

Consultation Response from KC,
Lead Local Flood Authority

2021/94280 land at, Lady Ann Road, Soothill, Batley, WF17 0PY

Erection of 65 dwellings with associated works

Date Responded: 12th January 2023

Responding Officer: Paul Farndale

Responding Ref:

Summary

Further to our previous comments we are satisfied that the submission has tackled all our concerns pending detailed design of attenuation. We can therefore SUPPORT this application by suggesting appropriate conditions and an undertaking for a MANAGEMENT COMPANY to maintain the main watercourse and pipework, swales and manholes associated with the spring that from runs north to south within the site.

Suggested Conditions

Special Condition

A management company should be set up under section 106 of the Town and Country Planning Act 1990, to carry out the 2 separate tasks detailed below.

- **Ensuring the LPA fulfils its obligation to ensure the maintenance and management of SUDS systems (any agreement can cease upon adoption by appropriate authorities)**
- **Ensuring that no resident find themselves responsible for riparian ownership of watercourse, both the large watercourse running across the southern boundary and the smaller spring fed system running north to south within the site (this should spread the risk and ensure adequate maintenance going forward including locations where the smaller watercourse crosses the adoptable highway).**

Development shall not commence until a scheme detailing the maintenance and management of all infrastructure associated with surface water drainage (attenuation and flow control operations, access to and into surface water infrastructure, structural inspections, and system cleansing). The scheme shall consist of manual indicating an itinerary and schedule of tasks forming a method statement after a risk assessment has been carried out. This should be signed off by the Principal Designer under CDM Regulations 2015. The scheme shall be implemented thereafter until such a time that the surface water infrastructure is adopted by the Statutory Undertaker. An additional scheme to maintain watercourses and land drainage features should also be submitted for approval and implemented thereafter for the lifetime of the site

DR01 Drainage Details

Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, discharge restrictions, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

DR03 Flood Risk Assessment

Providing the EA do not object to the compensation storage parts of the flood risk assessment, the LLFA suggests the following condition.

The development shall only be carried out in accordance with the approved Flood Risk Assessment, produced by JOC Consultants Ltd dated 21st December 2022 and shall incorporate all the proposed mitigation measures into the development.

DR10 Construction Phase Flood Risk and Pollution Prevention Plan (Temporary Drainage)

Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Section 106

A maintenance and management company should be set up under a section 106 agreement to carry out tasks alluded to under the **Special Condition**. A break clause can be entered for the maintenance and management of SUDS systems, but watercourse and land drainage management must be carried out for the lifetime of the site.

The condition aims to secure a maintenance manual detailing specific tasks and methodology that can be bolted on the section 106 agreement that is likely to be drafted before detailed design is available.