

Drainage :

Statement of Common Ground

**Town and Country Planning Act 1990
Appeal under Section 78(1)(a) by Bloor Homes and Sandleford
Farm Partnership**

Appeal Reference: APP/W0340/W/20/3265460

LPA Reference: 20/01238/OUTMAJ

Appellant Name: BLOOR HOMES LTD

Site: Sandleford Park, Newbury

Proposal: Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure work. Matters to be considered: Access.

SIGNED

JON BOWDEN
WEST BERKSHIRE COUNCIL
(ON BEHALF OF THE LPA)

SIGNED

LEE WITTS
BROOKBANKS
(ON BEHALF OF THE APPELLANTS)

1. INTRODUCTION

- 1.1 The Local Planning Authority (West Berkshire Council) (“the Council”) and the Appellants (Brookbanks on behalf of Bloor Homes Limited) have jointly prepared the following Drainage Statement of Common Ground (“Drainage SOCG”).
- 1.2 It relates to an Appeal under Section 78 of the Town and Country Planning Act 1990 lodged by LRM Planning on behalf of Bloor Homes Ltd following West Berkshire Council’s decision to refuse outline planning permission for.
- 1.3 This Statement of Common Ground is supplementary to the main Statement of Common Ground.

2. MATTERS OF AGREEMENT AND IN DISPUTE

Matters of Agreement

- 2.1 A Flood Risk Assessment (FRA) was submitted with the Outline Application at Appendix K1 of the Environmental Statement, Volume 3;
- 2.2 A modified FRA was submitted by the Appellants as part of the Wheatcroft Consultation;
- 2.3 All development areas are in areas at low risk of flooding;
- 2.4 All of the SuDS measures where detail on type and location has been submitted are shown to be in areas at low risk of flooding;
- 2.5 In respect of the Appeal Proposal, Reason for Refusal reason 13. part i) "*the interrelationship of surface water runoff between the application site and the remainder of the Sandleford Strategic Site Allocation*", is no longer of material concern following consideration of the Brookbanks SSSA plan 10309-DR-01 rev.G and as such, it is not being pursued by the Council at this Appeal and has been withdrawn;
- 2.6 Further to the Wheatcroft Consultation FRA, the basins do not have vertical sides as implied by the information shown in the blue boxes on drawing 10309-DR-02 in Appx K1 of ES Vol.3, the original FRA submission. As shown on 10309-DR-02 A within the Wheatcroft Consultation FRA, the basins will have sides at 1 in 3;
- 2.7 Various additional SuDS site control options showing alternative layouts for the conveyance channels and detention or attenuation basins were submitted by the Appellants on 7th April 2021;
- 2.8 The natural valleys from Barn Copse running between Dirty Ground Copse & Slockett's Copse and High Wood Copse to the River Enborne, and from Crook's Copse running between Slockett's Copse & High Wood Copse to join the above valley within the proposed country park area are wet valleys;
- 2.9 The proposed SuDS should not allow the 'drawing off' of groundwater into them;
- 2.10 Polluted run-off should not be allowed to flow into the Copse areas.

Matters in Dispute

- 2.11 The Council's position is that the groundwater investigation was carried out from 9th - 15th September 2014 at what is normally the driest time of year and when groundwater levels are at their lowest in relation to ground level. All ground investigation was carried out in areas of the site where new development is proposed, not where the SuDS conveyance channels and basins are to be located. The groundwater information is therefore unreliable and is not representative of where SuDS are to be located in the refused schemes, or later proposed alternatives, and where harm will occur.
- 2.12 The proposed SuDS – namely conveyance channels and basins – are all 'site control' features. No 'source control' measures have been shown on drainage strategy plans 10309-DR-01, DR-02, DR-03 or DR-04 (various revision numbers). The only information relating to source control features are the so-called "*toolbox*" of measures as referred to at paras 1.68 and 1.70 of the Rebuttal Statement APP/36 when referring back to the FRA. The Council's position is that this is unacceptable because "... *all development will manage surface water runoff as close to the source as possible...*" (SuDS SPD : "Our Vision"); and basic SuDS principles stated in the SuDS Manual C753 at p28, p70, p86 Box 4.3 and p88 para 4.3.2 for example.
- 2.13 The SuDS measures indicated on the Drainage Strategy are all located within the wet valleys between the various areas of Copse designated as Ancient Woodland (AW), with the possible exception of Basin A identified on drawings 10309-DR-02 and DR-02 A (but not part of the feeder channel). The Council's position is that there is a requirement for a minimum 15m buffer zone surrounding these AWs where SuDS should not be located. Hence there is insufficient room to accommodate the proposed SuDS through the valleys. This is exacerbated by the 8m buffers to the existing streams through the valleys. The alternative drainage strategy at Option 1 on drawing 10309-DR-04 A shows a new conveyance channel through Slockett's Copse West (the additional area to the west of the main Slockett's Copse) with the direct loss of AW in this area. This is not acceptable
- 2.14 The original SuDS layouts shown on drawings 10309-DR-02, DR-02 A and DR-03 A show Basin C and its outfall into the stream being located very close to the northern extension of Waterleaze Copse and ancient tree T166. This is not acceptable;

- 2.15 All of the alternative drainage strategies shown on drawings 10309-DR-03 A and DR-04 A also impact on the purple moor grass and rush pastures HPI (Habitat of Principle Importance). This is not acceptable;
- 2.16 The Council's position is that the SuDS measures indicated on the Drainage Strategy located between the various areas of AW will draw off groundwater to the detriment of the hydrology in and around the AWs. The alternative proposals such as lining of the SuDS or bunds will restrict the capacity to develop into biodiverse habitats or adversely affect the landscape of the valleys respectively. Neither option is acceptable;
- 2.17 The stone filled trench, effectively a French drain, shown below the swale (Conveyance Channel) in the "*Example Design of a 3m Swale*" detail on drawing 10309-DR-03 A (submitted on 7th April 2021) is not acceptable due to the adverse impact it will have on drawing off groundwater to the detriment of the hydrology in and around the AWs;
- 2.18 The damage caused to the site through excavation of SuDS will be significant as it will all be carried out by heavy plant on existing marshy ground. This will lead to substantial churning up of the ground when excavating and removing spoil disturbing existing flora that will take a significant time to recover. Additional construction to line the SuDS and/or create bunds, as per the suggested alternative SuDS profiles, will exacerbate even more the damage caused from construction;
- 2.19 The serpentine Crook's Copse Link shown on drawing VD17562-SK021 in Appx. 4 of the Section 78 Appeal : SoC, crossing the valley between Crook's and Highwood/Slockett's will affect adversely hydrology in this valley; the link road will effectively block the natural flow of water through the upper ground layer down through this valley permanently causing detriment to the marshy or boggy areas to the south of this crossing;
- 2.20 The Council's position is that construction of the Valley Crossing will cause significant harm to the hydrology and ecology of this valley and surrounding area during the work. There will be some residual harm upon completion when in use;
- 2.21 There are inconsistencies in evidence over the form the SuDS will take. Mainly dry channels and basins are stated in para 5.35 of the Appellants' Drainage PoE APP/16, whereas para. 10.30 of Mr Cooper's Landscape PoE APP/4 states these will be wet or semi-wet areas;

- 2.22 The Council's position is that there will be harmful reduction in infiltration from development areas affecting the AWs. Paragraph 1.13 of Mr Witts' Rebuttal APP/36 refers to a 18.9% reduction of surface water [rainfall] into the ground whereas at para 3.1.8 of Mr West's Proof APP/13, 25.49% is the figure used. These figures are inconsistent, but either figure represents a substantial reduction in potential infiltration that will have a marked effect on groundwater 'downstream' of the developed areas in the AWs and wet valleys;
- 2.23 Natural run-off from adjacent land into the AWs should not be reduced in volume and spread – only polluted run-off should be prevented;
- 2.24 The SuDS proposals do not comply with the Sandleford SPD or the SuDS SPD. Inadequate commitment to 'green SuDS' within the development areas is given, contrary to these Policies.