

WBC Planning Committee Written Statement - March 17 2021 - 21/00114/COND1

Your Planning Officers Report to Committee on this evening's determination to discharge conditions attached to an extant permission is incorrect in asserting that the Appeal Inspectors dismissal of the Newspaper House Appeal is not relevant. The Inspector found that the sequential test in that case relied on the of the LREI's potential regeneration, but noted that a Masterplan is essential. This will have entailed Environmental Impact Assessment and the design of a sustainable drainage system for the LRIE a whole. The impact of flooding was the Appeal Inspectors primary consideration.

The extant permission has a remarkably tangled and murky planning history, rendering any understanding of the reasoning underlying WBCs determinations or indeed the development being approved at each stage very difficult. The Officers reasoning underlying these determinations could be interpreted as being deliberately obscure.

The current application is the sixth in a sequence of applications modifying, varying or amending the terms of the 2016 Appeal Decision. Officers reports fail to explain the reasons underlying determinations or are absent from the relevant WBC Webpages, as is the 2012 Flood Risk Assessment relied upon in the conditions attached to the Appeal Decision and subsequent permissions.

This is contrary to the Governments 2019 guidance "Probity in Planning" which requires that decisions on planning applications are undertaken in a fair, impartial and transparent way. The Courts have also found that local planning authorities should take extra care when determining applications involving development on their own land.

The phasing of the sites development is not mentioned in the 2016 Appeal Decision Letter or its schedule of conditions nor is a phasing schedule published on the relevant WBC Webpage. Condition 11 does, however, require that the development be implemented in accordance with the 2012

FRA, limiting the surface water run-off generated by the 1:100 year critical storm event to the greenfield run-off from the undeveloped site and not increase the risk of flooding off-site, to accord with the Environment Agency's specification.

Further to the 2018 determination authorising the phased development of the site a new condition 12 was inserted now requiring that the sustainable drainage system be authorised for each phase individually, despite no new Flood Risk Assessment demonstrating that this is either feasible or desirable. Adequate space is generally essential to a sustainable drainage systems ability to attenuate flood waters. Proof that WBC can exercise its flood risk control risk management function subject to the Flood and Water Management Act 2010 for the phased development has not been produced. Moreover, in the absence of a sustainable drainage system, the use of other peoples land for flood water storage is contrary to common law and cases of actual flooding can give rise to liability in the torts of negligence and/or nuisance. On the basis of the foregoing I respectfully request that this application be refused.

I thank you for your time.

ARNOLD WARD