

S/2501/19/COND4 – Abbey Developments Ltd – Land to the North and South of Bartlow Road, Linton CB21 4LY – Condition 4: Management and Maintenance Plan. Decision Required.

These DoC's mainly appear to be re-submitted reports upon which LPC has already commented. The deficiencies identified in our comments dated 23 January 2020 have not been addressed. Most of the reports are also out of date as they predate the RM scheme of 2019. The data and calculations used for these conditions are therefore inaccurate, incomplete and misleading. This includes noise, flood risk, surface water drainage and foul water drainage, identified in more detail in the full response to DoCs sent separately.

The submissions include further development that was not approved in the OL and RM schemes, and would conflict with those approvals and their conditions. The conditions are therefore not fit to be discharged.

LPC Comment:

The condition requires:

- *details of the proposed arrangements for future management and maintenance of the proposed streets within the development*
- *The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).*

The condition is not complied with:

- **The details provided are inconsistent and relate to different versions of the layout. The submission also does not demonstrate it is deliverable within critical areas of the site that are outside the S/1963/15/OL development area. Until there is consistency and an acceptable design, the maintenance scheme is likely to be deficient.**
- **The submissions (such as the drainage design) show that this is a complex, risky and high maintenance site, but this submission does not demonstrate there is an appropriate level of commitment to management and maintenance over the life of the development:**
- **There is no certainty over who would carry out the management and maintenance, and who is accountable when there are problems.**
- **There is no deliverable process for access and maintenance within the many private properties and where access is limited by slopes, level changes, flooding, woodland, narrow paths and cramped design.**
- **The details submitted are not adequate for adoption by the Highway Authority, in part because the design is not resilient and does not meet industry standards for vehicle and pedestrian movements, and in part because it would be high maintenance and costly.**
- **The drainage scheme is not demonstrated to be fit for purpose. It does not reach the standard that the Highways Authority would adopt and the submitted drawings cannot be implemented because they conflict with other planning conditions.**
- **The drawings show a scheme that does not comply with condition 11 of S/1963/15/OL because the drainage does not discharge to the specified manhole.**
- **That condition was imposed in order to prevent a scheme such as is now proposed which would lead to flooding and pollution.**
- **The proposed scheme conflicts with the recommendations of the Rossi Long report. This includes a failure to provide for the maintenance regime to be adapted to ensure the cause of flooding does not occur again in the future.**

There are inconsistencies which include:

- This re-submission includes plans of the drainage scheme that has not been accepted. The highways and drainage schemes submitted previously were not accepted by the relevant Statutory Authorities, so it is unclear what drainage this refers to.
- CCC consultees have objected and they will not adopt these site roads, for reasons that include the use of Smart Sponges and the steepness of the incline.
- The plans show a sewer that leads uphill from the pumping station toward a manhole on Bartlow Road. There is a specific condition that prohibits that connection (/1963/15/OL condition 11) and will only allow connection to 7501, to the south west of the site.
- There is no clarity about the scheme, as the drainage slopes do not reflect the land slopes, and both (where dimensioned) are steeper than good practice and Highways guidance.
- There is no clarity about the basis of the design of this scheme, which is on ground with little porosity and where sequences of porosity tests have consistently failed.
- Drainage appears to depend upon passive infiltration in soakaways and drives, which would not be suitable for the frequent flooding events that are known even after modest rainfall.
- The main soakaway for the primary spine road on the Southern site is located in the river silt where the site has previously flooded, so is likely to fail and to allow contaminated water to overflow.
- The infiltration testing in the submission was inadequate, with testing failing despite the previous prolonged dry weather. The data from 2017 does not represent peak seasonal levels and describes 3 results selected from 14 trial pits and an assorted series of depths, which does not accord with due process.
- The original design was based on permeable surfaces, but the streets are now impermeable.
- There are no road drains located to deal with surface water flooding from the fields and Bartlow Road.
- There are no road drains at the foot of the steep slopes of the spine roads to protect the houses directly below.
- The road drain scheme appears to be based on a flat site, rather than slopes of 5 metres on the Northern site and 7 metres on the Southern site.
- Without an adequate drainage system and flood prevention measures, the flooding of the development site and village centre is likely, along with contamination of the protected chalk stream.
- The checking and maintenance schedule would appear to be less frequent than would seem necessary for the conditions of the area.
- This schedule refers to Smart Sponges which are expensive to maintain and are likely to fail in flood conditions. These are not adoptable by CCC Highways, who are aware of the issues with them.
- The private maintenance areas contained in the tightly defined dotted lines do not include the soakaways they drain to. The soakaways are likely to be where most of the problems occur, and therefore the accountability is likely to fall to individual householders instead of the developer / management company. That is not an appropriate scheme.
- The maintenance schedule does not include who is accountable for the maintenance, how that is to be dealt with and access is to be gained to the many private properties involved, and what the process would be when there are failures and/or blockages, such as are likely where the scheme proposes excessive slopes and high maintenance smart sponges. There is no detail about who the company is, when they take on the responsibility, and that there

is confirmation that they will be responsible for the management and maintenance of the entire scheme in perpetuity.

The submission does not *ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in the interests of highway safety to comply with Policy HQ/1 of the adopted Local Plan 2018.* The condition should therefore not be discharged.

The proposed management and maintenance scheme also fails to demonstrate it is robust and deliverable, and that it would not cause flooding and maintenance burdens on the existing and new residents.

LPC Decision: Object and do this to the District Council Full Planning Committee

Please refer to the complete response to condition, sent by e-mail to the Planning Officer