



Spen Valley District Scout Council  
Fan Wood Camp Site  
Ferrand Lane  
Gomersal  
Cleckheaton  
BD19 4DA

17<sup>th</sup> November 2023

Dear Sirs,

**Land to the rear of 271 Cliffe Lane, Gomersal, BD19 4SB.  
Demolition of existing dwelling and erection of 87 dwellings.**

We acknowledge receipt of your letter dated the 23<sup>rd</sup> October 2023, regarding the above development and planning application, and note that within this letter you have requested comments to be returned by the 27<sup>th</sup> November 2023, although on the Kirklees planning website the end of the public consultation period is the 17<sup>th</sup> November 2023, i.e., 10 days earlier. Based on this we are submitting our initial comments prior to the earlier date, although there does seem to be a discrepancy in the system.

Although the Spen Valley District Scout Council (SVDSC) feel it is a shame that the pasture field site which the proposed development is sited will be lost to housing, we do not consider that we have grounds to object to the development in principle based on the impact it will have on our site, and the fact that housing is required, although, there are a number of items we would like to raise as issues of concern later in this letter.

Notwithstanding the above, we do have concerns with the planned drainage strategy, in particular the surface water system, and at this time object to planning permission being granted until this element is resolved with both ourselves, the Kirklees Planning Department, the Lead Local Flood Authority, and the organisation who are to ultimately adopt the surface water system.

Within the application, several documents refer to the planned surface water drainage / drainage strategy for the site, including, but not limited to:

- Flood Risk Assessment
- Drainage Strategy Drawing: 22691-C-DR-0105-P2
- Design and Access Statement
- Planning Statement
- Climate Change Statement

Within these documents reference is made to a surface water drain in Ferrand Lane which outfalls into a "watercourse" adjacent to the Fanwood Activity / Scouts Centre (Planning Statement, item 5.83).

On the Drainage Strategy Drawing: 22691-C-DR-0105-P2, there are 2 notes to the top left-hand corner of the plan stating:

- “New 225mm SW to connect onto existing drainage ditch”
- “Existing SW drain from Ferrand Lane”

The plan shows the Proposed SW [surface water] leaving the development site, crossing Ferrand Lane, and entering Fanwood Campsite, i.e., our site, in a 225mm pipe, and then joining what is described as “Existing Drainage” on the drawing legend.

We would like to clarify that this ditch is not a “watercourse” and that SVDSC do not accept that the surface water from the new housing development can be discharged into this ditch. The “watercourse” the application refers to which connects into Nan Hall Beck further down the catchment starts as a spring, some 200m to the northwest of the Fanwood Campsite entrance, in the bottom of a natural valley, within our boundary and subsequently flows on or adjacent to our northern boundary before flowing west towards Lands Farm.

Within the application pack, including the Planning Statement, the developer has quoted that the proposed flow from the development site will be attenuated to 16Lt/s, and that this is based on a calculation from the previous application (2019/60/90902/E), which was rejected in July 2021. We would challenge that this is the correct rate and consider that this needs to be agreed by the Lead Local Flood Authority and the body who are to adopt the final solution as part of this Planning process as well as ourselves. This flow seems high when the water from the development site does not currently enter the extant watercourse leading to Nan Hall Beck, which downstream is already noted to overtop the existing watercourse channel during episodes of high rainfall.

SVDSC would like to note that in the Climate Change Statement, the discharge rate has been stated as 5Lt/s, and not the 16Lt/s used elsewhere.

The Drainage Strategy plan indicates the construction of the proposed Attenuation Tank to be of plastic cell units, SVDSC would prefer that this tank be of a concrete construction, which can be fully cleaned out to avoid a build-up of silt. The risk being that if silt is allowed to build up in the bottom of the cells this could be difficult to clean out and may eventually enter the catchment system which could cause downstream issues, the application clearly states in section 3.0 of the Flood Risk Assessment the development will not increase the flood risk to the wider catchment area, which is an interesting statement, noting that under existing conditions, the watercourse is known to overtop the channel.

We assume this statement within the application will also apply to downstream areas of Nan Hall Beck and when this joins the River Spen.

We appreciate that the current drawing is for planning purposes at this stage, but we would like to highlight that there is no petrol interceptor shown on the current design, prior to the surface water entering the attenuation tank. As surface water will include run off from parking areas and the carriageways, we feel this should be a requirement to avoid hydrocarbons entering the wider catchment downstream of the new drainage system.

In addition to the above, SVDSC would also expect that the inspection chambers shown on the route of the proposed surface water system to include silt traps.

Within the Statement of Community Involvement, dated September 2023, Carter Jonas state they issued letters to 163 local residents and businesses informing them of the proposal and inviting comments, the letters were dated the 30<sup>th</sup> May 2023. SVDSC would like to have it noted that even though our property is within the red line boundary shown in Fig 2 of this document, which is meant to show properties notified, we did not receive a letter, nor has the SVDSC been approached by either the Developer or their agent, Carter Jonas, to discuss the proposal in particular the option of installing their surface water drainage system through our site.

On the basis that SVDSC foresee that this planning application will at some time in the future be accepted by Kirklees, we would, with some regret, consider that the developer might be able to secure agreement to run their new surface water system through our site, with the following conditions being met.

- The new surface water system would need to be designed and constructed under The Construction (Design and Management) Regulations 2015 (CDM Regs) or latest edition if amended, whilst the client, designers and contractors would meet their legal duties under Part 2A of the Building Regulation 2010 (as amended).
- That all contractors staff entering Fanwood Scout Campsite be managed and supervised to ensure the maintenance of all necessary safeguarding controls.
- The design would need to provide a fully engineered solution, from the proposed attenuation tank for the new development through to a new outfall into the watercourse, somewhere below the location of the existing spring.
- The design would need to deal with any surface water run off from Ferrand Lane, so this water is also captured and directed through the new system, as part of the agreed flow.
- The works would include, but not be limited to; all new surface water drainage within the Fanwood site to be underground, new head wall at the outlet, scour protection from the head wall outlet to void future damage to the watercourse, all surfaces to be reinstated to match the existing.
- As noted above a petrol interceptor be installed directly prior to the inlet of the attenuation tank, and that all inspection chambers within the system contain silt traps.
- The system from the attenuation tank to the outfall is fully constructed prior to houses being built, and that this is a condition precedent in terms of the granting of planning permission.
- The final constructed system will be managed by the developer or their successors, until the system is fully adopted by the appropriate (SUDS) authority.
- That SVDSC are at no time liable, culpable or in any way responsible for the proposed subterranean watercourse passing from the development site to the outfall adjacent to the spring (marked on the OS map) in the extant watercourse.
- That at no time after the creation of the newly constructed subterranean watercourse, or in the future thereafter, that SVDSC will be deemed the riparian owners of the subterranean watercourse passing through their land.

Within the Planning Statement, Carter Jonas have stated it is the intention that both the foul and surface water drainage networks are to be adopted by Yorkshire Water under a S104 Agreement.

This being the case, SVDSC would expect that the design and construction of the surface water system will need to comply with their standards and specifications, including the current edition of

Civil Engineering Specification for the Water Industry (CESWI), together with any relevant iteration of the document 'Sector Guidance in relation to the adoption of sewerage assets by sewerage companies in England' issued June 2022, plus any amendments.

SVDSC would also expect that the adoption of the surface water system by the appropriate organisation be in place as part of Planning Permission, including their planned maintenance strategy for future generations.

Topping Engineers, within their Flood Risk Assessment, have confirmed that the development will not increase the flood risk to the wider catchment area. This being the case SVDSC as the riparian owner of the watercourse, below the existing spring, where the outfall would be located require a warranty from the developer, or their successors, confirming that any possible risk of flooding to the wider catchment is their liability, as they are capturing the water in the new attenuation tank, and that SVDSC carry no liability for future flooding downstream due to any additional flow at the agreed level.

Finally on this matter, as part of the agreement for the developer to install a new surface water system across our site, SVDSC will require all relevant legal agreements (at the developer's expenses) to be in place, which would give the developer or their successors and the adopting organisation no ownership to the land but would allow access, agreed after receipt of notice and discussion, to carry out the construction works and ongoing maintenance. SVDSC will also wish to discuss consideration for provision of a wayleave for the new surface water system.

SVDSC intend to seek both technical advice from a Consultant Engineering Practice, specialising in drainage and legal advice as to our position on the proposed plans for the surface water drainage to be installed across our site.

Alternatively, the developer could arrange for the surface water to be dealt with via the proposed YWS pumping station.

Other matters relating to overall Planning Permission.

As noted at the start of this letter, SVDSC also have a few minor issues of concern we would like to raise as follows:

- The current proposal plans show one pedestrian access on to Ferrand Lane to the Northeast corner of the development. Can the Planners please confirm that this will be the only access onto Ferrand Lane and that there will be no vehicular access between the development site and Ferrand Lane.
- The current proposal plans show a buffer zone along the boundary to Ferrand Lane, can it be confirmed that this will not be built upon, in either this development or in the future, and will be maintained as a green space to help with wildlife habitat.
- As Ferrand Lane is an unadopted route, and is both narrow and un-even, with several bends having poor visibility, SVDSC would request that a secure fence, which cannot be climbed, be installed by the developer along the boundary of their site as a health and safety measure, to avoid pedestrian entering Ferrand Lane from any un-marked accesses.

SVVDC would welcome your thoughts on our concerns regarding the surface water system and would be willing to discuss the matters raised above with both the Kirklees Planners, the Lead Local Flood Authority, the Developer and their agents Carter Jonas, along with the organisation who will be adopting and maintaining the surface water system once constructed.

On behalf of Spen Valley District Scout Council.