

TOPIC STATEMENTS OF COMMON GROUND

Notes

4. Topic-Specific SoCGs

The Main SoCG is not the end-point in agreeing common ground for the appeal. Where there is scope to further narrow the issues, then that opportunity should be taken by Appellants and LPAs on any matter forming part of the identified Main Issues.

A topic-specific SoCG is supplementary to the Main SoCG. The potential to submit a topic-specific SoCG is not a basis to defer early agreement of matters through the Main SoCG, but is an opportunity to drill down further into specific detail as the witnesses prepare for the inquiry or hearing.

They are a particularly useful tool for more technical subjects, such as in respect of noise, flood risk or viability. They can also be useful for other issues relating to housing land supply. A topic-based SoCG on planning matters, such as the weight to be given to any benefits in the planning balance, can also be helpful.

Typically, topic based SoCGs are produced by the respective witnesses, who will speak to the inquiry or hearing on their particular subject. The input from a Rule 6 party or interested party is also welcomed for topic based SoCGs.

Similar to main SoCGs, the following should also be noted:

- The topic-specific SoCG should be signed and dated
- The use of tables, bullet points and diagrams is encouraged
- The use of headings and a formal structured approach is urged
- Large documents or further new detailed evidence should not be appended

[Statements of Common/Uncommon Ground for Hearings and Inquiries - GOV.UK](#)

Planning Appeal Drainage Statement of Common Ground

PINS Ref: APP/R3705/W/24/3349391

LPA Ref: PAP/2023/0071

Appeal by Enviromena Project Management UK Ltd

Land 800 metres south of Park House Farm Meriden Road, Fillongley

Areas of Agreement

1. The planning application was received on 22nd February 2023 and valid on 24th February 2023. The following flood and drainage related documents have been submitted to the local plan authority:

Document	Date
Flood risk assessment 05	March 2023
Drainage strategy 05	March 2023
Submission of additional information following lead local flood authority objection by letter	October 2023
Flood risk assessment 06	November 2023
Drainage strategy report 06	November 2023
Flood risk assessment 07	April 2024
Drainage Strategy 07	April 2024
3D Basins and Sections	April 2024

2. The following are the principal representations received from Warwickshire Flood Risk Management:

Date	Document /format	Pertinent comment
29/3/23	Letter from FRM to NWBC	<i>Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 03 October 2023. Based on the information submitted the LLFA currently recommends refusal of planning permission and objects to the development based on the following reasons.</i>

		<i>You can overcome our objection by submitting further information which is detailed below.</i>
16/11/23	Letter from FRM to NWBC	<i>Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 27 October 2023. Based on the information submitted the LLFA has No Objection subject to the following conditions.</i>
22/11/23	Letter from FRM to NWBC	<i>Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 27 October 2023. Based on the information submitted the LLFA has No Objection subject to the following conditions.</i>
3/4/24	Letter from FRM to NWBC	<p><i>The Flood Risk Management Team as Lead Local Flood Authority have been asked to provide a brief report on their stance for the planning application 'Land 800 Metres South Of Park House Farm, Meriden Road, Fillongley'. As part of our role as statutory consultee in the planning process, we are consulted by Local Planning Authorities (in this instance North Warwickshire Borough Council) to comment on all 'major' applications from a flood risk and surface water drainage perspective.</i></p> <p><i>The LLFA has been consulted on the proposed development since March 2023 and provided their last formal response on 27 October 2023. During this time the LLFA had multiple meetings with the applicant to discuss our initial objection and a telephone call with the Fillongley Flood Group to discuss their concerns with the proposal. Based on the information submitted in October 2023 the LLFA had no objection subject to the following conditions.</i></p> <p><i>Whilst the applicant had demonstrated the principles of an acceptable surface water management strategy for the proposed site, further information is still required to be submitted to the LLFA as detailed above before any development can take place. If the LLFA is not satisfied with the information submitted, they will not recommend that the Local Planning Authority (LPA) discharge the conditions.</i></p> <p>Decision Meeting</p> <p><i>The Board deferred determination on Monday 04 March 2024, on the grounds that clarification was required of the LLFA's response on the</i></p>

		<p><i>potential flood impacts arising from the development. The Flood Group circulated a letter on the morning of the Monday 04 March 2024, outlining their concerns with the proposed development. The applicant met the Group's representatives on site later on in the afternoon, however requested a second site visit was carried out with the LLFA present. At the Board meeting there were concerns that the LLFA had not visited the site and therefore the formal responses submitted by the LLFA were "desk-based". The LLFA have no obligation to visit proposed development sites prior to reviewing the application. A decision was made that the LLFA would make an exception for this site given the relationship between the team and the Flood Action Group. It should be noted that this is not something the team typically do.</i></p> <p><i>LLFA's Requirements and the Applicant Response.</i></p> <p><i>Whilst it is widely considered that greenfield solar farms have negligible impact regarding surface water runoff, the LLFA raise a number of points in Warwickshire County Council's 'Flood Risk & Sustainable Drainage Local guidance for developers'. The key points from this document and the applicant's response and/or requirements are as follows:</i></p> <ul style="list-style-type: none"><i>• Infiltration Testing</i> <p><i>Infiltration testing was carried out on site at 7 locations mutually agreed by the applicant and LLFA. The results of the infiltration testing showed that surface water naturally drains from the site via infiltration at varying rates.</i></p> <ul style="list-style-type: none"><i>• Attenuation Features</i> <p><i>The LLFA require multi-functional above ground surface water attenuation features to be incorporated into the sites drainage scheme, with the purpose of capturing runoff from the solar panels. Ideally gravel filter trenches positioned under the drip line of each solar panel would be proposed to capture and store runoff from the panels. However, at a minimum there is a requirement to include above ground swales positioned strategically around the development to capture surface water runoff from the solar panels as water flows downslope.</i></p>
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		<p>are waiting further details of how this will be maintained appropriately on site to ensure that no debris enters the watercourses.</p> <p>Fillongley Flood Action Group</p> <p>Following on from the COVID-19 pandemic, the Flood Risk Management Team at Warwickshire County Council contacted Fillongley Parish Council in February 2022 expressing our desire to reengage and to support the Flood Action Group in order to improve community engagement. Since then the LLFA have had a close working relationship with the group, attended the village on numerous occasions and held multi-agency meetings to discuss flood related issues with other partners. Therefore, as stated by the Flood Action Group, we as a team are aware of the flood risk in Fillongley.</p> <p>One of the primary concerns of the Flood Action Group which the LLFA are fully aware of is the build-up of debris at the trash screen situated next to The Manor House Pub in the village.</p> <p>As part of our formal response, we have included a maintenance condition which requires the applicant to provide an in-depth site-specific plan providing details of how surface water and each feature will be maintained and managed for the lifetime of the development, along with details of who is responsible. This also includes a sub-point of how vegetation will be maintained. If during any point, there are concerns that the site is not being maintained as agreed, the LLFA will be able to contact the parties responsible to ensure that all works are being carried out.</p> <p>LLFA's Site Visit</p> <p>As previously stated the LLFA have no requirement to attend site visits for proposed developments, however an exception for this site was made.</p> <p>An updated Landscape Strategy was presented to the LLFA on arrival at the site visit. This had not been submitted to the LLFA for review as the changes made did not have an impact on the proposed drainage strategy. It is worth noting that the updated Landscape Strategy Plan illustrated additional hedgerows and vegetation planting across the site which further mitigate flood risk by slowing</p>
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		<p><i>the flow off run off travelling across the site towards the watercourses.</i></p> <p><i>The Flood Action Group discussed possible Natural Flood Management (NFM) measures including attenuation ponds, that could be installed within the development site boundary. The LLFA would be willing to support the group in any future projects moving forward. Although mitigation measures here would not eliminate flood risk to Fillongley village, they may reduce the risk by an unknown quantity by holding back the volume of water entering the watercourses at times of significant rainfall. Any NFM projects would need to be discussed and agreed with the landowner, It is believed that the applicant (Environmena) will take over ownership rights for the lifetime of the development.</i></p> <p>Summary</p> <p><i>A site visit to the land 800 meters south of Park House Farm, Meriden Road, Fillongley was made on Monday 18 March 2024 with attendance from the LLFA, the applicant (Enviromena), the drainage designers (BWB) and members of Fillongley Flood Action Group. The attendees walked the boundary of the site and discussed various concerns from the Flood Group, these were largely addressed on site by the applicant with the exception of a small number of questions which were taken away.</i></p> <p><i>The LLFA were requested in attendance due to the Flood Groups concern that the no objection subject to conditions response submitted by the LLFA to the LPA on the 27 October 2023 was based solely on ‘desk-based’ assessment. The LLFA have no formal requirement to undertake site visits, however it was felt that the site visit was beneficial for all parties to better understand the concerns of Fillongley Flood Action Group.</i></p> <p><i>The National Planning Policy Framework (NPPF) and supporting Planning Practice Guidance (PPG) provides the overarching national policy and guidance relating to flood risk and sustainable drainage. It states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.</i></p>
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		<i>Given this the LLFA position remains unchanged following on from the site visit to the proposed development site. The applicant has addressed all of the LLFA's points adequacy at this stage in the planning process. Further details and information are still required to be submitted. If the LLFA are not satisfied with the information submitted, they will not recommend that the Local Planning Authority (LPA) discharge the conditions and no development should take place.</i>
30/5/24	Letter from FRM to NWBC	<i>Warwickshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 14 May 2023. It understood that the applicant has update the drainage strategy to now include additional SuDS features. The LLFA's last response on 22 November 2023 was no objection subject to conditions, given that the drainage scheme on the proposed site has been improved, the LLFA has No Objection subject to the following conditions which remain.</i>
8/7/24	Email from FRM to Jeff Brown	<i>Good Morning Jeff, I am somewhat disappointed at the late nature of information being submitted once again, but the LLFA are committed in ensuring the planning decision is delayed no further and can be properly assessed at the planning board. The LLFA do not currently have any objection to this site. We recommended conditions be applied should approval be granted. Please see attached our most recent formal response. Section 4 (LLFA recommended Planning Condions dated 30th May 2024) of the review provided states 'The three recommended conditions which require soakaway testing and detailed design, verification report and maintenance schedule to be approved are welcomed. These should be incorporated in the Decision Noce if approved, and Discharged appropriately following assessment.' We fully support this stance and will ensure that the site will be fully assessed and reviewed at the discharge of condition stage should permission be granted.</i>

3. The planning application was reported to Planning and Development Board on 22nd May 2023 with a recommendation to *“note receipt of the application and that a site visit be arranged prior to its determination”*.
4. The planning application was recommended for approval by the Council’s Head of Development Control twice; in March and July 2024.
5. The March 2024 officer’s recommendation read as:
“Recommendation
a) That the Council is minded to GRANT a planning permission subject to the imposition of conditions as outlined below and the completion of a Section 106 Agreement with the Warwickshire County Council in respect of the bio-diversity offsetting contribution referred to in this report, and that as a consequence, the matter be referred to the Secretary of State under the terms of the 2024 Direction.
b) If the Secretary of State does not intervene and on completion of the 106 Agreement, the Notice be issued.”
6. At the March 2024 Planning and Development Board meeting, the flood group representative stated that the local flooding issue was exacerbated by lack of maintenance and clearing of ditches. Members were made aware that Enviromena were willing to take responsibility for clearing waterways during the lifetime of the development and that this was a development-derived improvement to the current scenario, and the matter would be covered by planning condition.
7. The recommendation in March 2024 was on the basis of a supportive position from the LLFA and did not need the ponds to be considered acceptable in planning terms by the LLFA and LPA. At that meeting the Head of Development Control advised Members verbally that *“On the drainage issue, as you will see from the report, it’s the substantial weight that the Lead Local Flood Authority has not objected. And members will know that Officers of the county of that authority are fully aware of the Flooding situation in Fillongley and it’s my understanding that they would not have raised no objection had they had issues with the application”*.
8. The planning application was deferred for further landscaping to be included in the plans, as well as further consideration of the flood group’s concerns and further liaison with the LLFA.
9. The planning application was refused for the reason given in the decision notice. The decision notice was dated 10th July 2024 and did not include a flood or drainage reason for refusal.
10. There was no “flooding” or “drainage” reason for refusal because the proposal satisfied Local Plan policy LP33 and the relevant NPPF policy (para 175) in the ‘pre-pond’ scenario.
11. The ponds were not ‘necessary’ for compliance with local plan policy LP1 and the NPPF.
12. The ponds remain in the Appellant’s proposals.

Areas of Disagreement

1. None.

Signatures

	Name	Position	Signature	Date
For the Appellant	Steven Bainbridge BSc MSc MRTPI	Head of Planning		31/01/25
For the LPA	Jeff Brown BA, DipTP, MRTPI	Head of Development Control		5/2/25
For the LLFA	Scarlett Robertson	Flood Risk Management Officer		