

Drainage Statement of Common Ground between the Appellant and the West Berkshire Council

Appeal References:

APP/W0340/W/22/3292211

Date of Inquiry:

6 to 8 December 2022, 1 February 2023 and 8 to 10 March 2023

Site Address:

Land at Lawrences Lane
Thatcham
West Berkshire

Description of the Development:

'Change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works'.

Appellants:

Ms C Gumble

Local Planning Authority:

West Berkshire Council

TABLE OF CONTENTS

Section		Page
1.	Introduction	1
2.	Matters not in dispute	4
3.	Matters in dispute.....	8

1. INTRODUCTION

1.1 This Statement of Common Ground is prepared in respect of an appeal (“the Appeal”) by Ms C Gumble (“the Appellant”) against refusal of planning permission by the West Berkshire Council (“the Council”) in respect of the proposed change of use to 7 no. Gypsy/Traveller pitches comprising 7 no. static caravans, 7 no. day rooms, 7 no. touring caravans and associated works’ on Land at Lawrences Lane, Thatcham, West Berkshire (“the Appeal Site”).

1.2 The refusal notice dated 16 August 2021 for application reference 21/02112/FUL cites several reasons for refusal that relate to drainage matters:

The proposed development also fails to comply with the following criteria of Policy TS3 (Detailed Planning Considerations for Travellers Sites):

a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).

c) Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

and

7. Drainage

The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As minor development, a Flood Risk Assessment (FRA) is not required by Policy CS16, and there are no fundamental policy objections to the development on grounds of flood risk.

However, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield runoff rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The application is not accompanied by any drainage strategy to indicate how the development could comply with Policy CS16. Whilst detailed specifications may be reserved for consideration by condition, the key principles of a drainage strategy are required before any planning permission can be granted. The application is contrary to Policy CS16, the Council's adopted Sustainable Drainage SPD, and the National Planning Policy Framework.

- 1.3 The Appellant's drainage witness, Mr Walton of SLR Consulting Limited initially prepared a '*high-level Drainage Statement*' addressing the reason for refusal 7 in May 2022. Subsequently, to address the Council's comments set out at Paragraphs 11.9 to 11.17 of their statement of case, Mr Walton prepared a formal '*Outline Sustainable Drainage Strategy*' (the Strategy) dated November 2022.
- 1.4 The Council's drainage witness, Paul Bacchus, prepared a proof of evidence dated 21 November 2022.
- 1.5 Following the adjournment of the Inquiry on 7th December 2022, Mr Walton prepared an updated version of the Strategy Issue 2 dated December 2022 to reflect the impact of a reduced greenfield runoff rate and an alternative means of providing attenuation storage on the overall strategy. A copy of the updated strategy was provided to Mr Bacchus on 9 December 2022.
- 1.6 Mr Bacchus and Mr Walton discussed Issue 2 of the Strategy on 11 January 2023 and Mr Walton subsequently updated the Strategy to Issue 3 dated January 2023 to address the matters discussed. Issue 3 of the Strategy was submitted to Mr Bacchus on 16 January 2023.

- 1.7 Mr Bacchus subsequently commented on Issue 3 of the Strategy in his email of 18 January 2023. Mr Walton updated the Strategy to Issue 4 dated January 2023 and resubmitted to Mr Bacchus on 20 January 2023.
- 1.8 Mr Bacchus prepared a Technical Note in response to the latest Version of the Drainage Strategy issue 4, which was appended to Mr Grigoropoulos' Update Planning Proof of Evidence dated 25 January 2023, as Appendix I.
- 1.9 Paragraph 4.15 of Mr Grigoropoulos' *'Planning Proof of Evidence - Post-Adjournment Update'* dated 25 January 2023 states that:
- 'the Council no longer intends to pursue as part of this appeal any matters relating to the part of reason (for) refusal 2, which requires surface water management through SuDS [point (c) in respect of policy TS3], and also to the Drainage reason for refusal 7. In this respect I do not consider the proposal to be contrary to Core Strategy policy CS16 and to the Sustainable Drainage SPD.'*
- 1.10 This Statement of Common Ground sets out the areas of agreement and disagreement between the Appellant and the Council in relation to drainage matters.

2. MATTERS NOT IN DISPUTE

- 2.1 In the absence of any other options, the proposed connection to the Thames Water sewer provides a satisfactory outfall for surface water runoff from the Appeal Site. This follows confirmation from Thames Water that there is sufficient capacity in the network to accommodate the proposed rate of runoff from the site. WBC accepts that infiltration is unlikely to work on site due to underlying geology. The proposal to connect into the Thames Water sewer is in accordance with the discharge hierarchy.
- 2.2 A sustainable drainage scheme will be required to limit the runoff from the proposed development to the 'greenfield' runoff rate. The 'greenfield' runoff rate is taken as the runoff from the undeveloped site in response to a 100% (1 in 1) annual exceedance probability (AEP) rainfall event (the 1 in 1 year storm).
- 2.3 Outline details of such a sustainable drainage scheme are provided by the '*Outline Sustainable Drainage Strategy*' Issue 4 dated January 2023.
- 2.4 The greenfield runoff rate has been estimated by Mr Walton to be **0.7ls⁻¹**.
- 2.5 Thames Water in their letter of 13 December 2022 has confirmed that they would have no objection to a surface water discharge of up to 1ls⁻¹ into Thames Water sewer network.
- 2.6 Thames Water has confirmed that their preferred point of connection would be to the surface water sewer in Lawrences Lane. This is shown by Drawing 005 Rev 2.
- 2.7 The proposed foul and surface water connections to the sewers in Acorn Close and Lawrences Lane respectively can be delivered (requisitioned) by Thames Water under Section 98 of The Water Industry Act 1991. Thames Water would be responsible for the design and construction, including the acquisition of appropriate easements or rights over the land in which it will

be laid. After construction they will be responsible for maintaining the sewers or lateral drains as public apparatus.

- 2.8 The Utilities Report commissioned on behalf of the Appellants indicates that there are no services in Acorn Close or Lawrences Lane that are likely to impede or prevent the installation of the foul and surface water connections from the Appeal Site to the Thames Water sewers.
- 2.9 The proposed attenuation pond is an appropriate means of providing at least part of the storage required to attenuate the runoff from the site to the 'greenfield' runoff rate.
- 2.10 It is proposed that the balance of the attenuation storage will be provided by a proprietary drainage 'crate' system installed within each pitch as shown by Drawing 003 Rev 3.
- 2.11 Hard surfacing within the Appeal Site will be provided by a permeable paving system draining through a permeable sub-base to the drainage crates as shown by the detail on Drawing 003 Rev 3.
- 2.12 An 'Urban Creep' allowance of 10% has been included in the analysis that informed the outline drainage design presented in the '*Outline Sustainable Drainage Strategy*' Issue 4 dated January 2023.
- 2.13 It is noted that crossfall across the proposed permeable paving is circa 1 in 10 as shown by Mr Walton's Drawing 003 Rev 3. Whilst paragraph 20.5.1 of the SuDS Manual indicates the impact of the crossfall on infiltration rates into the permeable paving should not be significant, should overland flow develop in response to an extreme storm event, uncontrolled runoff from the Appeal Site will be prevented by the proposed kerb upstand shown by the detail on Drawing 003 Rev 3.
- 2.14 The Council are satisfied that the proposed drainage scheme incorporating permeable paving would manage the quality of surface water runoff in

accordance with the simple index approach outlined in C753 The SuDS Manual.

- 2.15 Common law precedents and statutory provisions have established the general principles that govern land drainage. In summary, individual owners are responsible for the drainage of their own land and for accepting and dealing with the natural catchment flows from adjoining land.
- 2.16 In this case, the Appellants are responsible for accepting and dealing with the natural catchment flows from adjoining land upslope of the Appeal Site to the east as shown by Drawing 002 Rev 1. This land extends to circa 0.72ha.
- 2.17 By the same token, the landowner downslope of the Appeal Site is responsible for dealing with the natural catchment flows from adjoining upslope land, i.e. the Appeal Site, as well as from the land to the east of the Appeal Site.
- 2.18 The Appellants are therefore entitled to pass on to the downstream landowner the flows that arise from the natural catchment upslope of the Appeal Site.
- 2.19 Runoff from those parts of the Appeal Site that are to be developed are to be managed appropriately and discharged to the Thames Water sewer.
- 2.20 The proposed cutoff drain and connection to the existing roadside ditch shown by Drawing 003 Rev 3 provides an appropriate means for the Appellants to 'pass on' the natural catchment flows from upslope of the Appeal Site. However it is acknowledged that further work is required to clear out the ditch and assess its capacity to accommodate runoff. This should be carried out by the appellant.
- 2.21 Based on the '*Outline Sustainable Drainage Strategy*' Issue 4 dated January 2023 prepared by Mr Walton, the Council is satisfied that drainage can be

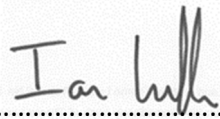
made subject of a condition/s and therefore is able to withdraw its reasons for refusal in respect of drainage matters.

- 2.22 The agreement of suitably worded Conditions that relate to SuDS and foul drainage will form part of the wider discussion of Conditions between the Appellant and the Council.

3. MATTERS IN DISPUTE

- 3.1 There are no matters in dispute. Outstanding issues are capable to be resolved via conditions.

Signed

Handwritten signature of Ian Lull in black ink, appearing to be written on a light-colored background.

.....
(SLR Consulting on behalf of the Appellant)

Signed

Handwritten signature of Paul Buckles in black ink, written in a cursive style.

.....
(on behalf of the West Berkshire Council)