

04 May 2013

Viability, Deliverability and Infrastructure Issues

Dear Mr. Berkeley,

I write on behalf of SOLEK, which has campaigned on behalf of some 400 residents, who in their various ways are opposed to the development of R121M (mod).

I shall comment on general issues, and also refer more specifically to the above site.

The viability criteria are not well thought-out. Everything is financially driven at current rates and Levels, and there is no reference to technical viability.

Buildings should currently be constructed to Level 4 standards. Where is it indicated that they will be built to Level 6 standards?

How can the assumed building costs truly reflect the development costs if at an inappropriate Level?

Looking more closely at general development cost increases, for example, have the most recent increases in construction costs been built in? Building materials went up 15% after Christmas.

What incremental increases have been built into the viability model?

Where are the CIL and Section 106 calculations? Where they exist, are they realistic?

I have to agree with Green Spaces that 'SLDC officers have engaged extensively with landowners, developers and service providers', yet consultations with residents have continued to be non-existent.

The Strategy Team Manager requests that 'comments must relate only to the published updated schedule of main modifications'. Firstly, discussion and feedback from previous submissions have thus far been totally non-existent. Secondly, it is impossible not to repeat to a certain extent, since most of the questions raised have not been answered. Thirdly, there is so much that has been omitted.

At the end of the Hearing in November I discovered that the Strategy Team had shown a resident-funded, flooding/drainage report from Professor Jackson - **neither** to the SLDC Drainage Team **nor** to the Environment Agency. I had a very pleasant meeting with the representatives from the two latter groups, but came away none the wiser. I subsequently sent them a letter and copied Mr Law and Mr Hudson into it.

I **attach** that letter which expresses concerns of a general and also a site-specific nature. I wanted to know what measures were envisaged to deal with the existing/future drainage and flooding problems relating to this site and beyond.

I subsequently wrote briefly on two occasions to the Strategy Team Manager (03.04.13 and 11.04.13) about the issues of drainage and flooding and I am surprised to have received neither an acknowledgement nor a reply (at the point of writing this letter). This information was needed in order to reassure us and that we might better assess the accuracy of the viability consultation.

SLDC wanted 'to make sure that they have evidence on viability/deliverability on sites with suspected abnormal costs (before we return to examination)'. So, it was decided to look at R121M (mod) in greater depth and the consultants concluded that it was just viable to develop the site.

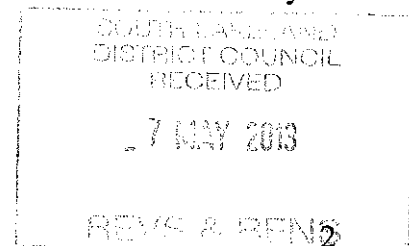
However, friends in the building trade and allied professions do not share their optimism, and I should like to have answers to the following questions (as well as the ones above):

In general terms:

- What original information were the consultants given to work on?
- What additional information were they given as regards highways, drainage/flooding, landscape, biodiversity and previous planning history/designations?
- What site specific and site related data (current and future road, drainage and Stock Beck considerations, for example) was additionally built into the assessment?
- What additionally did they build into the development costs should the site not be built until Phase 2, as envisaged, for example?

The **Highways** Consultation Report is totally inadequate – a fact that I have highlighted in my other (personal) response.

- What highways costs need to be built in? (Is it one road or two?)
- What costs will be involved in sorting out existing problems on the A684? The County Councillor is working to get this sorted, and it should be noted that there is additionally a school crossing near to the entrance to Rusland Park. (I am a Town Councillor for the ward, and I have likewise been approached by residents).
- What traffic calming measures will be needed on Oak Tree Road and Rowan Tree Crescent? And will the calming measures for these two roads be totally unreasonable for residents?



Flooding and drainage

- What are the answers to the flooding/drainage questions that I have already posed?
- Is there a Surface Water Management Plan for Kendal (and for this site)?
- Has a sequential test been carried out for flooding, as this is a high risk area?
- Will a holding pond be sufficient? And is it feasible where envisaged? What measures are needed behind Oak Tree Road?
- What evidence are SLDC using to make their judgements?
- Have Professor Jackson's recommendations now been carried out and costed?
- What are the likely effects on the Stock Beck Flood Alleviation Scheme? Where is the evidence? SLDC decides what needs doing, not developers.
- What are the implications for the already inadequate road drainage system on the A684?

The **Infrastructure Document** is still not a delivery plan.

Biodiversity

- What costs have been put forward for mitigation measures, with particular reference to the colony of great crested newts? What surveys have been done and need to be done, and then what measures need to be put in place? (The colony could be within 20 metres of any access road.)

Landscape

- Have the historical and landscape commitments made by SLDC at an earlier stage in this long, drawn-out process been factored in? (The retention of the dry stone walls, tree groups etc.
- What is to become of the strip of trees at the back of Oak Tree Road? (One of the many details that Mr Law was unable to shed any light on). The current tree screening there will not be sufficient to conceal this development from being a noticeable extension of the town, and will further change the nature of Kendal as being a 'market town, nestling in a valley'.
- Other landscape mitigation and screening measures.

Did the consultants have sight of locally expressed concerns?

One may not agree with the views expressed by some who would be deemed 'nimbies', but they are at least food for thought.

Or is it a continuation of SLDC's policy of 'If it does not fit in with what we want and intend to do, and we did not commission it, it is of no value'?

You may start with certain costing assumptions, but then you have to build in **all** the specifics requirements of a site.

Unless all of the above issues have been looked at and costed into the viability assessment, then the latter is worthless and meaningless with respect to R121M (mod).

And when it is all costed in, it will duly highlight the undeliverability of the site, I susupect.

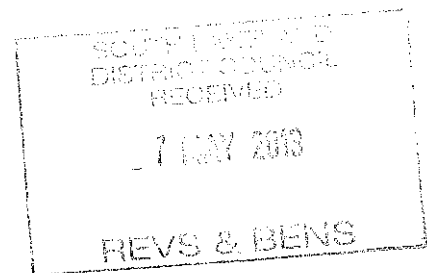
It is indeed a sensitive site. One local professional said that this site alone could require a whole day with an Inspector!

All of our concerns over landscape, drainage/flooding, biodiversity, highways and sustainability feature prominently on the SLDC and the government's agenda, so how is it that this site is still being considered for development?

We should very much like an opportunity to speak at the re-convened hearing on issues of infrastructure (highways and drainage/flooding), viability and deliverability and new site specific information.

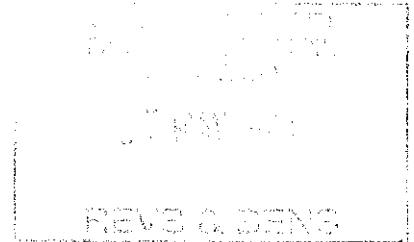
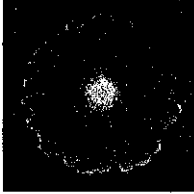
Yours sincerely,

Austen Robinson - on behalf of SOLEK (Save Our Landscape East Kendal)



austen robinson ([REDACTED])
12/02/2013

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Cc: Dan Hudson, d.law@southlakeland.gov.uk, doug.hoyle@cumbriacc.gov.uk



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From: **austen robinson** ([REDACTED])
Sent: 12 February 2013 14:29:47
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Cc: Dan Hudson (d.hudson@southlakeland.gov.uk); d.law@southlakeland.gov.uk;
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12.02.2013

Dear Sean, Iwan and Tom,

Once again thank you for looking at R121M (mod) and your thoughts about the 'water' problems on and from the site.

It was a frustration and a worry, however, that you would not give any specific suggestions as to what mitigation measures would/could/should be required of developers.

You will again appreciate that I was astounded to discover that the Strategy Team had not passed a copy of Professor Jackson's Report to you for consideration.

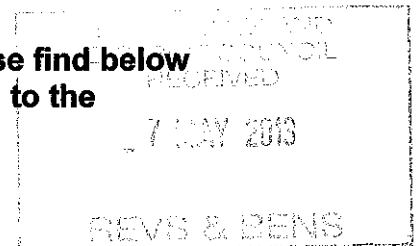
I had quite naively assumed that any submissions made to the Strategy Team would be passed on for perusal by the 'experts'.

I am very pleased that I had the wit to realise what had or had not happened so handed you a copy at the Hearing in November, but sadly after the 'discussion' about the site had taken place with the Inspector.

I believe that the author of the report specialises in flooding claims against planning authorities, who have permitted building on inappropriate sites - all the more reason for it to have been looked at carefully at the very earliest opportunity.

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Further to my pre-Christmas note of thanks to Sean, please find below my two principle concerns about the suggested approach to the drainage/flooding problems in Kendal:



1. The general reliance of SUDs on 'soakaways'.

These rely in turn on groundwater levels.

If, as is happening currently and regularly, the land is saturated, then the water table becomes so high they don't work and you simply get standing surface water.

2. However, the topography of Kendal is not flat, like Cambridgeshire, so when the soakaway fills up, the water overflows downhill into existing highway drains, and they in turn overflow.

This has long been the case, for example, at Parkside Road bridge.

We have also seen, in the last two winters, related flooding on Hallgarth, at the cricket pitch on Parkside Rd, at Iceland and on Milnthorpe Road.

Consequently the solution in Kendal might be that introduced for Stockbeck - holding ponds with a slow release of water.

The proposed development of R121M (mod) would indicate that the drainage/flooding problems could only possibly and perhaps be solved by the use of holding ponds.

This must be pointed out to any potential developer, indicating that this must be at the forefront when possible solutions are to be considered.

This has been a planning requirement elsewhere recently in Sandylands (on the eastern side of Kendal).

However, I would seriously question the feasibility, the viability or success of such a project, bearing in mind the nature and size of the land in question and the amount of water currently needing to be managed, with a greatly increased amount of run-off water likely to be generated by any building development.

It should be carefully noted too that R141 and to a slightly lesser extent R56 already absorb and soak up huge volumes of water.

SLDC, CCC and the EA need to review what is most appropriate for Kendal.

Holding ponds with the concomitant land for the latter should be planned and allocated for where soakaways alone are not sufficient.

It is necessary to point out the fact that the relatively recently surfaced road below R56 is now pot-holing seriously - in the area below which the water streams onto the road.

As you will see I am far from re-assured about the future and flooding.

However, flooding is only one of the concerns that I have - highways, biodiversity, landscape and planning history being amongst the others.

In due course I shall forward this correspondence to the Planning Inspector.

Yours sincerely,

Austen (Robinson), on behalf of SOLEK

cc. Dan Hudson, Damian Law, Doug Hoyle

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