

Sean Tilbury

From: Sean Tilbury
Sent: 31 July 2020 15:45
To: diane bratt
Cc: Councillor Andrew McHugh; Adderbury Parish Council; David Peckford
Subject: RE: Milton Road Project
Attachments: Drainage plan.pdf; Drainage details.pdf; SuDS calcs.pdf; 7777.2.pdf

Dear Diane

Thank you for your detailed response. At no point was I referring to the infiltration basin or any other works for application 19/02796/F but rather the surface water drainage scheme 18/00220/F for the pitches and MUGA (18/00220/F, condition 3). I have attached the three approved documents which enabled condition 3 to be discharged. The drainage plan only shows 1 inlet and no outlets. Both the drainage plan and the drainage details stipulate the diameter of 25 metres which I was referring to and the calculation document stipulates a proposed volume of 150m³. I have not seen the drawing FEDS-220021-002-A and it does not appear to have been approved for the purposes of condition 3.

Your refer to condition 5 for drainage but as I understand it this condition was for archaeological works only. I note that a plan was submitted, drawing no. 7777.2, but this plan seems to be in conflict with the approved drainage scheme and it was not approved for condition 5. The plan is not listed on the decision notice for application 19/00124/DISC which can be viewed on the Planning Register.

I note your comment that without the MUGA the basin does not need to be at full capacity. However, the two pitches cover the significant majority of the total drained area and I would have expected that the majority of the designed capacity would therefore be required. Approximate calculations put the current basin at less than 15% capacity of the approved basin. The Council does appreciate that a basin has been provided as it is an improvement over there being no basin at all. With regards to testing the performance of the basin, this is not something I had envisaged as the basin is required to meet the capacity calculated within the approved FEDS document. If those calculations have changed you can of course apply to vary this condition but the design or capacity of the basin should not be changed without approval.

When the Drainage Engineer initially visited the site in June he did not perceive a greater flood risk but that was prior to the pitch drainage works being completed. His assessment then was solely based on the level changes and vegetation removal. The latest assessment differs as it is in response to the drainage works which he considers to have made a material impact on the way the land drains. I acknowledge your disagreement that there is no greater flood risk downstream and I will forward your reasoning on to the engineer for a response. The flow rate of water is likely to be greater through the unrestricted outlet pipe than it would be infiltrating through the ground.

As before, the alleged increased risk of flooding is not a breach of planning control, however given the concerns of the engineer the Council felt it had a duty to relay those concerns. Thank you for taking them seriously and I hope any potential risks can be resolved and misunderstandings clarified. The Council has at no point corroborated allegations around a breach of planning condition with regards to the drainage because the condition only has to be implemented prior to the completion of the development. Unauthorised development was thought to have occurred with regards to the infiltration pond not being as approved, however the Council made it clear to those concerned that it was a technical breach and it did not consider it expedient to take any action because the basin is mitigating the flood risk, albeit to a lesser extent than the approved basin would.

Kind regards

Sean Tilbury
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From: diane bratt <[REDACTED]>
Sent: 30 July 2020 23:17
To: Sean Tilbury <Sean.Tilbury@cherwell-dc.gov.uk>
Cc: Councillor Andrew McHugh <Andrew.McHugh@Cherwell-DC.gov.uk>; Adderbury Parish Council <adderburypc@hotmail.com>; David Peckford <David.Peckford@Cherwell-DC.gov.uk>
Subject: Milton Road Project

Dear Sean
Thank you for your email below.

With reference to the points you have raised I have set out the PC responses below to answer each with your points in red:

- 1. The pitch drainage works which have been done so far are not in accordance with the approved plans.** They are in accordance with the approved Planning permission 18/0220/F. The PC has only given notice of starting that work, by an earlier email from the Clerk to CDC . It has not given any notice of commencing work for the approved application 19/02796/F. The whole purpose of the original planning application (18/00220/F) was to enable the PC to prepare the pitch area, so that the pitches would be established ready to use while the rest of the project was progressed. This was clearly stated in the PC's Revised Supporting Statement included in the documents on CDC's portal.
- 2. The approved infiltration basin has significantly greater capacity at approximately 25m in diameter.** See response 1 above. I assume this refers to the size of the basin in the second application (19/02796/F) which the PC has not yet commenced.
- 3. The pitches will behave much more in the manner of an impermeable surface and concentrate flows to the swale. Therefore, there is now a greater flood risk downstream than there was when the field was pasture or arable.**
This is not the case. The field remains porous and its status has not changed from an agricultural field in this sense. Most agricultural land has field drains. You have used the phrase 'surface water run-off' but this only occurs on either hard surfaces or saturated ground. You do not get surface water run-off on porous land. The fundamental function of field drainage is to prevent saturation and therefore to prevent surface water run-off. The Agricultural and Horticulture Board advice note 2015 states: "Good field drainage reduces the peak surface water run-off rates by increasing the availability of storm-water storage within the soil. Rainfall then percolates down through the soil into the drains, producing a more balanced flow after storms. This reduces the risk of flooding and soil erosion not only within the field but also further downstream in the catchment". Therefore there is no increased risk of flooding downstream.
- 4. The outlet pipe does not have permission.** The PC has followed the agreed drainage scheme provided by the contractors (DW Clark) and approved for the Discharge of Pre-commencement Condition 5. This includes an outlet which

is clearly shown. I do not think the Notice of Discharge for Condition 5 has been uploaded to the CDC planning portal, although the PC has raised this before. However, the case officer for this application had full knowledge of the drainage design detail.

5. With reference to the infiltration basin, the size required by the FEDS-220021-002-A site plan, which I assume you are referring to, is designed for both the pitch area and the MUGA. As there is currently no requirement to drain the MUGA (there being none) there is therefore no requirement for the basin to be at full capacity. The current basin has been provided in order to investigate the performance of the final basin.

I refer you to your letter of 19.06.20 to the PC where you stated "Concerns were raised regarding flooding, although this is not a breach of planning control. Nevertheless a Drainage Engineer has visited the site and does not perceive an increased risk of flooding. I understand that the pitch drainage works are to proceed, which they may do so given the approval of the relevant planning condition. Whilst there is no stipulation relating to the order of which the drainage system is to be constructed, the Council does not recommend the pitch drainage system to be completed until the infiltration basin is also operational to ensure that surface water run-off is not concentrated in a singular location".

This letter gives a contrary opinion from a drainage expert with regard to possible flooding, which you confirm is not a breach of planning control. It also confirms that the pitch drainage scheme has been approved. The PC have also acted on your final point by providing a smaller basin in order to investigate the necessary capacity for the design of the final basin. From discussions with the PC's drainage consultant she has confirmed there may be alterations suggested at a later stage for instance the basin does not have to be a particular shape.

Much of the reasoning in your email below is confused and I am at a loss to understand the suggestion that the PC has breached Planning conditions. I do not think the PC needs permission for investigative work and the PC has followed the drainage scheme approved by the CDC Planning authority, and by yourself in the above.

Nor do I understand why your suggestion that the PC has breached a Planning Condition has been shared with a third party before allowing the PC to provide an explanation of the work in progress.

The PC will await your reply but please let me know if you need further details.

Regards Diane

From: Sean Tilbury <Sean.Tilbury@cherwell-dc.gov.uk>

Subject: RE: Milton Road Project

Date: 28 July 2020 09:59:46 BST

To: diane bratt [REDACTED]

Dear Cllr Bratt

Following the completion of the pitch drainage works, new concerns were raised to the District Council alleging that the works were not in accordance with the approved plans and that they increased flood risk. The current basin measures about 4m in diameter by about 750mm deep. The approved infiltration basin has significantly greater capacity at approximately 25m in diameter. Now that the pitch drainage has been installed, water will much more readily pass through the surface and be readily intercepted by the under-drains. The pitches will behave much more in the manner of an impermeable surface and concentrate flows to the swale. Therefore, there is now a greater flood risk downstream than there was when the field was pasture or arable. For this reason it is important that the basin is completed. I sought advice from a drainage engineer and he advised that the full-sized basin should be

completed before the onset of Autumn to mitigate avoidable flood risk. The final thing I noted was that the current basin has 2 inlets when only one was approved and 1 outlet, none of which were approved.

The lack of a full-size basin does not appear to be a breach of planning control as condition 3 only has to be implemented prior to the completion of the development. The breach of planning control referred to on the WARA website is because the current drainage basin is not authorised, however as it does alleviate flood risk to some extent there would be no tangible benefit in asking the Parish Council to remove this, other than to replace it with the full-sized basin. While the District Council is unable to impose a deadline for the full basin if you are able to provide an approximate timescale that would be greatly appreciated.

Kind regards