

(6) PUBLIC QUESTIONS

In accordance with Council Procedure Rule 10, questions have been submitted by Fairford Town Council, and responses provided by the Chairman of this Committee, as follows:-

'Noting that the Breach of Condition Notice issued on the development on Land south of Cirencester Road (Application ref. 13/03097/OUT) on 25th July has been ineffective in securing full compliance with the planning conditions, that purchasers have continued to move into properties on the estate with sewage apparently being collected and removed from the site by tanker, and that a connection is now apparently due to be made to the main sewage system without the necessary capacity improvements having been made, we would like to know:-

(1) How was it in the public interest for enforcement action to have been delayed so long; why did the Breach of Condition Notice eventually issued not address the second part of the planning condition, i.e. that the drainage scheme should be implemented in accordance with the approved details before the development was first brought into use; and will CDC carry out a detailed inquiry into how this situation has arisen, including lessons learned, and propose measures to ensure that a similar thing does not happen again, so as to help restore confidence in the Planning system in the District (or at least in Fairford)?

Response from Councillor SG Hirst, Chairman of the Committee

A condition compliance application was received by the Council on 12th November 2015, which included the details for condition 5 with regard to the disposal of foul and surface water. In view of this application having been submitted, it was not considered to be expedient to issue a Breach of Condition Notice (BCN) at that time.

The decision to serve a BCN was taken when the Council became aware that houses upon the site had been occupied. As the development had therefore been brought into use, it could not include such a requirement within the BCN, as this had to address the situation at that time.

It is not considered that an inquiry is necessary. Notwithstanding the actions taken by the developer, the delay in making a decision upon the condition compliance application has been due to the response time of Thames Water to the consultations that have been sent, in addition to subsequent amendments to the off-site works due to factors outside the Council's control, for example, the archaeological sensitivity of the area where some of these works are to be undertaken.

(2) Will CDC also provide assurance, with evidence, that the revised scheme for foul sewage will not increase the risk or severity of sewer flooding for people living elsewhere in Fairford, and that the development will not be connected to the main sewer before the necessary capacity improvements have been made?'

Response from Councillor SG Hirst, Chairman of the Committee

Thames Water is the Statutory Undertaker for foul and surface water drainage and therefore has a legal responsibility to ensure that adequate provision is made. Considering that technical approval was granted (subject to Legal Agreements being entered into by the developer) for the sewer adoption in November 2015, and that off-site works were scheduled to commence on Monday 7th November 2016, the Council

can only conclude that Thames Water is satisfied with the drainage proposals for this development.

Notes:

(i) If the questioners are present at the Meeting, they will be entitled to ask one supplementary question arising directly out of either the answer given or their original questions.

(ii) The Chairman will try and answer any supplementary question at the Meeting; but if this is not possible, then the Chairman will answer as much as possible at the Meeting and then provide a full response within five working days. If, for any reason, a full response cannot be provided within those five days, then a holding response will be sent to the questioner, along with the reason for delay and a likely timescale for the full response.

(END)