

LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL

Statement of Common Ground relating to Foul Drainage Matters

890595-R3(4)

February 2024



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RSK GENERAL NOTES

Project No.: 890595-3(4)

Site Name: Land South of Burford Road, Minster Lovell

Report Title: Statement of Common Ground

Date: January 2024

Office: Coventry

Status: FINAL

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0	Draft Issue	15/12/23	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
1	Draft Issue	05/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
2	Amended to suit comments by Chris Wood (WODC)	15/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
3	Final Issue	18/01/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director
4	Final Issue	08/02/24	Andrew Taylor MSc CMgr EngTech MICE Regional Director & Deputy Managing Director

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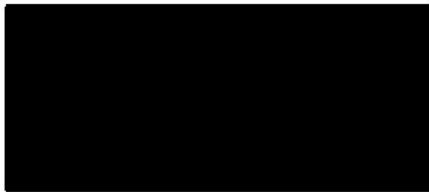
This work has been undertaken in accordance with the quality management system of RSK Land & Development Engineering Ltd.

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1.0 INTRODUCTION

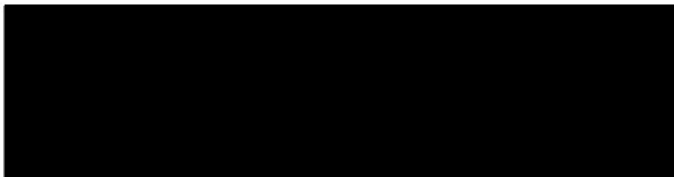
- 1.1. This Statement of Common Ground (SoCG) has been prepared jointly between Catesby Strategic Land Limited (the Appellant) and West Oxfordshire District Council as the local planning authority ("the LPA").
- 1.2. It relates to appeal ref. APP/D3125/W/23/3331279 ("the appeal") made by the appellant against the LPA's decision to refuse application ref. 22/03240/OUT), seeking outline planning permission (with all matters reserved except for access) for development described as: **Development of up to 134 dwellings (Use Class C3), including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (amended description) (amended plans)** at the Appeal site, described as Land South of Burford Road, Minster Lovell.
- 1.3. The purpose of this SoCG is to confirm matters of agreement between the Appellant and the LPA in relation to foul drainage.
- 1.4. This SoCG is prepared jointly and agreed by:



Date: 08/02/24

Andrew Taylor, Regional Director & Deputy Managing Director, RSK LDE Ltd (on behalf of Catesby Strategic Land Limited)

And



Date:

9/2/2024

Chris Wood, Senior Planning Officer (Appeals) (on behalf of WODC)

2.0 MATTERS OF AGREEMENT

- 2.1. The following matters are agreed between the LPA and the Appellant.
- 2.2. The outline planning application was refused with no Reasons for Refusal relating to matters pertaining to foul drainage.
- 2.3. Thames Water did not object to the development proposals on the Appeal site, subject to conditions, as discussed below.
- 2.4. Oxfordshire County Council did not object to the development proposals on the Appeal site subject to: (1) requested S106 Contributions; and/or (2) an obligation to enter into a S.278 agreement; and/or (3) planning conditions; as appropriate.
- 2.5. The Environment Agency did not provide a consultation response to the development proposals on the Appeal site.
- 2.6. The concerns raised by the Parish Council, Windrush Against Sewage Pollution and The Society for the Protection of Minster Lovell acting as a Rule 6 Party are in front of the inquiry.
- 2.7. TW's position is set out in its 7 March 2023 consultation response, which is in front of this inquiry.
- 2.8. The following condition relating to foul drainage was requested by TW. The parties agree that this would address concerns relating to this issue and that it meets the various tests for conditions set out in the NPPF; and in particular is necessary in planning terms:

Foul Water Condition

The development shall not be occupied until confirmation has been provided that either:

- 1. **All foul water network upgrades required to accommodate the additional flows from the development have been completed; or**
- 2. **A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.**

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be

necessary in order to avoid sewage flooding and/or potential pollution incidents.

NB in explaining why this condition is justified, TW states: *Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available.*

TW also states: *The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.*

3.0 MATTERS OF DISAGREEMENT

- 3.1. The LPA does not intend to speak on matters pertaining to foul or other drainage beyond the conditions discussion.