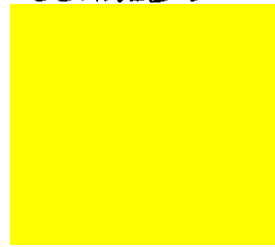
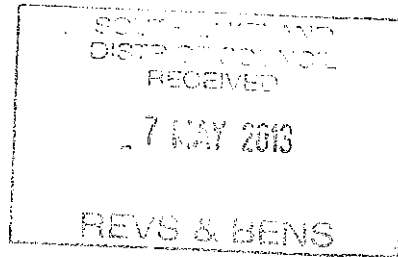


2894 - JOHNSON

Mr Simon Berkeley BA MA MRTPI
c/o Development Plans Manager
SLDC
South Lakeland House
Lowther Street
Kendal
Cumbria
LA9 4DL



3 May 2013

Dear Sir

**SOUTH LAKELAND LOCAL DEVELOPMENT FRAMEWORK
LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)
Public Examination – Consultation on the updated Schedule of Proposed Main Modifications to the
DPD.**

Following the suspension of the Public Examination into the soundness of the Land Allocations Development Plan Document (DPD) at SLDC's request to enable further work to be undertaken, I write to advise I do not feel the additional work undertaken has in any way verified the soundness of the DPD document; in actual fact quite the opposite.

Reference MM009 Policy 2-(27A) - Great play has been made of the need to prove viability/deliverability of the sites as a whole and guidance from Sir John Harman states " Given the purpose and potential benefits of a Local Plan Viability Assessment, the process will benefit from an approach that seeks to bring people together to discuss the key issues at an early stage of preparation of the Local Plan, well before the formal examination in public."

Notwithstanding the above it appears SLDC held a meeting with developers/ land owners and agents to discuss assessment of viability as late into the whole process as 22nd February 2013 ! Following Harman's guidelines using standard site viability test my understanding is that hardly any site under consideration for allocation proved financially viable. SLDC's answer to this embarrassing predicament at this late stage of procedures appears to have been to abandon Harman's guidelines and simply "move the goal-posts" by reducing projected land sale price per hectare at a stroke to levels understood to be totally unacceptable to local landowners.

Additionally Ref. MM008 Policy 2.25 " Managing Flood Risk " - SLDC states it has held detailed discussions with the Environmental Agency and the Council's own land and drainage team , but with regard to Site R121M the flood status is completely inaccurate and the assessment of the impact on the Stock Beck Flood Scheme appears not to have been included as part of the flood risk assessment. No Surface Water Management Plan has as yet been completed by Cumbria County Council as LLFA and who confirm that a site specific Flood Assessment would always be requested to be provided by any developer as the Council would not be prepared to shoulder the burden of costs involved in the process. I enclose copy correspondence to highlight my views of the inadequate robustness of this procedure as regards proposals in respect of Site R121M with it's known history of sheetwater run-off issues affecting lower level housing developments.

The whole aspect of the Land Allocations Development Plan Document was always going to be a difficult task but I believe communication with the local communities on areas of concern has left a lot to be desired , with many inadequately answered or completely unanswered questions asked of a Council who have done insufficient to demonstrate the overall soundness of their DPD despite the lengthy and indeed extended process.

Yours sincerely



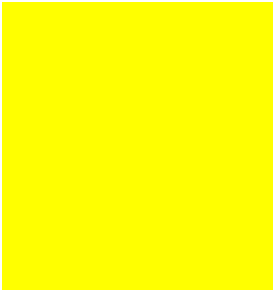
JT Johnson

COPY CORRESPONDENCE ENCLOSED

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Jill Stannard
Chief Executive
Cumbria County Council
The Courts
English Street
CARLISLE
Cumbria
CA3 8NA

SOUTH LAKE LAKE
DISTRICT COUNCIL
RECEIVED
7 MAY 2013
REVS & BEVS



3 January 2013

Dear Mrs Stannard

FLOOD RISK

I thank you for your letter of 6 December 2012 and apologize for the delay in replying but take the opportunity to wish you a Happy New Year.

I fully understand why a Council would require a developer to shoulder the cost burden of a comprehensive Flood Assessment – but to a layman therein lies the problem. Land is being allocated before comprehensive Flood Assessments are completed and , with no disrespect to developers intended, they are likely to want to spend as little as possible on a FA which impacts on their development costs. If problems occur through flooding in the future developers are usually long gone and any affected residents will undoubtedly seek recourse from Councils who continue to allocate known problematic land subject to surface water flooding issues like R121M (KENDAL) when the public know far less problematic sites exist in the town to more than cover new build requirements projected.

The Stock Beck Flood Alleviation Scheme as you will know was constructed at enormous cost for good reason and additional development on Kendals' eastern high hillside should not be allowed which could compromise the scheme. Several equally expensive flood relief/defence schemes introduced throughout the U.K. have indeed proved ineffective during the extreme weather conditions experienced during 2012 and Environmental Agency statistics and projections suggest *extreme weather patterns are likely to be repeated in the coming years.*

To suggest that improvement works could be done to mitigate potential sheet water flood risk holds no weight with the local community who have witnessed over many years futile unsuccessful attempts by the Council/highways to alleviate the constant sheetwater flooding which occurs under the railway bridge at Parkside Road, Kendal. If the Council cannot or will not address this road flooding issue (for cost or other reasons) how can we have faith in FA responsibility resting with a potential developer, notwithstanding your assurance the FA would be assessed by the Council as LLFA.

I thank you for your time and patience over these matters and I do not expect or require a further reply on the subject.

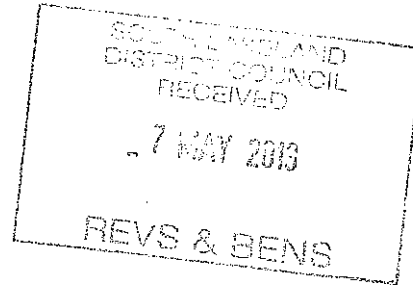
Yours sincerely

JT Johnson

Copy

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5 December 2012



Dear Mr Johnson

Flood Risk

Thank you for your letter of 7 November 2012 regarding the above. Please accept my apologies for the delay in responding.

As LLFA we are formulating a Surface Water Management Plan SWMP (publication in early part of 2013) that will highlight what are classed as "critical drainage areas" (CDA). The report is at a draft stage but out of the 7 areas listed Kendal is one of them. The plan is currently in circulation with all planning and risk management authorities in Cumbria. SLDC are clearly aware now, and have also stated this in correspondence with yourself that any developments within a CDA will require Flood Assessment (FA). However, if the FA was to be carried out by the district authorities then our existing rates would have to rise to cover off the large cost to the authority. Therefore, it is always asked of any developer that they carry out an adequate FA. That assessment will always be assessed by us as a LLFA including any consequential Sustainable Urban Drainage system for the development.

The creation of the LLFA is to prevent future developments causing flooding and to ensure where flooding already occurs from surface water we investigate and look to resolve a solution, where possible, with all other risk authorities.

hope this further information is helpful.

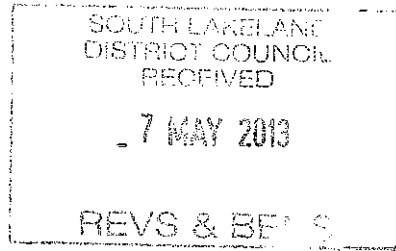
Yours sincerely



Jill Stannard
Chief Executive

Copy

Bill Stannard
Chief Executive
Cumbria County Council
The Courts
English Street
CARLISLE
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CA3 8NA



7 November 2012

Dear Mrs Stannard

FLOOD RISK - Your Reference 2227

I thank you for your letter of 17 October 2012 and note your comments that you and the Local Flood Risk Management Team are actively engaged with SLDC planning section.

I have to say I gain no reassurance or comfort from your comment that the team would fully assess any application for Castle Green Road site R121M over the next 5 years for a Sustainable Urban Drainage system including any flood impact that it would have or confirmation that SLDC expect some of the site would be used specifically to alleviate existing flooding problems as well as handle any new development drainage.

I contend that if SLDC choose to include site R121M as an allocated site for development it is incumbent on the Council to perform a comprehensive Site Specific Flood Risk Assessment in support of its' beliefs in line with recommendations shown in the attached Independent Expert Opinion in Water, Construction & the Environment (Professor Robert Jackson) report prepared for and commissioned on behalf of a local Sedbergh Road , Kendal resident and which has only today come to my attention.

What is becoming increasingly clear is that if residents fears and professional consultants recommendations are ignored on this matter, then should future problems or loss be incurred as a consequence of sheetwater flooding downstream of site R121M , Kendal residents need look no further than the Council for recompense and redress.

Yours sincerely

IT Johnson

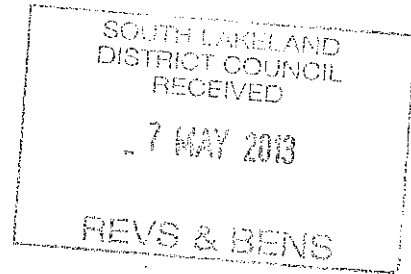
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7 October 2012

Your Ref: 2227



Dear Mr Johnson

Further to your letter dated 18 July 2012 please accept my sincere apologies for the delay in responding.

The position with regard to the LLFA being a statutory consultee has not changed. It was intended that schedule 3 of the Act be carried out this month but Defra have now deferred it to 2013. (Probably Oct 2013). However, I can assure you that although the government has not acted we and the Local Flood Risk Management Team (LFRMT) are actively engaged with SLDC planning section. The team would fully assess any application for Castle Green Road site R121M over the next 5 years for a Sustainable Urban Drainage system SUDS, including any flood impact that it would have. I believe that SLDC expect that some of the site would be used specifically to alleviate existing flooding problems as well as handle any new development drainage.

Any flood risk assessment submitted to the SLDC planners for the site would be assessed by the team along with any potential consents required for changes to ordinary watercourses.

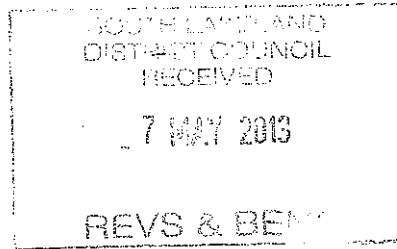
If you would like further information or to discuss this in more depth the team can be found at the following e-mail address LFRMT@cumbria.gov.uk.

Yours sincerely

Jill Stannard
Chief Executive

copy

Jill Stannard
Chief Executive
Cumbria County Council
The Courts
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CA3 8NA



18 July 2012

Dear Ms. Stannard

FLOOD RISK – Your Reference 2013

Further to your letter of 19 September 2011 and the recent impact of extremely heavy rain throughout many areas in the past few weeks, I write to enquire as to what is the latest position as regards the County Council's role as a LLFA which in your last letter you stated parts were still going through Parliament and as a consequence the County Council was not yet a statutory consultee in planning matters relating to flood risk.

You will recall I am concerned as to S.L.D.C's insistence in retaining land east of Castle Green Road, Kendal (Site R121M) within their Land Allocations Document despite vociferous public opposition to the plan, not least of all because of known existing complex flood risk issues which blight the site and which has seen all other eastern hillside sites with potential to flow into the Stock Beck Flood Alleviation System sensibly removed from development consideration. S.L.D.C confirm that on this site there is an established flood risk, the catchment may include railway drainage and there are issues concerned with sheet run off and flooding from the watercourses, and yet although they have not done a site specific Flood Risk Assessment they continue to include the site in their Land Allocations DPD which has now been submitted to the Secretary of State for examination.

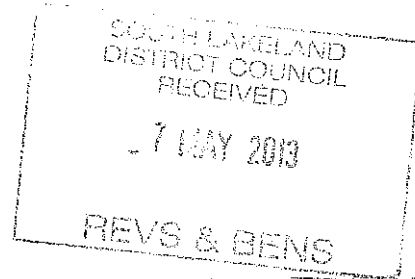
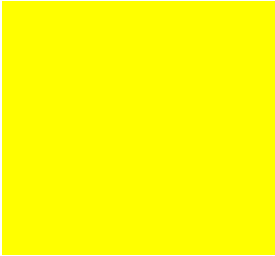
If local government officers continue to ignore well meaning local opinion and knowledge on these local issues I fear the possibility of a recurrence of the 1999 flooding issues which affected some 170 houses downstream of Site R121M could well become reality, and the possibility of this should simply not be allowed to happen again. Casual reference to 'mitigation measures' or 'flood attenuation' without S.L.D.C doing a site specific Flood Risk Assessment on the site before its inclusion in their final Land Allocations leaves local residents deeply frustrated in the whole Land Allocations process which they believe to be deeply flawed in many areas.

Yours sincerely

JT Johnson

Copy

19 September 2011
Ref: 2013



Dear Mr Johnson

FLOOD RISK

Thank you for your letter regarding flood risk in Kendal, which we received on the 19th August 2011. Please accept my apology for the delay in responding.

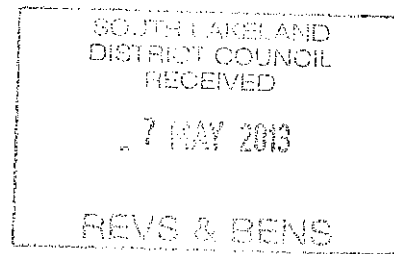
The County Council has recently become the Lead Local Flood Authority (LLFA) in Cumbria. This role has been created via the commencement of the Flood and Water Management Act 2010 (FWMA). The LLFA has an overview for flood risk from local sources. These local sources include surface water, groundwater and ordinary water courses (ordinary watercourses are all watercourses which are not 'main' rivers; 'main' rivers are the responsibility of the Environment Agency).

Part of the FWMA are still going through Parliament. As a result the County Council's role as a LLFA is still being established and as yet the County Council is not a statutory consultee in planning matters relating to flood risk. The County Council is aware that both the Environment Agency and South Lakeland District Council's own drainage officer have been consulted in relation to flood risk and drainage issues on sites being considered across the district for the Land Allocations document. Through the consultation process the Environment Agency has provided comments from the strategic flood risk perspective and the South Lakeland District Council drainage engineers have commented from the operational and site specific perspective. At this moment in time the County Council would not be able to add to the process that has been undertaken here.

Under the terms of the FWMA 2010 the LLFA must produce a local flood risk management strategy. This will set out the County Council's role and objectives in relations to local flood risk management. The Council is currently producing a Surface Water Management Plan and has recently completed a Preliminary Flood Risk Assessment. These documents identify the propensity for certain parts of the County to flood, including areas of Kendal.

If you have any further queries regarding this response, please do not hesitate to contact Leanne Beverley on 01228 226739 who will be happy to assist you with anything further.

COPY



Chief Executive
Cumbria County Council
Headquarters
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15 AUGUST 2011

Dear Sir

FLOOD RISK

I write to express my relief to read in this weeks issue of the Westmorland Gazette that Cumbria County Council is taking a bigger role in flood risk management and taking responsibility for stream flooding, and surface and ground water. This welcome news is in stark contrast to South Lakeland District Council who appear somewhat dismissive of the real concerns expressed by myself and neighbours as to the potential flood risks posed by their ongoing Land Allocations Consultation in including Site R121M as an emerging option for development. Flooding concerns in respect of the site were also expressed by the Environment Agency, United Utilities and indeed South Lakeland District Councils own Environment Protection Officer, and we are at a loss as to why the site can continue to be considered an option for development when such a high flood risk issue would exist with the potential for a recurrence of the flooding issues experienced in 1999 which necessitated the construction of the Stock Beck flood storage reservoir to provide reduced flood risk to some 170 houses.

The risk is still there and must not be enhanced by allowing development on the R121M site which over many years I have witnessed acts like an enormous sponge in coping with much of the annual rainfall most of the time, but which if altered through development would result in surface water run-off to progress downhill much quicker with the potential for serious flooding issues for lower lying properties as experienced in 1999.

Not surprisingly your Preliminary Flood Risk Assessment has highlighted Kendal to be the most at-risk town from surface and ground water flooding reaffirming the belief of Oak Tree Road / Sedbergh Road residents that high hillside sites like R121M with its known flooding issues should not be considered for potential housing development.

I trust our concerns are more likely to receive a more enlightened review by yourselves in respect of my above comments.

Yours sincerely

JT Johnson