

Burnett, James

From: Planning Comments (SMDC)
Subject: FW: DOC/2018/0001 Sugar Street Rushton Spencer
Attachments: Response CRTR-PLAN-2018-24114.pdf
Importance: High

From: Curley, Jane
Sent: Monday, February 12, 2018 11:14 AM
To: Planning Comments (SMDC)
Subject: DOC/2018/0001 Sugar Street Rushton Spencer
Importance: High

From: Ian Dickinson [<mailto:Ian.Dickinson@canalrivertrust.org.uk>]
Sent: 08 February 2018 10:59
To: Curley, Jane
Subject: RE: DOC/2017/0001 Sugar Street Rushton Spencer
Importance: High

Hi Jane,

Further to our previous correspondence, please find attached the Trust's response to the proposed discharge of Condition 8 of the planning permission granted under your reference 12/00364/OUT.

Sorry it took a little longer than anticipated, but as you will see from the response, this proposal raises a number of significant concerns for us.

I would be grateful if you could consult us again if any additional information is submitted by the Applicant, and also let me know the Council's decision on the application in due course.

Please feel free to call me if you wish to discuss any matters further.

Regards,

Ian

Ian Dickinson MRTPI
Area Planner (East and West Midlands)

T: 01636 675790
M: 07825 608321
E-Mail: ian.dickinson@canalrivertrust.org.uk

Canal & River Trust, The Kiln, Mather Road, Newark, Notts NG24 1FB

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From: Curley, Jane [<mailto:jane.curley@staffs Moorlands.gov.uk>]
Sent: 22 January 2018 15:21

To: Ian Dickinson <Ian.Dickinson@canalrivertrust.org.uk>
Subject: RE: DOC/2017/0001 Sugar Street Rushton Spencer

Hello Ian

Thank you – if you can do in 14 days that would be very helpful given that drainage of this site is very contentious with the residents.

Jane

From: Ian Dickinson [<mailto:Ian.Dickinson@canalrivertrust.org.uk>]
Sent: 22 January 2018 15:15
To: Curley, Jane
Subject: RE: DOC/2017/0001 Sugar Street Rushton Spencer

Hi Jane,

I will review the details and liaise with the relevant colleagues here and let you know. Am I ok to take it that we have 21 days, or do you require a response sooner?

Thanks,

Ian

Ian Dickinson MRTPI
Area Planner (East and West Midlands)

T: 01636 675790
M: 07825 608321
E-Mail: ian.dickinson@canalrivertrust.org.uk

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From: Curley, Jane [<mailto:jane.curley@staffs Moorlands.gov.uk>]
Sent: 22 January 2018 15:13
To: Ian Dickinson <Ian.Dickinson@canalrivertrust.org.uk>
Subject: FW: DOC/2017/0001 Sugar Street Rushton Spencer

Dear Ian,

I attach information which has been submitted to discharge Condition 8 of application 12/00364 which was granted on appeal. I have also sent the information to the EA and internal colleagues here. Please can you advise if, from your point of view this information is acceptable? If you need anything further please let me know.

Jane

Jane Curley (Mrs)
Senior Planning Officer
01538 395400 ext 4124
Mobile 07794 768397

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08 February 2018

Mrs Jane Curley
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our Ref CRTR-PLAN-2018-
24114
Your Ref DOC/2017/0001

Dear Mrs. Curley,

Proposal: Proposed discharge of Condition 8 of planning permission granted under 12/00364/OUT- drainage details

Location: Land at Sugar Street, Rushton Spencer

Waterway: Caldon Canal

Thank you for your consultation.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that “living waterways transform places and enrich lives”. We are a statutory consultee in the development management process.

The Trust has reviewed the application to discharge Condition 8. On the basis of the information available the Trust advises that **we object to the proposed discharge of this condition** for the following reasons:

The “Proposed Drainage Maintenance Regime” document produced by RBA Ltd and dated December 2017 indicates that the proposed drainage scheme is based on the intention to discharge all drainage on the site to the adjacent feeder channel/watercourse. This channel is a feeder channel originally designed to transfer water from the River Dane to Rudyard Reservoir, which provides a water supply to the Caldon Canal. The channel is owned by the Canal & River Trust. The Trust is not a land drainage authority, and discharges to our watercourses and canals are not granted as of right; the Trust’s consent is required. **The Applicant has not obtained consent from the Trust to discharge water from the application site to our feeder channel.**

Any discharge proposal would need to be assessed via the Trust’s own Surface Water Drainage process. The Trust’s Code of Practice for Works Affecting the Canal & River Trust states at Section 3.2 that *“It must not be presumed that EA consent confers the Trust consent”* and at Section 3.3 that *“The Trust will not generally accept sewage or trade effluent. Only in exceptional circumstances where there is adequate treatment, evidence of a treatment plant maintenance schedule and adequate dilution will applications be considered.”* The Code of Practice can be viewed on our website at: <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice> .

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The Trust has consistently advised that our position in relation to this proposal is that the discharge of surface water and particularly treated foul water, to our feeder channel is not appropriate and is not therefore likely to be acceptable to us. Please see correspondence from the Trust (and our predecessor organisation, British Waterways) in relation to planning applications 11/01010/OUT in 2011 and 12/00364/OUT in 2012, and again in relation to the reserved matters application SMD/2016/0015 in 2016.

Condition 8 states that *“No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of surface water and foul sewage. The scheme shall include provision for the long term maintenance of sewage plant and surface water drainage infrastructure, documentary evidence concerning the relationship of the proposed development and its drainage arrangements to those of surrounding properties, provision for alternative arrangements if any of those drainage arrangements in respect of surrounding properties would be affected, provision for restitution or repair in respect of any damage or disruption to existing drainage arrangements occasioned by the development, and a programme for implementation. The scheme shall be implemented in accordance with the approved details and no dwelling shall be occupied until it has been fully implemented”*.

We note that the information provided to us does not appear to address all of the requirements set out in the condition, nor do we consider that it contains an adequate level of detail on those matters it does seek to address. The submitted information does not provide sufficient detail to allow us to assess the impact to our asset (the feeder channel). The connection to the feeder is not shown on any of the submitted plans, nor is it clear how the “existing culvert” connects to the feeder.

There appears to be some confusion in the drainage plans. The “Proposed Culvert Diversion” plan shows the new system terminating at chamber CD4 with the downstream culvert being rebuilt. The drawing does not show the connection of this culvert to the feeder channel and if the culvert is to be rebuilt, the outfall will also need to be rebuilt and would need the Trust’s approval. In the “Proposed Surface Water Drainage” and “Proposed Foul Drainage” plans, chamber CD4 is labelled as CD6 but no downstream drainage route is shown. It is not clear which drainage layout has been used for the drainage calculations.

The applicant has provided information to the Environment Agency, as part of the Environmental Permit application, that states the culverted watercourse enters the feeder channel via an existing head wall. The Trust has not seen this headwall on site. The applicant needs to provide more detail of the connection to the feeder and the headwall, including its condition and any required maintenance of it. Until this detail is submitted the information provided does not fully detail the drainage infrastructure, as required by Condition 8.

The Drawing titled “Proposed Culvert Diversion Option 1” shows 10m of perforated pipe. The documents provided to discharge this condition do not explain what this is for and the plan does not show the connection to the feeder. The Trust, however, understands that that this is designed to be a partial drainage field installed directly upstream of the outfall into the feeder channel. The “proposed drainage maintenance regime” document states that the ground is

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unsuitable for soakaways. This has not been properly explained and we are concerned that the constant leakage of water/treated sewage into a section of ground of a cohesive nature/poor porosity will result in an area of waterlogged ground that could impact the banks of the feeder channel or the outfall structure that the applicant refers to. The maintenance of this perforated pipe/drainage field has also not been mentioned.

The "Proposed Drainage Maintenance Regime" document states that "...by agreement with the Canal & Rivers Trust the surface water will be pumped into the existing culverted watercourse...which outfalls to the feeder channel". The applicant informed the Environment Agency, during the permit application process, that they intend to contact the Trust to discuss concerns we have that relate to the feeder channel's ability to accept this discharge. From previous correspondence with the applicant we understand that a CCTV survey was carried out to understand the drainage network but, despite requesting details of survey, we have not received any information. We are concerned that the assumptions made by the developer when assessing the catchment area currently discharging into the feeder are questionable, given that this feeder section is not carrying water anywhere (we refer to this in more detail below).

Currently the existing culvert is damaged and requires repair. We have a letter that states Staffordshire Moorland District Council investigated the site in March 2017 and noted the culvert had collapsed. Due to this collapsed culvert, and the condition of the feeder channel, the Trust believes that the feeder has not received a significant flow from this site for some time. Therefore, once the culvert is repaired and the flow from the site increases as a consequence of the development proposed (roof/road drainage etc), the impact of much increased flows to the feeder could be significant and these have not been assessed.

The applicant has not contacted us to discuss these matters and we have not given any agreement to discharge/connect to the feeder channel. We would also point out that the Environment Agency has informed the applicant (in respect of needing Trust permission) that "the granting of a permit will not impinge on the rights of any other party to exercise their own legal rights. The permit is to enforce environmental protection measures only."

The Trust's engineers have significant concerns regarding the discharge of any additional volumes of water into the feeder channel. The feeder has been damaged by a landslip where it runs around a hill on sidelong ground. We consider that it is unsafe for this section to hold water, and the channel is sealed off at the slip as the additional weight of water is considered likely to promote further movement and complete loss of the feeder channel. Other sluices intended to drain water from this section have all been opened to limit water levels and try and keep the channel drained. The section of feeder between the landslip and the reservoir is now isolated with no flow to dissipate any inflows of sewage.

The sluices near the reservoir are closed all the time as there is now no significant feed to the reservoir from the watercourse which flows into the feeder channel upstream of the blockage. The sluices have to be down to allow the reservoir to fill completely without flowing back along the feeder and overtopping its banks. They are not routinely opened when the reservoir is low as the feeder is now so full of silt near the reservoir that it cannot flow towards it. Hence this length of feeder channel is effectively a linear pond, filled only by surface water inflows, and

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from longstanding agreed sewage discharges. As it is stagnant water with no flow, it cannot therefore dilute these sewage inflows.

It would cost a significant amount of money to repair the landslip on the feeder channel and to clean out the feeder so it could flow again, and we have no plans to do this at present, as the reservoir can fill from other sources.

We have further concerns over the adequacy of the proposed long-term management and maintenance regime for the proposed drainage scheme. The "Proposed Drainage Maintenance Regime" document does not provide sufficient detail regarding these arrangements, and only states that a management company will be responsible for operation and maintenance of the scheme once installed. We do not consider this to be sufficient to address the requirements of Condition 8 and would expect to see full details of the proposed management company, how it will be funded and what measures will be able to be taken if the management company fails. The Trust has had experience of such management companies failing, and we do not wish to accept any risk of increased future maintenance liabilities if the drainage system for this site is no longer properly maintained or operated. If the proposed pumping station is not properly maintained, there is a risk that it will overflow directly to the feeder channel and if the drains downstream of the pumping station are not included in the maintenance regime, the system may well back up and overflow even if the pumps have been properly maintained.

As a charity the Canal & River Trust is duty bound to maintain the canal infrastructure for the public good. Agreeing to this additional discharge would be in direct conflict to this aim as highlighted in the text above.

In conclusion, we consider that insufficient information has been provided to satisfy the requirements of Condition 8. In any event, the Applicant is proposing a drainage solution which we consider cannot be implemented without first obtaining consent from the Canal & River Trust; as already noted, the Applicant has not obtained such consent. We do not therefore consider that Condition 8 should be discharged on the basis of the information currently provided.

If you have any queries please contact me, my details are below.

Yours sincerely

Ian Dickinson MRTPI
Area Planner (East and West Midlands)
ian.dickinson@canalrivertrust.org.uk
01636 675790