that basically destroys a SINC that we see as a heritage asset, and does not involve the other items this clause covers, such as: wasted heat and power, buildings with reduced carbon dioxide emissions, mixed use town centres, improving energy performance, SUDS and water management, improvements to air quality.

4.0 Methodology for proper transportation

4.1 The significant change since the previous scheme is that the National Institute for Medical Research (NIMR) has received planning permission, and that work on this extensive scheme has started causing increased construction traffic in the local area. With the proposed additional landfill traffic air pollution, noise, dust and road damage will increase to the detriment of local residents.

4.2 During the work some 30,000 cubic metres of soil will be delivered by 2,500 truck journeys from a building site in St John's Wood. Using the information submitted in the report there will be one truck entering and exiting the site every 10 minutes between 9.30 am & 3.00 pm each week days for 16 weeks. The materials report states that will be 30 loads per day involving 60 vehicle journeys. This is proof of the level of increase construction traffic that can be expected.

4.3 To suggest trucks travelling from St John's Wood to The Ridgeway in Mill Hill will keep to any meaningful time schedule is to deliberately mislead. A truck marshalling area will need to be set up close to, but away from, the site so that trucks can try to keep to the planned programme of work. Such a holding area would need a lot of space and no provision has been made in the application.

4.4 The Ridgeway is in the Mill Hill Conservation Area and the proposed enormous increase to the already congested traffic needs to be considered. Any visit to The Ridgeway during the school term indicates very clearly that there is traffic congestion between 09.30 and 15.00 hrs with buses, parked cars and general traffic causing delays and queueing along this rather narrow main road in this leafy part of Mill Hill. There is also considerable construction traffic serving other sites in the area apart from the NIMR site. The proposed additional entrance to the site with vision splays will restrict the parking areas on The Ridgeway will lead to overspill parking in other nearby roads.

5.0 Materials Management Plan

5.1 There is much information missing in this document, as, although referred to in the text, there are no drawings or sketch figures included. St John's Barracks in St John's Wood, site of a new housing programme, is to be excavated for two underground car parks and will provide the waste to be used as fill on the St Vincent's site but the programme for that excavation work is not known. It is critical to know at what speed those excavations will take place - as delays to that operation will have a profound effect on the delivery timetable to the St Vincent's site.

5.2 The Transport Assessment dated 9th November 2017 discusses truck routes but does not set them out. The Society would wish that truck routes should avoid as much of the Conservation Area as possible. A route using Holders Hill would be acceptable, but the alternative route coming off the A1/A41 at Apex Corner into Marsh Lane and then travelling the whole length of the Conservation Area is not. We trust that if permission is granted there will be a condition controlling truck routes.

5.3 The extent of the landfill work and damage to the SINC is made clear, insofar as all top soil will be stripped and stockpiled, and all the sub-soil to a depth of 500 mm will be stripped and stockpiled. The insects and animals on the SINC will not survive this. No saplings will survive and major trees may well be damaged. Whilst over-seeding is proposed on completion it will take many years for the area to become suitable for the wildlife it holds now. Claims to the contrary, in our view, are false. The existing biodiversity of the site cannot be protected and as a result there is potential for the proposed development to result in a loss of biodiversity within the site and loss of habitat to protected species. This was a reason for refusal of application 17/1204/FUL in 2017.

6.0 The Ecology Report by Adonis Ecology November 2017

6.1 There is too much in the Ecological Assessment for us to comment on in detail, although we are sure other groups in the locality will be commenting. We would refer the Council to the report from London Wildlife Trust, Barnet Borough Group, which outlines a dozen objections to the proposals. We shall only go as far as listing the wildlife that has been mentioned in relation to the site and that will have their habitat affected: Foraging bats, commuting bats and roosting bats; badgers; common nesting birds – using scrub, ground cover and trees; slow-worms; frogs and toads; hedgehogs; harvest mice; reptiles; insects; invertebrates. Residents have reported deer and foxes.

6.2 Why does all this wildlife in a nature reserve have to put at risk? The report seems to argue that because it is only a Grade 2 listed SINC that there is no need to preserve it, a view we dispute.

6.3 The report concludes “With the enhancements implemented as part of the proposed development, it was considered the value of the site for local wildlife would be likely to be increased, with a net gain for biodiversity as encouraged by the NPPF.” Our view is that with saplings, scrub and brambles cleared, top soil together with sub-soil completely removed and with the area given over to sport, floodlights and fenced (see our 8.7) - this statement does not represent reality.

7.0 Gas Main and its Protection Zone

7.1 Whilst there is no landfill shown over the gas main and its protection zone, it is indicated going right up the edge of it. We suggest that the protection zone was not designed to facilitate a landfill scheme and that approval from the Gas Board will be required. We are also unsure whether the gas main on site is where it is located on the plans; there are indication markers on site that do not coincide with the application plans. This aspect needs resolving.

8.0 Flood Risk Assessment and Drainage Strategy

8.1 A Sustainable Drainage Review by Capita dated April 2017 is included in the application. It is noted that under the section DRAINAGE STRATEGY that a drainage drawing has been provided though does not include any calculations, flow paths or information regarding prior/post runoff rates. We could not find the required calculations in support of the drainage submission.

8.2 The drawing comprising Appendix D gives us most concern. We have commented on some discrepancies (see clause 8.4) and in addition we would suggest that when the French drain has to be extended along the southern boundary as shown dotted blue on the plan then this dig will pass

through the roots of mature trees on that boundary. This will cause irreparable damage to three or four mature oaks – some are very old species. This would not be acceptable.

8.3 Clause 8.4 discusses Swales. The drawing in Appendix D shows three green hatched areas marked swales. They are shown on sloping ground and the contours of the land on the landscape drawings do not show any change to the land profile to accommodate the swales. In other words, whilst the report talks about swales and controlling water run-off, the drawings do not properly show this.

The drawing does not show how the swales relate to the new drainage or how the system will work. As shown there is nothing to stop excessive water run-off from flooding the lower areas of the site. In fact the new drainage runs are likely to bring the water that would be normally soil bound quicker to the lower part of the site. No calculations have been provided to show that the combination of new drains, swales and the French drain proposed will be fit for purpose to deal with the likely surface water run-off. This is of great concern to the residents of Woodcote Avenue.

8.4 Clause 7.2.3 states that there will be a drainage system laid under the new sports pitch. The drawings do not show this. Where will this drainage be taken to discharge? In fact this will exacerbate the problem of potential flooding as it will bring water quicker to the lower part of the site which would otherwise be percolating through the ground.

8.5 Clause 7.6: Groundwater Protection: The document states that “a clay capping layer or geotextile membrane [is added] to prevent the introduction of any pollutants to the groundwater.” This may be good practice but will increase the water run-off rather than percolation through the soil as exists at present. With the steep slopes of the new landfill this will increase site run-off and the risk of potential flooding.

9.0 Contradictions in the Application:

There are contradictions in the information provided for this application that need to be resolved:

9.1 Pathways: the various drawings show different routes for paths and one drawing actually shows a pathway linking with Woodcote Avenue (Flood Risk Assessment & DRAINAGE STRATEGY Fig 6.2 page 11). The Society suggests that this would be a poor solution as school traffic would be generated in Woodcote Avenue to avoid The Ridgeway congestion, and that this would be most inconvenient to the local residents. The aerial views and photomontage are unclear on this issue.

9.2 The aerial view of the site (18_1518_FUL-ARIEL_VIEW_OF_PROPOSALS-4017759.pdf) does not match the landscape plan by Jon Etchells (JEC/383/100 dated April 2015). Comparison between the drawings also highlights that the pitch has not been moved as far west as possible (not even in the same place on both drawings), that footpaths are not shown in the same place, and that some areas of planting are shown retained where other parts of the submission show them stripped out. Fewer trees are shown on the aerial view than the landscape plan. These variations need to be addressed.

9.3 It is not clear from the drawings which trees and hedgerows will be lost, or how these are to be replaced. We presume that if planning is granted, which we hope it is not, a condition will be included to ensure that there is at least equivalent replacement planting throughout the site although that will be a poor substitute.

9.4 Whilst the drainage plans are supposed to have been approved they do show such elements as ‘suspected French drain’ and ‘unconfirmed culvert’ (page 32 of the FRA & Drainage Strategy) and the text talks of a ‘sink-hole’ (page 5) that we believe to be a collapsed drain and of the 400 mm drain running northward (page 6) the report states... “It was not possible to trace the extent and alignment of this culvert or to confirm its condition” – but somehow its size was not in question. We suggest that such vagaries need to be resolved.

9.5 We draw attention to documents included in the Flood Risk Assessment & Drainage Strategy from the Environment Agency included as evidence in the application. These documents are dated 20 June 2012 and 5 July 2012 and do not seem to be site specific. Furthermore the date seems to be well before the previous or current applications were made and we challenge their relevance. Clauses 5.2, 5.3, 7.2.1 and 7.6 seem most relevant to this observation.

9.6 Whilst the applicant claims the need to be a Forest School the Planning, Design & Access Statement sets out how the already school operates in this area noting various aspects of this in clauses 2.8, 2.9, 2.10, 2.11 and 2.12. Clause 2.20 states the school already uses teachers trained in Forest school techniques. Clause 2.7 states ..."In recent years they have established a 40-tree quince and apple orchard, a large poly-tunnel for growing produce and they also keep chickens."

The teachers report talks of fixing bat boxes and investigating animals in their wild habitat – all of which may be accomplished without the need for a destructive landfill project.

9.7 The Teachers Report (December 2017) attached to the Planning, Design & Access Statement discusses on page 23, 2nd paragraph, the creation of a farmers' market. There are no other details given in this respect, but if such a retail operation to be undertaken details need to be given as this will affect parking and disruption to residents outside the function of a normal school.

9.8 The Ecological Assessment Report talks of "Additional lighting on the site post-development" (clause 4.1.4 and again 4.1.8) but there is no other explanation given. Previously floodlighting has been talked about to the new sports pitch which would make it more conspicuous and troublesome to local residents with extended use. This matter needs clarifying. In the same section the report states "It was considered that fencing of the site post-development" (clause 4.2.4) but there is no other explanation given. Previously fencing the sports field has been talked about to avoid balls running away down the slopes, but no details have been given. This would make the pitch area more obtrusive in the landscape. This matter also needs clarifying.

10.0 Conclusion:

Should this application go ahead it would destroy an unspoilt piece of land that is home to badgers, deer, foxes, owls and many other animals and invertebrates, put houses in Woodcote Avenue at great risk of flooding due to inadequate drainage in the proposed scheme, spoil the natural landscape creating an awful blight on the whole of the valley known as Drivers Hill Nature Reserve and encourage further destruction of the Green Belt within Mill Hill. Moreover, the resulting huge number of truck movements on The Ridgeway, in the Conversation Area, will greatly exacerbate the traffic congestion that already blights the area, especially with the start of work to the NIMR.

The change to the levels of the land and associated development work would be as much out of character with the natural setting of the site this time as it was under the previous application. The landfill works would erode the landscape character of the area to an unacceptable degree contrary to local and national planning policies. The Three Strands Approach adopted by the Council in planning matters has the primary protection objective of "Protection of the Green Belt".

For these reasons we believe this application should be refused.

Yours sincerely

John Living

John Living

Chair: On behalf of the Committee of Mill Hill Preservation Society