

Land North of Reading Road, Arborfield – APP/X0360/W/25/3371069

Summary of Concerns – Lavender Cottage, Church Lane

The owner of Lavender Cottage is directly affected by the drainage strategy proposed for the development.

The proposed drainage design relies on discharging attenuated surface water from the development into an existing drainage route which passes through Lavender Cottage. This route consists of a drainage pipe located within the western part of the property which ultimately discharges into a privately owned pond at the front of the property.

These drainage features lie within the registered title of Lavender Cottage and are privately owned.

The proposed drainage strategy therefore relies on infrastructure located outside the appeal site.

Under English common law, land which lies downstream must generally accept the natural flow of surface water from higher land. However, the law also recognises that drainage rights cannot normally be intensified or materially altered.

The Court of Appeal decision in *McAdams Homes Ltd v Robinson* [2004] EWCA Civ 214 established that an existing drainage right cannot be used in a way that either materially increases the burden on downstream land or fundamentally changes the character of the drainage.

In this case the existing drainage route currently conveys runoff from undeveloped land. The proposed development would introduce engineered drainage from 111 dwellings which would be collected through a drainage network, stored in attenuation basins and discharged through a controlled outfall.

The appellant's case is that this discharge will be regulated so that the rate of runoff leaving the site is no greater than the estimated greenfield runoff rate.

However, the drainage evidence does not appear to demonstrate the historic flow that currently passes through the drainage pipe and pond within Lavender Cottage. Instead it relies on theoretical greenfield runoff calculations rather than measurements of the actual downstream drainage route.

As a result, it is unclear whether the proposed discharge would increase the burden on the existing drainage system serving Lavender Cottage.

In addition, the introduction of engineered drainage infrastructure from a residential development may represent a material change in the character of the drainage compared with the current situation where the site is undeveloped land.

The hydraulic modelling report supporting the drainage strategy also acknowledges that the hydraulic model does not include rainfall falling on the site and therefore does not incorporate the drainage network within the model.

Consequently the modelling undertaken assesses surface flow behaviour across the land but does not simulate the proposed drainage infrastructure or the downstream drainage

system located beyond the site boundary, including the drainage pipe and pond within Lavender Cottage.

The modelling therefore does not demonstrate how the proposed discharge from the development would interact with the existing downstream drainage system.

The owner of Lavender Cottage already experiences flooding issues within this drainage system during periods of heavy rainfall and the pond frequently reaches capacity.

For these reasons there remains concern that the drainage evidence has not demonstrated that the proposed system would operate effectively within the existing downstream drainage network or that the proposed discharge would not increase the burden on infrastructure located within Lavender Cottage.