

**PLANNING COMMITTEE DATE: 5<sup>th</sup> July 2023 – Item 4**

**APPLICATION NO: F/YR21/0981/F**

**SITE LOCATION: Land North of Wenny Estate, Chatteris**

**UPDATE**

Further consultation comments from Wildlife Trust, the CPRE, and Cambridgeshire Fire Authority have been received.

**Consultee Comment – Wildlife Trust**

*Based on the correspondence and observations from Mr Weetman (see further below in this update), I would therefore like the following to be noted by the planning committee.*

*“The Wildlife Trust would like to express in the strongest possible terms our concerns regarding the committee report and the apparent failure of Fenland DC to seek to resolve the dispute regarding the biodiversity losses that would result from approval of this application. I have previously pointed out the inadequacies of the applicants Biodiversity Net Gain assessment and the proposed off-site mitigation. At no point has the Wildlife Trust been invited to a round table meeting or site visit with the applicant’s ecologist to review the submission and our comments. If such a meeting had of taken place, I would have been able to explain our comments to both the applicant and the Fenland DC ecological advisor and demonstrate why our assessment is correct in terms of the Defra Biodiversity Metric, Natural England guidance and interpretation of the UK Habitats Classification. A 32% net loss in biodiversity from this development is unacceptable and clearly contrary to Fenland DC planning policies.*

*Wenny Meadows has significantly more value as natural greenspace to contribute to the sustainable growth of Chatteris, than it does as another bland edge of town housing development. It is the only piece of non-arable historic countryside and the most biodiverse area of countryside immediately adjacent to the town that could act as a green lung for current and future residents. Once lost it cannot be replaced.*

*This current application should therefore be REFUSED and it is also our contention that it should have been recommended for refusal. We therefore would support Mr Weetman’s call for the application to be called in by the Secretary of State. We do not do this lightly, but we would also be minded to explore legal action as well as reporting of Fenland DC to the relevant ombudsman for the process followed. To approve an application at planning committee shortly before publication of a revised Local Plan in which the previous allocation might be removed raises serious concerns regarding the process that has been followed.*

***The Wildlife Trust therefore urges Fenland DC to postpone the planning committee until the new Local Plan has been published and / or the proper efforts to resolve the biodiversity loss dispute have been taken.”***

## **Consultee Comment – CPRE**

*CPRE Cambridgeshire & Peterborough wishes to make it absolutely clear that it continues to maintain its strong objection to this application for all the reasons given in our letter dated 19 October 2021, a copy of which is enclosed in case you may not have read it. We also have the following additional comments.*

### **1. Timing in relation to Emerging Local Plan**

*According to the council's website area 'Emerging Local Plan', and the document there entitled "'Live' Timetable for Production of the Fenland Local Plan (July 2023)" the new Fenland Local Plan was due to be published in January 2023 and submitted to the Secretary of State in April 2023. Clearly, that timetable has slipped but, publication appears to be imminent. CPRE considers it totally unacceptable that this application, the site of which was listed for exclusion in the consultations concerning the Emerging Local Plan and which has been requested by the population of Chatteris, supported by a parish poll, to become a designated Local Green Space, should be going forward now, in advance of the publication of the new Local Plan. CPRE believes that any decision about this application now could place the council and its councillors at legal risk. It therefore advises that consideration of this application should be deferred until the new Local Plan has been published.*

### **2. Greenspace**

*In our letter of October 2021, we pointed out the proven importance of access to local green spaces to health and well-being, both physical and mental. Since that letter was written, a detailed national study reported by CPRE in the document "Local Green Space - a tool for people and nature's wellbeing", published in February 2022, has reinforced the points made in our letter. A copy of that report is enclosed. In June 2022, in a parish poll 996 people out of 1,085 who voted were in favour of designating Wenny Meadow a Local Green Space. Until the new Local Plan is published, it will not be known if the council has listened to its council taxpayers. If it has, then the passage of this application would be somewhat embarrassing. If it has not, local people will have the opportunity to express their views again at the Public Inquiry into the soundness of the new Local Plan. In either case, deferral of any consideration of this application now would seem the wisest choice.*

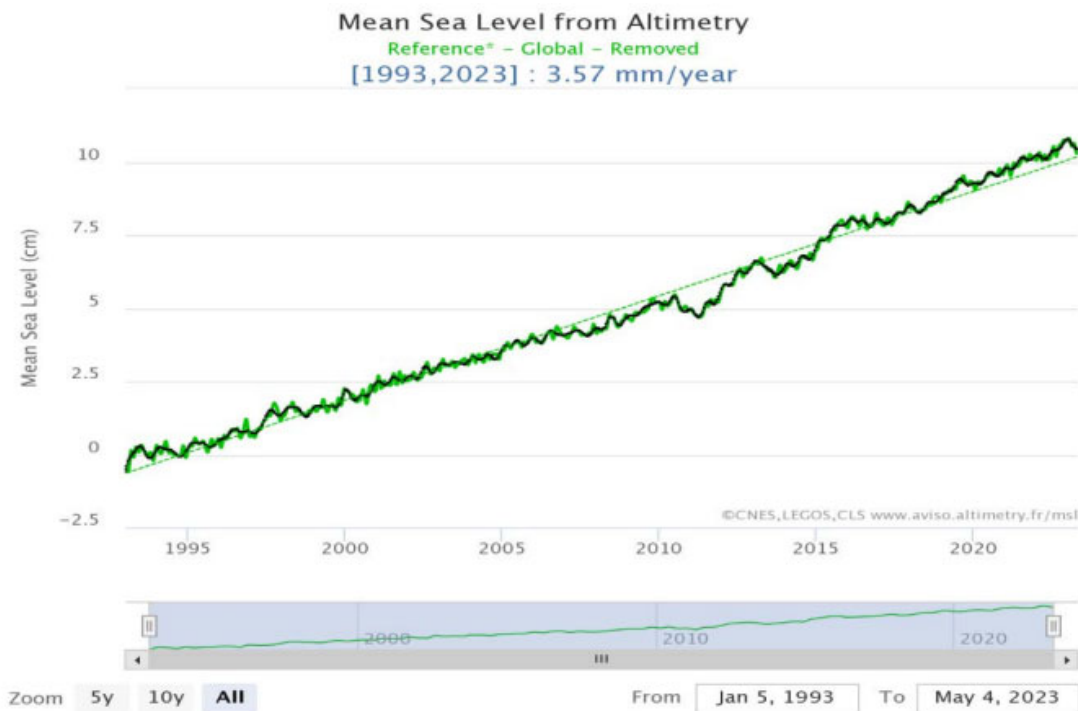
### **3. Ecology**

*CPRE notes and fully supports the most recent comments of the BCN Wildlife Trust. The DEFRA approach of justifying planning applications by seeking to calculate that they will be more biodiverse than the green spaces concreted over, is not one supported by CPRE. We would rather see the green spaces improved and made more biodiverse. However, it is quite clear that the statement by the Wildlife Trust that "a 32% net loss in biodiversity from this development is unacceptable and clearly contrary to Fenland DC planning policies" must be properly considered and investigated. We therefore agree with the Wildlife Trust that if this application is not REFUSED, its consideration in advance of the publication of the new Local plan should be deferred.*

### **4. Effect upon Surface Water**

*In our letter of 19 Oct 2021, we noted that in their letter of 27 Sept 2021 Cambridgeshire County Council as the Lead Local Flood Authority objected to this*

proposal and advised that Nightlayers Internal Drainage Board should be consulted in respect of the effects of run-off into the IDB system. Although there has been further correspondence with the County Council, during which they replaced their objection with a number of Conditions, we can find no evidence that the Nightlayers Internal Drainage Board has been consulted as advised by the County Council. We would point out that Internal Drainage Boards and the Environment Agency are facing a remorseless increase in the difficulty of flood prevention right across the Fens due to climate change. The annual rate of increase of sea level has itself now risen from 3mm per annum in 2014 to 3.57mm per annum in 2023. See graph below produced from satellite monitoring by Aviso Altimetry.



Furthermore, the risk of glacial melt and collapse in Greenland and in Antarctica respectively is also increasing and could lead to sudden increases in sea level rise of 3 – 4 metres. (We can provide publications by the British Antarctic Survey and others if requested.) We therefore consider it essential that the IDB and their expert engineers are consulted about the run-off from this application which could only add to their burden.

### Conclusions

CPRE considers it totally unacceptable that this application should be considered in advance of the imminent publication of the new Local Plan. CPRE considers that the case for designation of Wenny Meadow as a Local Green Space has increased and that hopefully this designation will be made in the new Local Plan. CPRE agrees with the BCN Wildlife Trust that “a 32% net loss in biodiversity from this development is unacceptable and clearly contrary to Fenland DC planning policies”. CPRE considers that the Nightlayers Internal Drainage Board must be consulted before this application is considered by the council. These conclusions are in addition to those made in our letter of 19 October 2021 in which we requested refusal of this application. That remains our position. However, at the very least, given progress with the new Local Plan, CPRE considers that decision about this application should be deferred. Please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for

*your consideration, as we are not a decision maker or statutory consultee, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.*

### **Consultee Comment – Cambridgeshire Fire Authority**

*With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.*

*The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:*

*Water & Planning Manager, Community Fire Safety Group, Hinchbrooke Cottage, Brampton Road, Huntingdon, Cambs PE29 2NA*

*Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.*

*The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.*

*Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.*

*If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.*

*I trust you feel this is reasonable and apply our request to any consent given. Should you require any further information or assistance I will be pleased to advise.*

### **Further representation received.**

Further representation received from resident (available in full on the Councils website). A summary of the objection and request to the Planning Inspectorate to call the application in is set out and summarised below:

Correspondence from Mr Weetman dated 26<sup>th</sup> June 2023.

*I have seen that the [Wenny Meadow report](#) has been published ahead of the planning committee meeting scheduled for 5th July.*

***I am concerned about some serious deficiencies in the ASSESSMENT section, particularly relating to Biodiversity and Ecology (paras 10.102 - 10.115).***

*I believe that these deficiencies are significant enough that the assessment is not sound. This is due to a failure to pay due consideration to statutory consultation responses and all material considerations. I would like the council to be in no doubt*

that should a decision be made based upon the assessment as it stands then we shall seek a judicial review of the decision for the following reasons:

**1. Failure to provide adequate weight to The Wildlife Trust response, and unresolved biodiversity metric disputes**

*The report notes (in para 10.113) that "The construction of this application will result in real terms loss of onsite biodiversity, the exact scale of this loss is debated however it can be confirmed that there will be a net negative impact on biodiversity."*

*Despite saying that there is a "net negative impact" on Biodiversity in 10.113, just one paragraph later (10.114) the report says that "The combined on-site and off-site interventions will result in a net gain of 2.75 biodiversity habitat units; representing a 5.80% gain overall."*

***There is a significant discrepancy between the position of the applicant's own ecologist and the ecologist at The Wildlife Trust.*** *The Wildlife Trust described the applicant's report as "unacceptable" and "based on a woefully inaccurate assessment of the baseline conditions at Wenny". They went on to say: "The Wildlife Trust showed that the measured biodiversity habitat losses from the proposed application were 21.97 Biodiversity Units (BU) a net loss of 32.19%. This is significantly more than the 9.14 BU (19.28%) stated by the applicant. As such, even if Fenland DC was to accept the principle of biodiversity offsetting being acceptable in this case, the offsetting proposals at Gaul Road remain insufficient and still represent a significant net loss of 10.2 BU (or 12.9%). The Gaul Road proposal is therefore insufficient to demonstrate a measurable net gain in biodiversity."*

*I repeatedly asked FDC to try and resolve this, so that FDC did not end up in the situation it now finds itself in. In an email sent on 14th January, I noted that "There is still an outstanding professional disagreement between the applicant's ecologist and the ecologist at The Wildlife Trust with respect to baseline habitat assessments".*

*On February 23rd, I was provided with copies of emails to/from the wildlife officer in relation to the Wenny Meadow development under the Environmental Information Regulations (EIR request number 9052).*

*Those emails include an email from the wildlife officer to the applicant's ecologist, sent on 8th December 2022. In that email the wildlife officer appears to offer his justification for not taking sides in resolving this professional dispute between the applicant's ecologist and the ecologist at The Wildlife Trust.*

*The wildlife officer wrote: "Fundamentally, there is a disagreement with the overall classification of the grassland within the Biodiversity Metric, which is the source of this disagreement. You are correct that your client is not required to reach 10% net gain and that no net loss is a policy and not a legislative requirement, as such all that is required is that it is demonstrated that the biodiversity mitigation hierarchy has been followed. This means that while net gain is not an absolute requirement demonstrating that the development is as close as possible to no net loss is*

**required. As the Wildlife Trust is a statutory consultee in this case their comments hold the same weight as my own and as such their comments will need to be responded to directly." (my emphasis)**

*The officer's justification for not intervening was that The Wildlife Trust's comments would be afforded "the same weight" as his, and therefore it was not necessary to resolve this dispute as these issues would be given weight later.*

***This has not happened.*** In paragraph 10.108, the report says: "The Wildlife Trust and the Campaign to Protect Rural England have been consulted as part of this application and they have raised objections to the proposal. However, Fenland's Wildlife Officer has also been consulted and not raised an objection to the proposals subject to a range of conditions. Natural England have also not raised an objection."

*This appears to justify ignoring the concerns of The Wildlife Trust because the wildlife officer did not incorporate them into their decision, but the email I have obtained demonstrates that the concerns were only not incorporated into the wildlife officer's decision because he believed they would be considered during the determination of the report. **This cyclical dependency between the wildlife officer and the planning officer assumes that the other will take the concerns of The Wildlife Trust into account but, in practice, neither has.***

## **2. Failure to consider all relevant local plan policies when making a decision.**

*The ASSESSMENT of the Biodiversity and Ecology issues only lists one Local Plan policy as relevant to this topic.*

*Para 10.107 states that "The biodiversity policy relevant to this proposal is policy LP19 'The Natural Environment' of the Fenland Local Plan". The proposals are then assessed in accordance with this policy, which mostly focuses on overall biodiversity net gains overall and includes a number of caveats and "escape" clauses (e.g, "unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm").*

*This section of the report fails to mention or address LP7(i), which contains stronger biodiversity and ecology provisions in relation to the urban extensions created under policy LP7 - Urban Extensions.*

*LP7 is clear that LP7(i) is "In addition to the other policies of this Local Plan (such as, in particular, Policies LP16-19 on Environment Quality)" and says that "the Council will seek the following, unless demonstrably inappropriate or unviable to do so".*

*LP7(i) then specifically says that the council will "Protect and, where possible, enhance any features of biodiversity value on the site or which are off-site but might be affected by the proposed development".*

*The placement of "where possible" after "and," suggests that "Protect" is the minimum expectation, regardless of whether it is "possible" or not and refers to*

*protecting "any features of biodiversity value on the site or which are off-site but might be affected by the proposal".*

*This focus on the protection of on-site biodiversity is very deliberately worded, and clearly intends to indicate that off-site mitigations should not be acceptable as far as urban extensions under policy LP7 are concerned.*

*Regardless of which ecologist you pay attention to, the numbers here are stark. The applicant's own ecologist says that the on-site losses are 19.28% of biodiversity units under the metric, while the Wildlife Trust has calculated these losses to be 32.19% of existing biodiversity units. This is a significant loss of on-site biodiversity, which should be protected under LP7(i).*

*The assessment makes no reference to LP7(i) when assessing the Biodiversity and Ecology issues, despite LP7(i) clearly being intended to provide stronger protections than policy LP16 which the assessment was made against.*

***3. The assessment depends upon the mitigation site being maintained for 30 years, but this commitment does not form part of the applicant's plans and is not captured in the list of legal agreements that will be needed after the application is determined***

*Paragraph 11.9 of the report, in the conclusion, states: "The proposal would result in a loss of onsite biodiversity. The character of the loss is such that it does not justify the refusal of the application. The loss is being made good and biodiversity net gains are to be delivered off site on a site to be managed for 30 years."*

*The "30 years" referred to is a recommendation from the applicant's ecologist, who writes in the Biodiversity Enhancement and Management Plan (BEMP, para 5.2): "To deliver ongoing habitat compensation and biodiversity net gain, these habitats should be maintained under a legal management agreement for a period of at least 30 years."*

*However, **the BEMP does not actually say that management will take place for 30 years.** Para 5.1 of the same document says: "The management plan for the ecological enhancements will cover the first five years following completion of the proposed development."*

*The Wildlife Trust did call this out in November 2022, when they said: "there is no detail about who will have the legal responsibility for management of the Gaul Road site for at least 30 years or whether they will have the skills and equipment to do so. An isolated field for biodiversity offsetting will rarely be a good option, as securing the required management to deliver the quality of habitats expected will be more challenging and costly, and as such runs an increased risk of failure."*

*The Wildlife Trust also reiterated this in December 2022, when they said: "If this were to proceed, it will be important to tie the management into management of the proposed adjacent Country Park, to give the greatest chance of continuing*

*management over a minimum period of 30 years".*

*This 30 year requirement was not included in the conditions proposed by the wildlife officer and the report does not highlight the need for the 30 year maintenance requirement to be included in legal agreements post-application, **so it cannot be relied upon in para 11.9 of the conclusions.***

#### **4. Inaccurate representation of Natural England's position**

*The report states, in paragraph 10.108, that Natural England "have also not raised an objection". This is the only mention of Natural England in the ASSESSMENT section.*

*Although Natural England said it "has no objection **in principle** to the proposed development" (my emphasis), it did raise a number of concerns which it reiterated "applies equally" to the revised application (as late as November 2022).*

*Natural England said that notwithstanding their lack of objection in principle "we fully support the concerns raised by the Wildlife Trust and local authority ecologists regarding the adverse impact of the proposed - 38 - scheme on species-rich semi-improved grassland habitat which will result in a biodiversity net loss".*

*Natural England went on to say: "Whilst the site is allocated for development in the adopted Fenland Local Plan **the current proposed scheme appears contrary to national planning policy guidance to protect existing open space and to minimise impacts** and provide measurable net gains for biodiversity, as set out in paragraphs 99 and 174 of the National Planning Policy Framework (NPPF). The protection and enhancement of existing greenspace is particularly important within Fenland district where there is a significant deficit in accessible semi\_natural greenspace." (my emphasis)*

*These comments do not appear to have been taken into account at all during the assessment.*

#### **Requesting the application be called-in**

*I am writing to the Secretary of State to ask that they consider "calling in" this application.*

*I am aware that very few applications are called-in in practice. I know that only a handful are called-in each year, and that this only happens for matters of "national importance".*

*Later this year, the government will likely enact legislation that will require all developments to provide a 10% biodiversity net gain. The biodiversity net gain will be measured using the "biodiversity metric", which is the calculation under dispute*



*between the applicant's ecologist and the ecologist from The Wildlife Trust in this application.*

*It is clear that such a legal requirement cannot be based upon figures that are disputed, especially if there is no mechanism to resolve this dispute - as in this case here. It clearly isn't acceptable for there to be one ecologist claiming a loss of 19.28% and another claiming a loss of 32.19%, with no understanding of how to assess the true figure.*

*Therefore, I think this application is a vital case study in the development of this nationally important policy and that the Secretary of State should help find a way forward.*

*I ask that the council defers a decision on this application until the SoS has had an opportunity to decide whether or not to call it in.*

*I am copying this email to Cllr Boden (leader of the council), Cllr Marks (my local councillor, who sits on the planning committee), The Wildlife Trust, Alan James (chair of the local CPRE group), and Ian Mason (chair of the Friends of Wenny Road Meadow).*

Email by Mr Weetman dated the 27<sup>th</sup> June 2023 requesting a 'call in':

*I would like to request that you consider calling-in the planning application [F/YR21/0981/F](#) from Fenland District Council. This application is due to be determined on 5th July, and the [officer's report](#) was published on Monday 26th June. The officer recommendation is to GRANT permission.*

*I am aware that very few planning applications are called-in, and that only applications that are of national importance or concerning issues of national importance are ever called-in by the Secretary of State.*

**Reason for call-in request:**

*The application involves an unresolved dispute between the applicant's own ecologist and an ecologist from The Wildlife Trust. This dispute relates to the Biodiversity Net Gain calculations arising from a difference of opinion over the baseline habitat assessments made for the site, which means that the biodiversity metric tool reports significantly different on-site biodiversity losses (19.28% according to the applicant's ecologist, and 32.19% according to The Wildlife Trust's ecologist).*

*The council's wildlife officer has not made an explicit determination about which figure is "correct". The council's wildlife officer did, however, accompany The Wildlife Trust's ecologist on a visit to the site in April 2022 and did not dispute any of the findings of that ecologist.*

*In an email to the applicant's ecologist on 8th December 2022, obtained under the Environmental Information Regulations (EIR), the council's wildlife officer appears to*

*imply that he does not need to make a decision about the correct figure as The Wildlife Trust's comments will take "the same weight" as his comments during the assessment of the application, but this did not happen. Instead, during the assessment of the application, the planning officer's report simply dismisses the concerns of The Wildlife Trust's ecologist on the basis that the council's wildlife officer does not raise concerns.*

***This situation has arisen where there is no legally-mandated BNG requirement, but it is clear that this situation must not be allowed to arise when the 10% BNG requirement is introduced in November 2023.***

*The entire mandatory BNG requirement will be undermined if there is no dispute resolution mechanism between an applicant's ecologist and a third party ecologist. Given that third parties such as The Wildlife Trust and others will seek to carry out their own assessments of sites, as has happened here, it is likely that such disputes will arise frequently once the mandatory BNG legislation has been enacted.*

*The government has so far published no guidance for local authorities on how to resolve complaints such as this when the mandatory BNG scheme comes into force in November 2023.*

*In the [government's consultation response](#) about the mandatory scheme, answers to Question 34 highlighted similar potential issues. It says that respondents said there was a role for the government in "Acting as a mediator if disagreements arise with developers and local authorities" and that "Many respondents who did not support the proposal stated that this was because they think central government needs to take a lead role and establish a clear framework."*

*I note that page 17 of the [commons library report on calling-in applications](#) gives an example of where call-in powers have been used to "enable the government to assess the implementation" of a policy and to "enable [the SoS] to illustrate how he would like his policy to apply in practice".*

*Calling-in this application would allow the SoS to review the issues involved, consider how and why the applicant's ecologist and the Wildlife Trust ecologist reached such different calculations using an apparently identical assessment methodology, and consider whether there needs to be more guidance and/or support for local authorities where a dispute about the BNG metric calculation itself has arisen. This would allow a smoother implementation of the mandatory BNG regime to take place in November 2023.*

Note that a presentation to Committee will also be provided by Mr Weetman.

**Further representation received.**

Further representation received from a resident (available in full on the Councils

website). A summary of the objection is set out and summarised below:

Correspondence from Mr Mason dated 27<sup>th</sup> June 2023.

*This is a blatant attempt to sneak through an application that has been robustly challenged and so far the applicant has provided no evidence to support why this application should be allowed against the legislative criteria on Biodiversity Net Gain. Because no evidence has been submitted it is surely impossible for the new planning officer to grant any support to the application, reversing the previous officer's advice.*

#### **Further representation received.**

Further representation received from a resident (available in full on the Councils website). A summary of the objection is set out and summarised below:

Correspondence from Ms. Corbyn dated 30<sup>th</sup> June 2023.

*I object to the granting of planning permission for ANY additional dwellings being built in connection with the above reference number*

*Chatteris infrastructure cannot cope with any further houses / people*

*the schools are full*

*the GP practice is overwhelmed*

*the roads are falling apart*

*NO NO NO*

#### **Further representation received.**

Further representation received from a resident (available in full on the Councils website). A summary of the objection is set out and summarised below:

Correspondence from Ms Merry dated 30<sup>th</sup> June 2023.

*This land SHOULD NOT be built on as it's what chatteris need NOT more houses as the infrastructure can not cope. We already struggle to see a doctor. The developers have already said they can't afford all the fees to the police and ambulance and the people of chatteris will have to pay towards it and the people of chatteris don't want the house. We had a vote and objections to it won but as per normal that didn't suit with the local council so they didn't listen and it seems fenland hasn't listened aswell so I'm hoping you will do the right thing and NOT LET WENNY MEADOW GET BUILT ON.*

#### **Further officer comments and updates**

At the bottom of page 74, it explains that given the very early stage which the

emerging Local Plan is, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this unadopted plan should carry extremely limited weight in decision making. Nevertheless, this development has been considered against relevant policies of the emerging Local Plan. Page 75 references that the application site does not form part of any draft allocation. Nevertheless, this application was submitted in 2021 and has had a BCP approved prior to its submission. The site not forming part of the new draft allocation would not preclude it coming forward for residential development.

Paragraph 10.115 states that *'While all statutory and legal obligations of the applicant are satisfied and the applicant has demonstrated that as much biodiversity loss as possible has been mitigated for, overall the proposal will result in a net loss of biodiversity. As such, Fenland's Wildlife Officer has stated that an objection to the loss of biodiversity could be considered appropriate if the loss is considered not in the best interest of the FDC area. However, as the scheme is considered to deliver wider public benefits such as the creation of new public open space and it will bring forward this currently allocated site, an obligation to secure offsite biodiversity enhancements is recommended. At the moment, limited weight is being given to the Council's emerging Local Plan and policies LP24 and LP25. The latter would require a 10% improvement in biodiversity.'*

Specific reference in this part of the report to policy LP7(i) is not considered necessary. The proposal has been considered against policy LP7 as an urban extension to Chatteris. However, for the benefit of clarity, it is considered important to add a specific stipulation in the S106/Obligations section of the committee report to make clear that a minimum 30 years of management/maintenance of the offsite biodiversity enhancements is required to satisfy adopted policy.

Despite a Financial Viability Assessment confirming that the scheme is unviable to provide greater than 10% affordable housing or any financial contribution towards community infrastructure, the Applicant has offered an additional 2 houses as affordable bringing the total amount of affordable housing to 12%. The Applicant has also decided to offer a £28,000 financial contribution towards community infrastructure to be spent at Fenland DC's discretion. These provide further public benefits for the scheme that would otherwise not be secured as the FVA demonstrates that the development would be unviable to do so. The Applicant is satisfied to make this offer in order to bring forward this allocated site.