

24<sup>th</sup> November 2021

Dear Martin,

At last night's Planning & Infrastructure Committee meeting (22<sup>nd</sup> November 2021), CDC Councillor Clive Webster advised of a discussion with yourself concerning the issue of water management on the redevelopment of the Stockwells estate. At that Council Planning Committee meeting, it was resolved that I write to formally confirm the Town Council's concerns and ask for your assurance that the appropriate questions are being asked of the statutory consultees and the relevant answers are sufficient to enable CDC to fully understand the situation and to handle the application appropriately.

The Council approached the Lead Local Flood Authority (GCC) for clarification on issues to understand what the developers were doing regarding surface water, where it goes, and why they are suggesting adding to a drainage ditch they do not have access to and not identifying how they would maintain it. This was due to having local knowledge of the point of convergence of water systems to the river Evenlode and the fact that properties have been flooded at this area in the past and as recently as last Christmas 2020 under the current water management regime.

A response was received:

I asked for confirmation of the land ownership and the applicant provided a plan showing they own the land right up to the edge of the ditch. There might be inconsistencies between different plans but with the plan that they've shown me, there's no real objection I can make for them using it to discharge into the Evenlode.

I also asked for clarification over the existing surface water sewer they've identified but don't have an outfall for and where the site's surface water is currently discharging to. They said that surface water is currently draining to the foul sewer so changing this to the watercourse would be preferable in terms of the drainage hierarchy. The existing surface water sewer is serving the highway and will remain doing so. Although it might be helpful to know where it drains to, as they aren't altering the rate and volume of flows through it, just the route it takes through the site, not knowing the outfall is not an objectionable point.

I've reiterated to Martin my initial recommendation of no objection subject to the conditions for a detailed design and a maintenance plan. This is because by providing a limit on the discharge rate and attenuating surface water on site the development has met the planning requirements for surface water drainage.'

The attached plans were sent showing part of the applicant's Flood Risk Document and snapshot of the topographical map showing clearly that the applicant has no ownership or connection to the drainage ditch. They had therefore not 'shown a plan that they own the

land right up to the edge of the ditch' and they are unable to determine outfall routes. It also shows a 'sewer easement' area outside of their legal boundary.

There is clear admission that surface water is entering the foul water system and any change, however considered ideal in terms of 'drainage hierarchy', will significantly increase the water entering the drainage and river system at this point. If houses flood now with much surface water being diverted to foul water systems, any steps to divert this to the river system can only exacerbate the flood risk unless other mitigation is introduced.

It should be pointed out that the flood risk at this point is exacerbated by the close proximity of three road surface water outlets, one of which at the beginning of the identified ditch has been referred to as the outlet for drainage water from as far away as the proposed Mosedale development coming under the A44 and housing to reach the river. The Environment Agency are also very much aware of the issues at this point but Town Council is unaware of any steps to reduce flood risk here at this point in time.

Please let Town Council know if there is any further information we can provide to assist you in making comment on the issue.

Yours sincerely

Amanda Davis  
Clerk to Council







## Martin Perks

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**From:** Martin Perks  
**Sent:** 29 November 2021 15:21  
**To:** 'Clerk'  
**Subject:** RE: Stockwells development in Moreton-in-Marsh  
**Attachments:** AAC5575\_RPS\_XX\_XX\_DR\_C\_600\_Drainage Concept\_P03 (002).pdf; Title Plan View - GR191269 Eastern Stockwells (002).pdf

Dear Amanda,

Thank you for your email and correspondence.

The applicant advises the following:

*Our legal title confirms our land ownership abuts the adjacent ditch therefore we able to rely upon riparian rights – this has been confirmed by our solicitors. Our site boundary has been adjusted to place a new fence line within our boundary (not directly on it) which enables the headwall to be installed still within our boundary. As this remains within our title, we are able to maintain this area appropriately; I refer to the previously mentioned proposed gate for access and maintenance purposes.*

*I have attached a further copy of the title plan which shows that Bromford own the land up to the edge of the ditch and I have also attached a copy of the submitted drainage strategy plan, which show the new headwall is constructed within the land that Bromford own, before discharging into the ditch under the riparian rights.*

*With regards to the management and maintenance of the SuDs, this is included in one of the proposed conditions, so this information will have to be submitted and approved in due course by CDC and the GCC as the LLFA.*

The proposed development will accord with sustainable drainage (SUDs) principles. Under the SUDs hierarchy surface water should ideally be dealt with by i) on site infiltration, ii) by discharge to a water course/body iii) to a surface water sewer and lastly to a combined sewer. It is therefore preferable for surface water to discharge to a ditch/water course than to a sewer subject to the rate of flow being controlled as is the case in this instance.

I trust this information is of assistance.

regards

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**From:** Clerk <Clerk@moretoninmarshtowncouncil.gov.uk>  
**Sent:** 29 November 2021 08:56  
**To:** Martin Perks <martin.perks@cotswold.gov.uk>; Martin Perks <martin.perks@cotswold.gov.uk>  
**Subject:** Stockwells development in Moreton-in-Marsh

Dear Martin

Please see attached letter from Moreton-in-Marsh Town Council re the proposed Stockwells development and especially with regards water and flood risk issues.

Kind regards  
Amanda Davis  
Clerk to Council



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 22 August 2019 at 16:44:22. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Gloucester Office.

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- 3. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permissions are obtained.
- 4. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permissions are obtained.

City of Lincoln, 2014

Area	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )
Plot Area	10,000	119,600
Building Area	5,000	59,800
Other Area	5,000	59,800

**PRELIMINARY**  
**SUBJECT TO DETAILED DESIGN**

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**KEY**

Existing highway drain to be replaced	Proposed Gas Collector 'New'
Existing storm water main to be retained	Proposed Stormwater Main
Existing storm water main to be replaced	Proposed Footway
Proposed highway drain	
Proposed storm water storage	
Proposed footway drainage	
Proposed Sewer Manhole	



**RPS**  
RICKMAN PEARSON  
SUSSEX  
LONDON  
W1A 0AF

**Brombird Developments Ltd**

**Stockwells**  
Morton in the Marsh

**Drainage Concept**

1:10

1:200  
1:500  
1:1000

04.12.19

AG OH AG

AAC575-RPS-XXXX-R-C-600-01

54

RPS



## Martin Perks

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**From:** Clerk <Clerk@moretoninmarshtowncouncil.gov.uk>  
**Sent:** 29 November 2021 17:53  
**To:** Martin Perks  
**Subject:** Stockwells development Moreton in Marsh

Dear Martin

Thank you for your response.

My understanding is that riparian responsibilities for waterways exist when land is owned to that waterway and not before. In which case on behalf of Moreton-in-Marsh Town Council I must query Bromford's understanding of the situation.

The Land Registry document cannot be relied on to confirm exactly where the boundary exists. The plan you have been shown (as attached) clearly shows the boundary of land owned by Bromford stopping short of the ditch (in black) and the proposed new section of ditch clearly comes out of their land across other owned land to reach the ditch. They are also proposing taking their fence back from their boundary and enable a gate to enter land which is not theirs to maintain a new length of ditch which will not be entirely on their land.

Should CDC find this acceptable, who will be responsible for checking the excessive levels of water in this ditch which will predictably flood properties on Croft Holm and who will clear the ditch for its length to the river proper as it silts up due to this additional surface water? The level of water in this ditch rose to a level that a property was partially flooded in December 2020. No other action to mitigate the flooding of this area has taken place since that date therefore the additional surface water proposed for this ditch will inevitably exacerbate the risk that this area, and the house I refer to, will flood again.

I would be pleased that Moreton-in-Marsh Town Council's view are made known and I would welcome any further response you may have. We all have the interests of our residents and future residents in mind. Thanks for your time.

Kind regards  
Amanda Davis  
Clerk to Town Council

## Martin Perks

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**From:** Martin Perks  
**Sent:** 01 December 2021 12:30  
**To:** 'Clerk'  
**Subject:** RE: Stockwells development Moreton in Marsh

Dear Amanda,

I have received the following response from the Lead Local Flood Authority:

*If Bromford owns the land up to the ditch, as they say and as the title plan seems to show, then I don't see an issue with them discharging into it. They should provide a suitable management and maintenance plan to ensure the outfall remains clear but this can be done through a condition.*

*The management of the rest of the ditch won't be altered by this. It will remain with whoever currently has riparian responsibility and there are processes in place to ensure this is carried out (e.g. through the Land Drainage Act, 1991).*

*I understand the worries of the neighbouring properties given the ongoing flooding issues they're experiencing. However, from the information provided the proposal will not make the situation worse and could provide some betterment. By removing surface water from the foul sewer, there will be less pressure on the nearby pumping station and based on what we've heard about CSOs recently this is a positive thing. They are also introducing a flow control and storage on site so the overall rate of surface water leaving the site will be reduced and will be retained on site for longer before entering the watercourse.*

*I can't see any grounds to object to the proposal from a drainage aspect.*

regards

**From:** Clerk <Clerk@moretoninmarshtowncouncil.gov.uk>  
**Sent:** 29 November 2021 17:53  
**To:** Martin Perks <martin.perks@cotswold.gov.uk>  
**Subject:** Stockwells development Moreton in Marsh

Dear Martin

Thank you for your response.

My understanding is that riparian responsibilities for waterways exist when land is owned to that waterway and not before. In which case on behalf of Moreton-in-Marsh Town Council I must query Bromford's understanding of the situation.

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Should CDC find this acceptable, who will be responsible for checking the excessive levels of water in this ditch which will predictably flood properties on Croft Holm and who will clear the ditch for its length to the river proper as it silts up due to this additional surface water? The level of water in this ditch rose to a level that a property was partially flooded in December 2020. No other action to mitigate the flooding of this area has taken place since that date therefore the additional surface water proposed for this ditch will inevitably exacerbate the risk that this area, and the house I refer to, will flood again.

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Kind regards  
Amanda Davis  
Clerk to Town Council

## Martin Perks

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**From:** Clerk <Clerk@moretoninmarshtowncouncil.gov.uk>  
**Sent:** 01 December 2021 15:30  
**To:** Martin Perks  
**Subject:** FW: Stockwells development Moreton in Marsh  
**Attachments:** Bromford Land Registry.png; Neighbouring Land Registry.png; Drain at SE corner of Stockwells.png

Dear Martin

Moreton in Marsh Town Council still believes there to be an issue in the accuracy of the argument put forward by the Lead Local Flood Authority:

The first map indicates Bromford Title, the second for information is a neighbouring Title and the third is Bromford's own proposed ditch continuation. The line coming south from Bromford land is a fence attached to the neighbouring property and not the ditch.

The ditch is marked in black on their own drawings and outside of their boundary. The slip of land that holds the banks and the ditch is not registered land but is definitely not owned by Bromford and nor does the title of their land reach the ditch.

It seems clear that Bromford has not proven that they have riparian responsibilities for the ditch - indeed if they have, it would be interesting to know what they have been doing to date to maintain such a responsibility as local residents have cleared this land themselves for a number of years and therefore are more likely to succeed in an adverse registration of this slip of land than Bromford.

Kind regards

Amanda Davis  
Clerk to Council

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**From:** Martin Perks <[martin.perks@cotswold.gov.uk](mailto:martin.perks@cotswold.gov.uk)>  
**Sent:** Wednesday, 1 December 2021, 12:30  
**To:** Clerk  
**Subject:** RE: Stockwells development Moreton in Marsh

Dear Amanda,

I have received the following response from the Lead Local Flood Authority:

*If Bromford owns the land up to the ditch, as they say and as the title plan seems to show, then I don't see an issue with them discharging into it. They should provide a suitable management and maintenance plan to ensure the outfall remains clear but this can be done through a condition.*

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