

Philip Isbell, Principal Planning Officer
 John Pateman Gee, Senior Planning Officer
 Babergh and Mid Suffolk District Councils
 Endeavour House
 8 Russell Road
 Ipswich IP1 2BX

7th April 2018

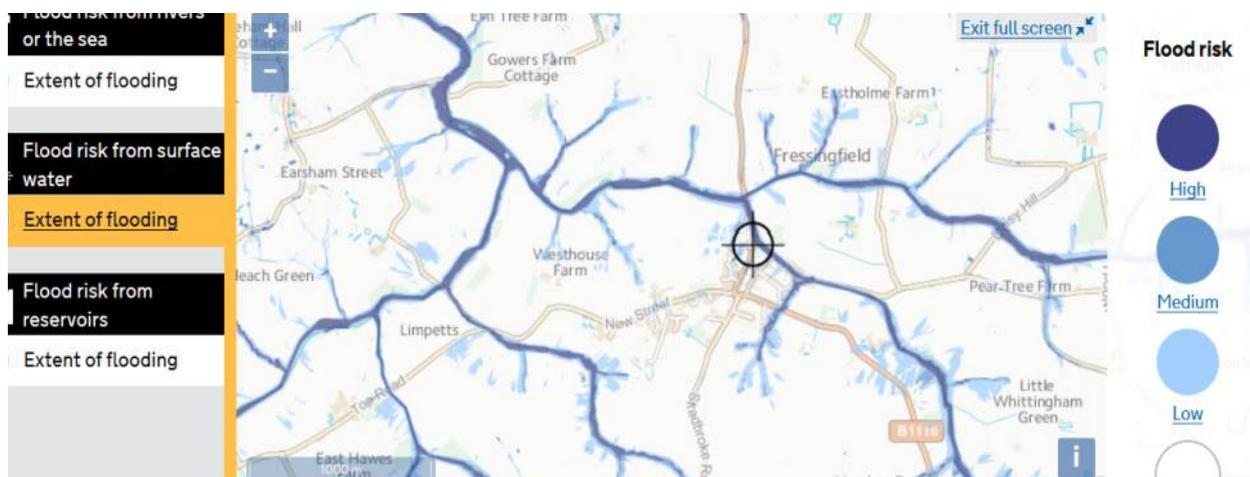
Dear Mr Isbell and Mr Pateman Gee

Re Planning permissions 3872/16 and 4410/16 and planning applications 1432/17, 1449/17 and 1648/17

Based on recent flooding incidents, we would like to comment further on the above three planning applications, both individually and cumulatively, on flooding and drainage grounds. The context is an increase in our village's population through a total of five applications (including two already granted 3872/16 and 4410/16) of some 57%, according to Suffolk County Council (SCC) estimates. This figure includes an increase of 105 residents from the 46 houses already agreed.

1. Flood Risk in Fressingfield - Mid Suffolk District Council's (MSDC) Joint Supplementary Landscape Guidance¹ notes: *'Whilst most slopes are generally moderate there are some places, in particular the tributaries of the Waveney at Fressingfield and Mendham where the slopes are very steep and unexpected within the East Anglian landscape.'* The village sits within a hollow with slopes into it from three sides (Harleston Hill, Cratfield Road and Laxfield Road). The beck is located at the bottom of the steep slope where the church is situated. Fressingfield is situated on Plateau Claylands as noted in the same document, characterised by *'mainly heavy, seasonally waterlogged'*ⁱⁱ soils. The infiltration capacity of such geology is more limited.

The Environment Agency's Long Term Map (accessed 18.04.18) showing Surface Water Flooding Risk for Fressingfield is shown below. The Agency notes the limitations of these maps: *'flooding from surface water is difficult to predict, as rainfall location and volume are difficult to forecast. In addition, local features can greatly affect the chance and severity of flooding.'*



There is also a Flood Zone 3 area (1 in 100 or greater annual probability of river flooding) at the bottom of the village, of significant extent, as shown on the Environment Agency Map below (accessed 18.04.18).



These maps do not allow for climate change. 2009 projections cited by SCCⁱⁱⁱ for Eastern England are for a 20% increase in winter rainfall by 2080 leading to an increase in winter flooding.

The maps also do not assess flood risk from rainwater, which is covered by SCC. Although the SCC Flood Risk Management Strategy^{iv} aims to *'make sure planning decisions are based on up-to-date local information about flood risks'*, it notes that data on historic surface water flooding is *'limited.'*

Fressingfield is covered by the Waveney Lower Yare and Lothingland Internal Drainage Board, which is responsible for providing local flood protection and must be consulted on any development application *'which may have an impact on drainage within its area'*. There is no indication in the documents on the website that this organisation has been consulted about the five developments. One of the aims of the board, as set by government is *'to discourage inappropriate development in areas at risk from flooding.'*

2. The applications - We feel that the risk of flooding is not adequately covered by the Flood Risk Assessments (FRAs) submitted with the three pending applications and that the proposed developments are unsustainable, for the reasons set out below.

2.1 Flood Risk Assessments that do not comply with government guidance –Government guidance^v requires site specific flood risk assessments, which have been done for each application. However, these are inadequate for a number of reasons

- a) **Inaccurate data** – SCC itself acknowledges that its data on surface water flooding is incomplete. The consequences of this are illustrated by the FRA for Stradbroke Rd (1449/17, second version) which notes at 5.15 *'A review of the SFRA and PFRA confirms these documents hold no records of flooding at the Site. Information provided by Suffolk County Council (Appendix E) shows three flood incidents in the wider area of Fressingfield, which have been recorded since 2012. None of these events have occurred on the Site or within its immediate vicinity.'* This ignores the fact that there have been at least 5 incidents of flooding since 2016, many involving raw sewage polluting the beck and causing a public health hazard, which have been ignored in the FRA, including a recent one which has been reported to Public Health England by SCC's Director of Public Health.

The phrase *'immediate vicinity'* is meaningless in what is supposed to be a risk assessment. In addition to being vague, it ignores topography – a critical factor in Fressingfield where there are unusually steep slopes aggravating flood risks – in assessing the risk of flood events. The recorded flood events cannot be dismissed from the FRA without an assessment of the

relationship between those flood events, existing watercourses and the proposed development.

- b) **Increase in flooding elsewhere as a result of the development not assessed** - Government Guidance^{vi} requires that a FRA show *'how the applicant will ensure that the development and any measures to protect the site from flooding will not cause any increase in flood risk off-site and elsewhere.'* The impact of the developments on the Flood Risk Area 3 within the village, into which so much surface water currently drains causing flooding, has not been assessed in any of the FRAs.
- c) **Cumulative impact ignored** – the cumulative impact of the five developments has not been assessed. One would have at least have expected the FRAs for the three new applications to have been required to take note of the approval of 46 new houses and two community facilities through applications 3872/16 and 4410/16, but these are ignored. There is no evidence that either Anglian Water or the Environment Agency has been consulted on this cumulative impact.
- d) **'Double counting' of spare foul drainage capacity** - In their responses to the two granted planning applications and to John Shepherd Rd (1432/17), Anglian Water have stated *'The sewerage system at present has available capacity for these flows.'* As these applications were not contemporaneous and there have been no cumulative FRA, how can we be confident that the 'spare capacity' has not been double or even triple counted?

2.2 Failure to apply the Sequential Test – The Sequential Test is used to compare the proposed site with other available sites to find out which has the lowest flood risk. The requirement to include this test in applications come from various sources:

- The National Planning and Policy Framework^{vii} (NPPF) states: *'A sequential approach should be used in areas known to be at risk from any form of flooding (para 101).*
- Government Planning Guidance^{viii} also states that applications for development in Flood Zone 1 (1 in 1000 annual probability of flooding), such as the five applications in question, must include a Sequential test if *'there are flooding issues in the area of the development.'*
- The same guidance requires that *'the sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area ... where the proposed location of the development would increase flood risk elsewhere.'*
- MSDC's Policy on Flood Risk^{ix} states: *'The council will support development proposals that avoid areas of current and future flood risk, and which do not increase flooding elsewhere, adopting the precautionary principle to development proposals. This will involve a risk based sequential approach to determining the suitability of land for development.'*

However, no sequential tests have been applied in any of the applications including the two already granted, despite the *'flooding issues'* of the type contemplated in the NPPF in the small village of Fressingfield. These must not be ignored

The Suffolk Flood Risk Management Strategy notes: *'Currently, foul and surface water drainage from new developments can be connected to public sewers and a Water and Sewerage Company has no powers to prevent new connections to its network, even if it believes it could cause flooding to customers. This is why Anglian Water comments on planning applications even though they are not a statutory consultee.'* This important fact means that it is critical for both SCC and MSDC to take note of the recent flooding where raw sewage was seen in Low Road when the beck flooded, in assessing flood risk. The beck floods regularly not only from surface water but



Flooding from sewers Low Rd Fressingfield April 2018

also with raw sewage, which has recently been acknowledged as a public health hazard by Suffolk's Director of Public Health and reported to Public Health England (see attached copy email).

Basically excess water in the village flows to the lowest point in the village, which is the beck, and any increase in such excess water risks increasing flooding at this point. Surface water is described by the Environment Agency as *'the most unpredictable'* source of flooding. For all these reasons, the FRAs are inadequate to inform the planning decision or the County Council advice that is supposed to ensure sustainability.

2.3 Recommending acceptance with only half the information needed to do so – The NPPF requires that *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'* It is also noteworthy that in the case of both Post Mill Lane (1648/17 and Stradbroke Rd (1449/17) SCC stated that they had only reviewed sections of the FRAs relating to flood risk and surface water drainage. So where does the foul drainage and river flooding information come from to inform these planning decisions?

A holding objection was initially issued by SCC in respect of Stradbroke Road (1449/17)) but a revised Flood Risk Assessment issued in response led to the objection being withdrawn and a proposed planning condition substituted *'requiring a Drainage Strategy to be agreed prior to construction being commenced'* A planning condition to produce a drainage strategy is not the same as a planning condition to undertake certain works to a development *'making it safe without increasing flood risk elsewhere'*, as the NPPF requires.

This approach seems to constitute the acceptance of half an answer to the question of whether flood risk has been properly assessed and its management planned. Due diligence requires full scrutiny of flood risk assessments before an application goes for planning decision – otherwise it is hard to see how MSDC can be confident that it is taking the *'precautionary approach'* to which it is committed.

The net effect of this process is that a series of applications has been recommended for approval by SCC without proper information upon which to assess their contribution to flood risk, without a full assessment of all flood risks and without an understanding of how the applicants propose to address all the risks that they have identified. The approach taken by SCC to this very extensive set of planning proposals is badly flawed, meaning that MSDC cannot take the decisions it needs to take on the applications as it does not have the requisite information and advice.

Furthermore, the local circumstances detailed above demonstrate that the three further proposed developments, or any of them, are not sustainable and would

1. amount to *'inappropriate development'* (NPPF para 100) because of local flooding risk and topography, which should be directed elsewhere
2. generate *'adverse impacts'* that would *'significantly and demonstrably outweigh the benefits'* as set out in the NPPF (para 14).

3. Additional Evidence – we would like to draw your attention to additional photographic and documentary evidence collated in connection with these important matters by Supporters Against Fressingfield Expansion (SAFE www.fressingfieldhousing.org), as chronicled in the papers detailed below:

- [*An Investigation into whether the current Sewage System has Sufficient Capacity to Accommodate the Proposed Housing Developments in Fressingfield \(P. Castro and D. Cavilla 05.04.18\)*](#)
- [*Fressingfield Sewage System \(J Castro 25.09.17\)*](#)
- [*Letter re historic flooding in Low Rd Fressingfield Mr. K.P. Welham, Planning Referrals Committee MSDC \(N and S Reynolds 04.04.17\)*](#)

We look forward to hearing from you in response to these matters. We have written in similar terms to Suffolk County Council and are in correspondence with the Environment Agency about the lack of a cumulative impact assessment.

Yours faithfully

ELIZABETH MANERO ON BEHALF OF SAFE

SAFE MEMBERS

John and Pam Castro
Dawn Cavilla
John Kelsall
Elizabeth Manero
Abi Maydon
Michael Miles
Trevor Orchard
Paul Woodward
Steve Wyatt

EMAIL FROM DIRECTOR OF PUBLIC HEALTH SUFFOLK COUNTY COUNCIL

Sent: 11 April 2018 15:51

To: john@jpcastro.co.uk

Subject: RE: For Dr. Razaq \ Fressingfield Sewerage

Dear Dr Castro

Thank you for your emails. I would agree that the situation relating to sewage leaks is not acceptable and unpleasant. The legal powers sit with environmental health departments and so I have ensured that Mid Suffolk District Council know of your concerns, but from your email it seems both they and the water company are fully aware of the situation. I have also informed Public Health England of the situation although they are advisory only and have no legal powers.

If sewage leakage does occur I am sure that you realise that it is important to avoid exposure and if exposure does occur scrupulous personal hygiene is essential. The following is general advice for exposure to flooding/sewage contaminated areas

- Keep children and pets away from the flooded areas
- Wash children's hands frequently - particularly after playing outdoors and always before meals.
- Wear protective clothing such as rubber gloves if you're cleaning up and cover up any cuts and grazes
- Food which may have been in contact with flood water should be thrown away
- If you show any symptoms such as diarrhoea or vomiting after a flood, call your doctor straight away.
- The Food Standards Agency advises people not to eat any food that has been touched or covered by floodwater or sewage. This includes advice not to eat any produce grown on an allotment or garden that has been flooded.

The following sites also give information:

Public Health England includes this advice in its flooding guidance:

<https://www.gov.uk/government/collections/flooding-health-guidance-and-advice>

There is also a leaflet from the Consumer Council for Water:

<https://www.ccwater.org.uk/wp-content/uploads/2014/08/Flooding-from-Public-Sewers.pdf>

It may be worth making contact with this organisation, if not already in place.

Also the advice page on sewers from the Citizens Advice Bureau

<https://www.citizensadvice.org.uk/consumer/water/water-supply/sewerage/who-is-responsible-for-repairing-drains-and-sewers/>

Kind regards,

Abdul Razaq, Director of Public Health and Protection

Suffolk County Council

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ⁱ Babergh and MSDC *Joint Landscape Guidance* 2015

ⁱⁱ <http://www.suffolklandscape.org.uk/landscapes/Plateau-claylands.aspx> accessed 19.04.18

ⁱⁱⁱ *Suffolk Local Flood Risk Management Strategy* Suffolk Flood Risk Management Partnership March 2016

^{iv} Ibid

^v *Flood Risk and Coastal Change* Planning and Policy Guidance 2014 Department of Communities and Local Government

^{vi} Ibid

^{vii} NPPF 2012 para 100.

^{viii} *Flood risk assessment: the sequential test for applicants* Planning and Policy Guidance April 2012 Department of Communities and Local Government

^{ix} Core Strategy September 2008, Policy CS4 retained June 2016