

**REPORT OF A FOLLOW UP MEETING WITH INTERESTED PARTIES TO DISCUSS DISPOSAL OF FOUL
SEWAGE IMPACT OF NEW DEVELOPMENT AND RELATED ISSUES
AT BARROW UPON SOAR PARISH COUCL ON 05 JUNE 2017 AT 2.00PM**

PRESENT:

Nicky Morgan MP - Chairman
Bill Walton – Severn-Trent Water (STW)
Stephen Stray - Charnwood Planning (CBC)
Richard Cooper – EA Sustainable Places Team Leader
John Upton – Technical advisor to the Parish Council
Cllr Cantle – Chairman of Localism and Neighbourhood Plan Committee
Cllr S Forrest – Chairman of PC Planning Committee
Cllr Woodhouse – Chairman of the Parish Council

In attendance

Lesley Bell – Clerk

Nicky Morgan MP welcomed all to the meeting and asked if STW and CBC had met in the interim.

Stephen Stray CBC

Confirmed that he and Bill had met and some progress had been made. CBC is in receipt of correspondence which confirms STW's position that Condition 9 related to onsite and downstream effects of the proposed discharge.

Correspondence from Jelson to CBC to the effect that Condition 9 related to approval of onsite drainage plans only and not downstream implications and has still not been challenged. CBC has appointed Counsel to provide a legal opinion and response is awaited.

Nicky Morgan commented that Counsel's response is dependent on questions put and requested that CBC's instruction issued to Counsel is shared. Stephen agreed to seek approval to release this.

Further to request for clarification it was confirmed that 'onsite' refers to all works within the red line plan.

Stephen commented that planning approval has been in place since 2011, Jelson may take issue in what is deemed 'reasonable' in relation to time scale.

Bill Walton STW

STW has made clear its position in its interpretation of Condition 9, that it relates to onsite and off-site drainage. It is pedantic and not in the spirit of the condition to suggest this is interpreted otherwise. A letter has been submitted to CBC to this effect also stating that Condition 9 must not be discharged. Based on an initial sewer survey there is an identified **High Risk of Foul Flooding** which in STW view means that Condition 9 cannot be discharged until such time remedial work to reduce this high risk is undertaken.

Request was made and agreed that copy of the letter is provided to the Parish Council.

STW would issue a challenge should CBC be minded to discharge the condition. In addition, regarding the time scale issue, STW would submit a counter argument on any raised by Jelson. Time is required to resolve the under capacity and STW consider that this can only be secured by CBC through the planning process not discharging Condition 9.

STW is working on the technical issues but will need time, the two schemes are:

1. The rising main replacement.

There having been no additional bursts it is assumed that decreasing the pumping capacity has addressed the risk of further incidents. Investigation shows there to be a manual air valve which may be defective at the Barrow Road Bridge. STW has arranged to meet with LCC Highways in this matter, the road bridge may have to be closed to enable the necessary investigation. It is considered that either the valve could be manually adjusted or replaced with an automatic valve. It is possible that a correctly operating air valve may solve recent issues and may also allow additional flow capacity within the current system thus negating the need for a new main.

2. Sewer Modelling Study.

From existing data the Sibley Road and Breachfield Road sewers are known to show a High risk of flooding and surcharge. Verification of the model is ongoing though will take some months to complete.

Should the sewer modelling report indicate that infrastructure investment is required Mr Walton advised that the estimated timescale for completion would be 2018/19.

Richard Cooper – EA Sustainable Places Team Leader

Commented that the EA has the power to instruct where it is evident that a facility is failing. The EA has invited STW to a formal interview to ascertain why the recent rising main bursts have happened and to investigate schemes to prevent further incidents, which in retrospect look to be in process. This is a proactive approach there having been no environmental issue to date.

David Wilson Homes Nottingham Road Development (DWH)

John Upton referred to DWH P/16/1721/2 substitution of house types and Condition 7* of the relevant decision notice and P/17/0943/2 application for discharge of conditions, which would suggest that permission to discharge to the foul sewer could be addressed in a similar way to that of Jelson.

Previously CBC had approved the condition relating to disposal of foul sewage erroneously, quoting permission being received from the EA. This permission related to the original application submitted by DWH. The recent request for discharge permission relates to a modified site plan and house type substitution. It is however noted that although DWH will understand that it cannot discharge to the system if STW does not have the capacity it has already connected to the sewer.

*Condition 7

'No development, including site works, shall begin on site until such time as full details of the way in which foul sewage and surface water are to be disposed of from the site have been submitted to and agreed in writing by the local planning authority and thereafter shall be so maintained. Drainage shall be provided within the site such that surface water does not drain into the public highway.

it must be demonstrated by the appropriate Water Company that the increase in foul waste water entering the sewerage system will not cause any deterioration in the operation of any combined sewer overflows on the system either upstream or downstream of the development;

- there must be no increase in the spill frequency or volume of the combined sewer overflows on the sewerage network and the additional flow must not create the need for any new combined sewer overflows;*
- if the sewerage network does not have the capacity to accept the flows then*

development must be phased in with the upgrading of the network and foul flows can only enter the system once the upgrading work is complete

Copy of the two documents referred to above were passed to Stephen Stray

Stephen suggested that DWH may of course revert to its original application where the condition had been approved.

It was **agreed** that:

Stephen Stray will check with the Planning Officer responsible.

STW will issue another letter to CBC to deny discharge to the foul sewer relating to the current application.

Bill Walters also commented that the Rising Main Scheme, whilst it is in progress, would be ongoing for 12 months, the Foul Flooding Scheme, also in progress, is dependent on the outcome of the Rising Main Scheme, requires additional investment and would extend the timescale to 2018/19. There will be absolutely no connection to the foul sewer for 12 months.

John Upton in summarising discussion commented that STW has identified a High Risk of foul flooding and will not allow discharge of the relevant conditions. It is, therefore, clear that phasing of development is not an option, unless the developer resorts to tankering sewage away from site.

The Parish Council reiterated its disappointment felt in the planning process. Parish Councillors are not expert rather they rely on experts, CBC Planning/STW etc., the issues raised would not have been addressed without involvement of the Parish Council and it is the Parish Councils view that the authorities had not previously recognised the issues faced and had therefore failed in their support to the community.

Stephen Stray commented that STW has stated that there is a High Risk, the verification and modelling work ongoing is critical to the process and subject to the outcome of legal advice discussed above, it would be entirely appropriate for CBC to stop occupation.

In concluding the meeting Nicky Morgan summarised agreed actions, listed below, thanked everyone for their attendance and suggested a follow up meeting is arranged in due course.

Agreed Actions

1. STW will provide the Parish Council with a copy of the letter sent to CBC relating to Condition 9, Jelson Development.
2. STW will submit a similar letter relating to P/16/1721/2 Condition 7, David Wilson Homes Development.
3. CBC will, subject to advice, provide copy of instructions issued to Counsel and provide an update on Counsels response.
4. STW will provide an update relating to work and access to the Barrow Road Bridge and on the sewer modelling study.
5. EA will provide an update on the interview with STW.

The meeting closed at 3.10pm