

Individual Settlement Proposals – hearing on Wednesday 27 September 2017

Hearing Statement of Ruth King and Sons (Reepham) Limited on issue #15

1. This is the hearing statement of Ruth King and Sons (Reepham) Limited (“**RKS**”) on the Inspectors’ Matters, Issues and Questions (ED-031) **issue #15**, reproduced below and grouped and numbered for ease of reference

“Site MLF328:

[1] is it essential for “major drainage infrastructure changes” to take place before this site can be developed or would it be sufficient for any future scheme to ensure that surface water run off rates did not exceed greenfield rates? It is suggested that the latter was acceptable in a recent planning application for 9 dwellings on the northern part of the site.

[2] How has account been taken of the drainage evidence provided by the site promoter in reaching the conclusions in the plan?

[3] If major infrastructure works are essential, who is to be responsible for these? When will they occur? Is the site genuinely developable within the first five years of the plan period as stated in the plan?

[4] Is proposed amendment ADM62 an additional/minor amendment or is it necessary to make the plan sound?”

2. RKS has set out its position in its Representation Form dated 24 January 2017.
3. The key points on the 4 sets of questions asked are as follows.

[1] is it essential for “major drainage infrastructure changes” to take place before this site can be developed or would it be sufficient for any future scheme to ensure that surface water run off rates did not exceed greenfield rates? It is suggested that the latter was acceptable in a recent planning application for 9 dwellings on the northern part of the site.

4. The works are not “major drainage infrastructure changes”, and any changes cannot be “essential”.

- 4.1. In 2014, with the Internal Drainage Board’s permission, land drains were laid across the entirety of site MLF328. These discharge into the dyke on the south side of the site and from there down a culvert owned by adjoining landowners into the Board’s Fen Lane dyke.

- 4.2. Since the plan was published for consultation, permission has been granted for 9 dwellings on MLF328 on the basis of a condition that discharge rates will be restricted to greenfield run-off rates (para 11 of the Representation Form).
- 4.3. A similar sustainable drainage approach can be taken to the rest of MLF328 (i.e. the remaining 23 dwellings allocated in the draft Plan). (para 7 of the Representation Form and para 2.3 of its attachment 2, report from Cole Easdon Consultants)
- 4.4. The net effect on the local drainage network is neutral. The planning permission granted demonstrated that (as the Planning Officer reported) *“the site can be suitably drained [while] safeguarding against increasing flood risk elsewhere”* (para 8 of the Representation Form).
- 4.5. If the IDB considers that the culvert to Fen Lane is in poor condition, it should already be taking action, using its powers under the Land Drainage Act, to require the owners of the culvert to remedy its condition. Cole Easdon’s report (quoted at Representation Form para 9) says that while flooding may occur if the culvert ceased conveyance due to poor condition, at least 9 existing dwellings on lowlying land in the vicinity of the upstream end of the culvert would be flooded before MLF328. If the IDB considered that there was a major problem with the culvert, it should and would already be taking action against the culvert’s owners in order to protect those 9 dwellings (that include the culvert’s owners). Furthermore, the existing site topography is such that the proposed layout places no dwellings within the flood zone. With only a modest increase in internal ground floor levels to create a margin of safety, the new dwellings will be at no risk whatsoever of flooding from such an event.
- 4.6. The maintenance of an existing water discharge route, which will not take any more water than it does at present, is not a “major drainage infrastructure change”. However, in any event, as set out below at paragraph 6, RKS has proposed that, although not responsible for the maintenance, it will meet the reasonable costs of any repairs to the culvert that are needed.

[2] How has account been taken of the drainage evidence provided by the site promoter in reaching the conclusions in the plan?

5. This is a question for the council, whose answer is awaited.

[3] If major infrastructure works are essential, who is to be responsible for these? When will they occur? Is the site genuinely developable within the first five years of the plan period as stated in the plan?

6. As noted above, the works cannot be considered major. If they are essential, they are the responsibility of the riparian owners of the culvert, whom the IDB can require to perform (or to pay). Nevertheless, as a gesture of goodwill, RKS has indicated that it is willing to enter a s106 agreement to meet the reasonable costs of works. The proposal is to be discussed with the IDB at its Board Meeting on 13 September and the Inspectors will be updated at the hearing on 27 September, but in all the circumstances, there can be no doubt that the site is genuinely developable within the first five years of the plan period.

7. Indeed, if it were otherwise, MLF328 would not be the only site in Mareham le Fen in the plan which would be affected: permission has recently been granted for 8 dwellings on MLF305 (25 August 2017), on the basis of the same condition as has been imposed on the 9 dwellings for which permission has been granted on MLF328 (discharge rates to be restricted to greenfield run-off rates: para 11 of the Representation Form). MLF305 is upstream of MLF328 (and thus discharges into the same culvert to Fen Lane as MLF328 does). This is further confirmation that provided, as is the case, the net effect on the local drainage network is neutral, there can be no reason to hold back development of either site.

[4] Is proposed amendment ADM62 an additional/minor amendment or is it necessary to make the plan sound?

9. As set out above, it is incorrect to say that maintenance of an existing discharge is a major infrastructure change. However the plan also cannot be sound because it unreasonably treats differently sites MLF328 and MLF305. The Plan's wording in relation to MLF305, which as noted above is upstream of MLF328 and discharges into the same culvert to Fen Lane, only says that "Development is possible with drainage infrastructure improvements" (not "*major drainage infrastructure*

changes”). The wording should be the same for both sites: both discharge via this culvert.

10. The change which ADM62 seeks to reverse was not Justified for the reasons given in the Representation Form and outlined above. If the change is left uncorrected the plan is not sound.

7 September 2017