

London Borough of Barnet

Summary of Evidence on behalf of Local Planning Authority

John Greenyer – SuDS and Drainage

Appeal By: Mr Patrick Casey

Proposed Development: “A material change of use for stationing of caravans for residential use with hardstanding and dayrooms ancillary to that use”.

Appeal Site: Land On The North West Side Of Mays Lane, Arkley, Barnet. EN5 2AH

Appeal Reference: APP/N5090/W/23/3330577

LPA Reference: 23/3816/FUL

Public Inquiry: 21 January 2025

Appeal under Section 78 of the Town and Country Planning Act (As Amended) 1990

1.1 London Borough of Barnet (Lead Local Flood Authority – LLFA) sub-contract their Flood Risk and Drainage approvals to WSP in the UK, to provide an independent assessment which supplements the planning decisions. It is the LLFA's aim that there be no demonstrable deleterious impacts to existing on site or off-site flood risk, nor impacts to water quality and environment.

1.2 The Environment Agency surface water flood map indicates the flood risk to the site from surface water flooding ranges from very low to high. With 'High' indicating as 'Flooding occurring as a result of rainfall with a greater than 1 in 30 chance in any given year (annual probability of flooding 3.3%)'. There is a high risk surface water flow path along the southwestern boundary and northwest boundary, and a spot at the centre of the site at high risk.

1.3 Two reviews (on 19/10/23 and 16/08/24 respectively) have been undertaken by the Council's flood risk and drainage team. Each time guidance on the drainage and flood risk has been provided to the Applicant/Appellant, Following the second review, specific details were outlined to the Applicant/Appellant as to why permission should not be granted on the basis of drainage and flood risk requirements.

1.4 The Applicant/Appellant has not provided the necessary information to meet the flood risk and drainage requirements. It is not possible to approve the proposals from a flood risk nor drainage point of view without the following (in summary):

- greater flood risk analysis detail
- greater drainage design details
- greater information on how the surface water flows manoeuvre the site topography and how uncontrolled flows will be minimised
- greater SuDS design information
- greater information on how the surface water flows manoeuvre the site topography and how uncontrolled flows will be minimised.

1.5 Whilst the site is currently not shown to be at flood risk from fluvial (river) or reservoir flood risk, it is important to ensure the proposals do not impact this situation, both now and in the future, to ensure that the site occupiers are not put at risk by the proposals.

1.6 The Applicant/Appellant has supplied a block plan (P01, August 2023) showing that the site drainage (both surface and foul) is to be piped to a fenced off soakaway. Soakaways, permeable paving and rainwater harvesting to attenuate a minimum of 72.75m³ of surface water runoff discharge to nearby watercourse (Dollis Brook) via Hydrobrake. Dollis Brook is a heavily modified watercourse which forms part of a 'Site of Borough Importance for Nature Conservation' along its entire length. Whilst it has a mixture of ecological statuses, it nevertheless forms a valuable green corridor through suburban areas. As such any unrestricted discharge, especially without pollution control will harm the existing ecological standards, and the future aspirations to improve water quality along the watercourse.

1.7 The Applicant/Appellant has supplied no evidence of approval from the LLFA confirming they approve the discharge into Dollis Brook.

1.8 The proposals effectively create a drainage field which are no longer acceptable. For the foul water drainage, they would need to use a package treatment plant like a Klargest Bio Disc. Also, even if the drainage field were viable, foul and surface water would need to be separate structures and distanced at least 5m apart. If they are together or placed too close together then the effectiveness of each will be diminished.

1.9 In respect of future flood risk, the Applicant/Appellant has provided no information as to how the proposed site will be impacted by existing, nor future surface water flood risk. It is our concern that with climate change the site will become not only more inundated by surface water flood risk, but more frequently. The Applicant/Appellant has provided no details as to how the proposed development will enable evacuation of its residents during flood risk, nor how this can be completed in a timely fashion, should May's Lane become restricted to traffic movements at the same time

1.10 It should be noted that the lack of reference to the Sequential Test and Exception Test in the reasons for refusal should not be taken to mean that the Council considers that the developer does not need to apply those tests or that, if the tests were applied, they would be passed. It will be a matter for the Appellant to demonstrate to the decision-maker that the development passes the Sequential Test or, if not, the Exception Test. Normally, this should have been included in the Flood Risk Assessment.

1.11 For the reasons set out in this document and in my proof of evidence, the London Borough of Barnet cannot support the grant of planning permission by the Secretary of State, specifically in relation to flood risk nor drainage as the site remains unacceptable for this form of development for 'Highly Vulnerable' developments, as noted in NPPF, Annex 3 (March 2024), due to existing flood risk and drainage discharge restrictions. As an independent professional witness, I believe that to grant permission for the proposed development would put residents at risk of harm.