

## Environment Committee – 07 September 2023

### AGENDA ITEM 5 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIRMAN OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING

1-2. From Joanne Hains to the Chair of the Environment Committee

#### THE FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

**NOTE:** The Chair will:

- Invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- Explain that the questions received will be answered by the appropriate Members of the Committee.
- Confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question.
- State that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.

#### **QUESTION ONE**

##### **From Joanne Hains to the Chair of the Environment Committee**

Substantial concerns to the Bersted Country Park project being extended into the Bersted Park Estate south of the A259 were expressed at the public consultation meeting on 15 July 2023. Councillors should also have been informed of Restrictive Covenants in all transfer documents from Berkeley to Arun District Council (ADC) reading:

'Not to do or permit any act or thing on the Property which will be or might grow to be an annoyance or nuisance or cause damage or disturbance to the Transferor and/or any owner or occupier etc. '

Will ADC therefore withdraw areas south of the A259 from the Country Park

project or will they break/breach all the transfer contracts they signed.

The position of the new Council is being sort.

## **Response**

Proposals for Bersted Brook Park have been subject to consultation, first through stakeholder consultation then through wider public consultation during spring and summer of this year. The result of this consultation is due to be presented to the Environment Committee in November 2023 and will provide options for Committee to take proposals forward. Bersted Brooks Park is not being promoted as a Country Park.

With regards to the restrictive covenants relating to the transfer of the public open spaces making up the areas of greenspace around the Bersted Park development, the above question includes an extract of those covenants. In addition, the following clause is included, and I quote:

*'Not to use or permit the property to be used for any activity or trade or business other than as a 'Public Open Space' which includes allowing the transferee to use the property for social recreational childcare ecology drainage open space leisure sporting amenity landscaping educational civic community and/or cultural purposes ancillary or incidental thereto including but not limited to community fetes and similar events etc.'*

Both extracts are from within the same transfer document and are therefore not mutually exclusive. These areas of land were adopted as public open space, and ADC will comply with its obligations under all covenants agreed to. This is the case for all areas of open space under public ownership and management by Arun District Council.

## **QUESTION TWO**

### **From Joanne Hains to the Chair of the Environment Committee**

Bersted Park has 2 sustainable drainage systems to stop homes flooding.

The main system serves phases 1-4 and was transferred to Arun District Council (ADC.) The 2nd system serves phase 5 and is partly looked after by ADC but the main pond body is paid for and looked after by residents.

A Country Park development would bring additional risks easily compromising both systems leaving homes more highly vulnerable to flooding. This would constitute a possible breach of Land Transfer Contracts under the maintenance

clauses.

The Government has provided maintenance guidance in The Sustainable Drainage Manual for the proper protection these systems.

To protect housing from flooding at Bersted Park. What actions are ADC taking to ensure future maintenance works are undertaken in accordance with Government guidance to provide proper functioning and safe operation within system design requirements regardless of any Country Park or Park proceeding.

### **Response**

As the Local Planning Authority, Arun District Council are responsible for regulating, controlling and determining the planning and development direction in its area. We are responsible for ensuring that development is compliant with national legislation, local policies and where possible, best practice. Development that falls short of the legislative requirements is not permitted and surface water drainage is no exception to this.

Any proposals for Bersted Brook Park proposal will not impact on the Sustainable Urban Drainage Systems (SuDS) provisions which serve the existing housing development. The National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow.

The surface water drainage design at Bersted was approved by the council's engineers following extensive consultation with the developer. The elements of the development which have been adopted by the council will continue to be managed and maintained, including the surface water drainage system.

Works have included the clearance of ditches draining these systems and maintenance to the pond in the form of reed and willow removal. Future works are planned in accordance with government guidance and directed by the Engineers service.

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