

**PLANNING APPLICATIONS 1432/17, 1449/17 and 1648/17
SUSTAINABILITY**

April 1975



Winter 1994/1995



7th January 2016



SAFE Members

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|---------------------|------------------|
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SUMMARY TABLE	
NON COMPLIANCE WITH SUSTAINABILITY REQUIREMENTS	
NPPF NON COMPLIANCE	MSDC POLICIES NON COMPLIANCE
Para 11 – Adverse Effects Para 72 - Maintaining Supply & Delivery Para 78 - Rural Housing Para 98 – Open space and recreation Para 91 – Promoting Healthy & Safe Communities Paras 102-103 - Promoting Sustainable Transport Para 108-111- Considering development proposals Para 155 – Planning & flood risk Para 156 – Cumulative impacts on flooding Para 158 – Sequential Test Para 180 – Ground conditions & pollution Para 192 – Proposals affecting heritage assets	Policy FC2 Provision & Distribution of Housing Policy H3 Housing Development in Villages Core Strategy3.54.Most new houses in urban areas Policy T10 Transport and planning Policy T11 Roads to accommodate disabled needs Policy FC1.1 Sustainable Development Policy SB2 Development appropriate to its setting
SIGNIFICANT AND DEMONSTRABLE ADVERSE IMPACTS (NPPF PARA 11)	
<ul style="list-style-type: none"> • Exacerbation of ‘sustainability deficit’ • Extra pedestrian and vehicular traffic on roads with limited visibility and expansion capacity • Reduced road safety for all pedestrians • Compromised access to roads for agricultural, delivery and emergency vehicles • Exacerbated road hazards for children and older people with compromised mobility • Exacerbation of existing historic flooding and pollution from sewage and surface water • Exacerbated risk to health from sewage pollution • Additional environmental impact from more car journeys because of limited public transport • Adverse impact on existing landscape and views • Harmful impact on heritage • Detrimental impact on medieval character 	
‘PROTECTED ASSETS’ AFFECTED (PPF PARA 11 AND FOOTNOTE 6)	
Area at risk of flooding including that with a 50 year flooding history, where the sewer runs <ul style="list-style-type: none"> • the area with a 1 in 30 year surface water flood risk adjacent to the beck, • Flood Zone 1 (river flooding) along the same route • Undocumented area of significant flooding and pollution from sewage along the same route 	
‘RIGHT INFORMATION’ MISSING FROM PROCESS (NPPF PARA 43)	
<ul style="list-style-type: none"> • Person trip rates not measured or modelled • No assessment of impact on protected groups (e.g. disabled) • No assessment of impact on different road users (e.g. primary school children, elderly people) • No assessment of impact on heritage, of extra traffic • No assessment of impact upon the environment of extra traffic • Incomplete data on surface water and foul water flooding and pollution • Incomplete data on number of domestic connections for rainwater to the foul sewer • No assessment of cumulative surface water flood risk for combined sewer • No assessment of cumulative foul sewer flood risk for combined sewer • No assessment of impact on public health of ongoing pollution with sewage 	

1. CONTEXT - Three applications for 208 houses in all have been lodged for Fressingfield, in addition to two permissions granted for 46 houses, a Baptist chapel and a larger scout hut, detailed below. This needs to be seen in the context of

- **growth in the village in recent years** - 91 new houses have been built in Fressingfield since 1995 so the village has grown by 25% in the last 24 years, with impact on its infrastructure and traffic

- **loss of facilities** - over that period of growth facilities such as the petrol station, coal yard, post office, baker, butcher and 2 general shops have been lost, increasing travel out of the village
- **proposed growth in neighbouring locations** - a proposal to construct 110 houses in Weybread two miles away will add cumulatively to the impact on Fressingfield's infrastructure and traffic.

The pattern of previous and planned growth is show in the table overleaf.

TABLE 1 –HOUSING DEVELOPMENT IN FRESSINGFIELD				
GROWTH SINCE 1995				
1995-2017	HOUSES	91	% GROWTH ON EXISTING	25%
APPROVED AND PROPOSED GROWTH				
DEVELOPMENT	HOUSES	OTHER	NO. OF NEW RESIDENTS*	
			ALL	PRIMARY SCHOOL AGE
Land off School Lane (3872/16)*	18	Baptist Chapel	41	
Red House Farm (4410/16)*	28	Scout hut	64	
John Shepherd Road (1432/17)	99		228	
Stradbroke Road (1449/17)	85		196	
Post Mill Lane (1648/17)	24		55	
SUB TOTALS	254		584	63
EXISTING	444		1012	140
TOTALS IF ALL APPROVED	698		1596	203
INCREASE ON EXISTING	57%		57%	45%

* Approved but not yet constructed.

Estimates for residents and schoolchildren from SCC's Strategic and Infrastructure comments for each proposal and Comments on Stradbroke Rd 28.06.17. Weybread (which uses the same sewage pumping station) not included.

The recent Woolpit Appeal¹ (WA) casts doubt on MSDC's evidence of its housing performance, rendering most of its housing policies (its development plan) out of date. MSDC is now working on improving its evidence so this may change, so this document considers sustainability against both the MSDC and WA positions, and cumulatively with the two approved applications (Red House Farm 4401/16 and Land off School Lane (3872/16), and in relation to those pending.

2. LEGAL REQUIREMENTS

2.1 The NPPF² requires a proposal to be presumed sustainable, and approved, unless:

- it does not accord with an up to date development plan; or
- if there is none, the NPPF provides a clear reason for refusal, to protect specified assets, including 'areas at risk of flooding'³; or
- any adverse impacts of approval would 'significantly and demonstrably outweigh the benefits' when assessed against the NPPF policies as a whole⁴

2.2 The law on all public bodies – Like all public bodies MSDC and SCC are required by law to

- act only within the powers they has been given; and
- take account of matters they are required expressly or by implication to take account of; and
- disregard matters which are not relevant to the decision; and
- not produce 'a conclusion so unreasonable that no reasonable authority could ever have come to it.'⁵

The courts⁶ have held that 'failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration.'

2.3 The Right Information - However the decision is made, it must be based on the right accurate information: 'The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment)⁷. Making decisions without the right information is more likely to lead to 'unreasonable conclusions.'

To understand the information used by Anglian Water (AW) and Suffolk County Council (SCC) to make what appear to be unreasonable recommendations when set against the facts, we applied under the Environmental Information Regulations for relevant information. Responses are discussed under flooding and drainage.

3. SUSTAINABILITY - There are three aspects to sustainability according to the NPPF.

- a) **economic** including employment and infrastructure;
- b) **social** including housing, health, safety, accessibility and open spaces
- c) **environmental** including natural and historic environment, pollution and climate change

As part of assessing sustainability, the NPPF also requires decisions to ‘take local circumstances into account, to reflect the character, needs and opportunities of each area.’⁸

Evidence is presented below on how unsustainable these applications would be, grouped under:

- Flooding and drainage
- Transport and road safety
- Character and heritage

In the absence of an Environmental Impact Assessment, which has not been done, no evidence has been put forward to demonstrate that the proposals are sustainable.

4. HOUSING NEED AND DISTRIBUTION – THE ‘SUSTAINABILITY DEFICIT’

4.1 Housing Need – whether the MSDC or WA figures are used, the proposals would clearly deliver a disproportionate level of housing to Fressingfield compared to its size, character, infrastructure, services and current population. Services and infrastructure designed for 1% of the population cannot sustainably accommodate an extra 57% of residents (see Table 1 above).

Table 2 shows that Fressingfield’s population makes up a small proportion of Mid Suffolk’s. Its infrastructure is already struggling in some respects, such as flooding as described below.

TABLE 2 – FRESSINGFIELD POPULATION IN RELATION TO MID SUFFOLK					
MID SUFFOLK⁹	101543	FRESSINGFIELD	1012	% OF DISTRICT POP	1%

The two approved developments alone, with their associated community facilities will bring a disproportionate level of growth to the village on top of 25% in recent years, creating a ‘sustainability deficit.’ The full position compared to what is actually needed (using both MSDC and WA figures) is shown in Table 3.

TABLE 3 - HOUSES NEEDED ACROSS MID SUFFOLK				
DEVELOPMENT		% MSDC HOUSES NEEDED PER YEAR		FRESSINGFIELD POPULATION AS % OF DISTRICT
APPROVED & PROPOSED	HOUSES	MSDC (430)	WA (702)	
School Lane (3872/16)* Red House Farm (4410/16)*	46	11%	7%	1%
John Shepherd Rd (1432/17)	99	23%	14%	
Stradbroke Rd (1449/17)	85	20%	12%	
Post Mill Lane (1648/17)	24	6%	3%	
TOTALS	254	60%	36%	

* Approved but not yet under construction

Such growth in a rural village would be disproportionate under either measure, and unsustainable.

4.2 Housing Distribution

4.2.1 The NPPF specifies where development should be located:

- decisions on proposals must ‘ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access’¹⁰
- ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities’¹¹
- ‘Significant development’ must be ‘on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.’¹²

Detail is provided below on why these proposals would not meet these requirements.

4.2.2 MSDC’s relevant saved policies compared to actual performance¹³ are as follows

- Saved policy FC2 *Provision and Distribution of Housing*, stipulating no more than 100 houses across the district’s 11 Primary Villages (which include Fressingfield) in each 5 year period:
 - 197 houses were built across MSDC’s Primary Villages in the first five years (2012- 2017), exceeding the target by 97%.
 - In 2017-2018 alone, the first year of the second five-year period, 120 houses were built in Primary Villages, exceeding the five year target by 20% in the first year alone
- Saved Policy H3 *Housing Development in Villages* states that ‘in villages, housing development in the form of estates of 10 dwellings or more will be permitted only on sites allocated in the local plan.’ There are no such sites [allocated](#) Fressingfield under the Local Plan.
- *Core Strategy 3.43 – ‘Most new general market housing development, including a proportion of affordable housing will be in towns and Key Service Centres’*¹⁴ In every year since 2001, except in 2011, the majority of the district’s housing was built in rural rather than urban areas

MSDC decisions do not comply with their policies for sustainability– aggravating the ‘sustainability deficit’, which needs to be taken into account in relation to these proposals. Table 4 shows how many houses were built and where in the last year.

TABLE 4 - NUMBERS OF NEW HOUSES COMPLETED IN 2017/18 IN MID SUFFOLK							
OVERALL				PRIMARY VILLAGES		AFFORDABLE	
MSDC FIGURE		WA FIGURE		Target	Built (% Target)	Target	Built (% Target)
Target	Built (% Target)	Target	Built (% Target)				
430	426 (99%)	702	426 (61%)	20*	120 (600%)	150	114 (76%)
WHERE NEW HOUSES WERE BUILT IN MID SUFFOLK IN 2017/18							
BROWNFIELD		PDL**		RURAL SITES		URBAN SITES	
Built	Target	Built	Target	Target	Built	Target	Built
50%	50%	50%	50%	Minority	56%	Majority	44%

*100 in five years across the totality of the 11 Primary Villages MSDC Policy FC2 ** Previously Developed Land

5. FLOODING AND DRAINAGE

5.1 Legal Requirements - The accountability framework for surface water drainage, sewage and pollution is fragmented and incoherent, with responsibility split between six bodies:

- The Environment Agency (EA) covers coastal and fluvial flooding from ‘main rivers’ and pollution
- SCC covers surface water management and flooding from rivers other than ‘main’
- AW covers the sewerage system
- Essex and Suffolk Water provides mains water
- The Waveney & Yare Internal Drainage Board (WYIDB) covers water level management
- MSDC’s Environmental Health department covers reports on nuisances like sewage egress
- The Public Health England’s East of England office covers public health hazards

This state of affairs leads to ambiguity about the assessment of flooding and drainage as well as the resolution of existing problems - particularly unfortunate where there is a combined surface water and foul system, as in Fressingfield, whether designated as such or not (explained more fully below).

5.1.1 The NPPF 2018 strengthens the requirements on flood risk, providing that

- **New flood protection** - NPPF 2018 policies which protect, inter alia, *'areas at risk of flooding'* may provide a clear reason for refusal of planning permission¹⁵; and
- **Location** - *'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).'*¹⁶
- **Cumulative effects on pollution and health** - that new development must be *'appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'*¹⁷

The process for determining what is *'inappropriate'* has a number of elements including the Sequential Test and cumulative impact assessment. In addition, the views of statutory consultees must be considered by the planning authority before granting planning permission¹⁸.

a) The Sequential Test involves assessing whether the development would be better located elsewhere to avoid flood risk, by evaluating alternative sites. This Test is required *'in areas known to be at risk from any form of flooding.'*¹⁹ including²⁰ areas (such as the five proposals):

- in Flood Zone 1, if *'there are flooding issues in the area of the development'*; or
- *at lower flood risk where the proposed location.. would increase flood risk elsewhere.'*

NOT COMPLIANT - None of the applications, including the two already granted, included a sequential test so these legal requirements have not been met

b) Assessment of cumulative impacts is a requirement of the new NPPF²¹ *'in, or affecting, local areas susceptible to flooding.'* In addition, the Environment Agency (email reproduced at the Appendix) has stated that in assessing spare capacity in their system AW *'should be taking into account the cumulative effect of multiple small developments.'*

- **Surface water** - SCC, the lead flood authority, has recommended approval of the applications without a cumulative assessment of their impact on surface water flooding. In addition to 46 houses, permissions 3872/16 and 4410/16 cover a replacement Baptist Chapel and a new scout hut large enough to accommodate 50% more scouts than the current one. Our application under the Environmental Information Regulations (see below) illustrated the poor information upon which this assessment was based. It is inexplicable that
 - given the long history of flooding and pollution, the impact of these 46 houses and community facilities was not cumulatively assessed
 - that more than quadrupling this number of new houses through three further developments was also not considered worthy of a cumulative impact assessment.
- **Foul water** - on the 7th August 2018 AW finally provided a cumulative assessment of the three pending applications. Whilst it is reassuring that AW thinks it has capacity for the foul drainage for the three developments, their assessment did not cover surface water at all and ignored the impact of 46 houses, a larger scout hut and Baptist chapel already agreed but not yet constructed. Our application under the Environmental Information Regulations (see below) has also disclosed that an unknown number of houses are connected to the sewer for rainwater, causing an unknown amount of surface water to enter the sewer. This missing information illustrates the flaws in this assessment.

NOT COMPLIANT – These requirements have not been met

c) Incomplete consultation with SCC on 3872/16 - It is extremely concerning that SCC have stated in writing (email reproduced at the Appendix) that MSDC granted permission for the Baptist chapel and 18 houses at School Lane (3872/16) *'whilst SCC Flood and Water still had outstanding issues that*

need to be resolved. The outstanding issues need to be clarified and their impact and cumulative impact understood.

5.2 The right information – Even where the correct processes have been applied to these applications, they are undermined by lack of *‘the right information’* that the NPPF requires. The history of flooding can be evidenced back to 1947 as well as pollution from the sewer system in the village since at least 1985, as detailed below, including four incidents this year alone. Information from AW has disclosed that this problem in Low Rd is largely caused by domestic connections to the sewer for rainwater discharge from an unknown number of houses. One would have expected this information to influence these applications but there is no evidence that it has, as it not recorded.

5.2.1 Flood Risk Assessments – As required all five applications were accompanied by Flood risk Assessments (FRAs) which were assessed by SCC as Lead Flood Authority and AW as sewage provider. However, these were based on incomplete data. The SCC records upon which the FRAs are based totally fail to reflect the lived experience of villagers, evidenced in paragraph 5.3 below. SCC itself acknowledges its records are incomplete²². The consequences of this are clear with none of the FRAs for any of the five developments including any assessment of the impact on surface water flooding in Low Rd. of the additional sewage created, presumably because there is no official record of this problem.

- **Red House Farm 28 houses and Scout Hut 4410/16** - the FRA noted that the two SCC policy documents considered *‘did not provide any site-specific comments or reference to the village of Fressingfield in relation to flood risk and surface water drainage.’*
- **School Lane 18 houses and Baptist Chapel 3872/16** – SCC has stated there are unresolved outstanding flood and water issues on this development, though it is not known what these are.²³
- **Stradbroke Rd 85 houses 1449/17** - The FRA stated that *‘information provided by SCC 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.’*²⁴ This bears little relation to lived experience in the village (5.3 below) nor to SCC recorded incidents (see Map A)
- **John Shepherd Rd 99 houses 1432/17** – This FRA²⁵ refers to the same three incidents as the Stradbroke Rd FRA and notes on foul water flood risk off site: *‘network modelling has been carried out by Anglian Water to confirm that no offsite upgrade works are required and the scheme can be connected to the local sewer network without producing any downstream flood risk.’* This information from Anglian Water is incomplete, as it takes no account of the regular and frequent sewage egress.
- **Post Mill Lane 24 houses 1648/17** – The FRA is unclear on offsite flood risk as it mentions only the status of the site itself from the flood point of view, in this section.²⁶

This position ignores the well-established history of flooding and pollution since the 1960s, many involving raw sewage polluting the beck and causing a public health hazard. The poor data impacts upon both the required assessment of the sites themselves, and of *‘any increase in flood risk off-site and elsewhere,’*²⁷ ‘Elsewhere’ in the village includes Low Rd. Cratfield Rd. and parts of Harleston Hill, Back St and Church Lane. Even SCC’s incomplete data show these areas already have

- a 1 in 30 chance of surface water flooding each year, as shown on SCC’s Map B below, and
- a 1 in 100 chance of river flooding each year, as shown on SCC’s Map C below

Furthermore, Low Rd. is the route of the sewer for the village, which is already often flooded by an unknown amount of surface water from an unknown number of domestic connections. The FRAs were clearly not based on the right information and are badly flawed

5.2.2 Environmental Information Regulation Applications - The stark contrast between the lived experience of the residents of Fressingfield described below, and the recorded data that purports to describe it, is concerning. To understand the information the authorities used to reach their very odd conclusions that increasing sewage by 57% and surface water by the same proportion mitigated by

various sustainable drainage strategies, would have no negative impact on flood risk, we lodged applications under the Environmental Information Regulations (EIR), as ex summarised below.

a) SCC's response indicated that they do not know:

- how often the sewer floods, being aware of only one incident in August 2018 (not shown as a flood on the SCC maps supplied)
- how often surface water gets into the sewer, which unlike AW they designate a combined system
- the level or frequency of foul water flooding or pollution into the beck
- the level of surface water ingress into the undesignated 'combined' system
- what level the beck can reach before flooding occurs
- how often surface water floods Low Road, being aware of only one incident since January 2011 (within 29 recorded surface water flooding reports elsewhere in Fressingfield since that date)

SCC state in their response that the system is a combined one '*draining both surface water and sewage at all times,*' whereas AW, insist that is not a designated combined system even though rainwater from houses does flow into it from historic undocumented connections. This inconsistency does not inspire confidence.

The EIR from SCC also discloses that the Cratfield/Low Road area is '*on a prioritised list*' for '*an in depth investigation into what highway drainage improvements might be possible*'. However, SCC has concluded that it is perfectly reasonable to permit an increase of 57% in sewage and a mitigated 57% increase in surface water to flow into what they believe to be a combined system (which the system owners AW insist it is not), while they are investigating what to do about its current capacity problems - on which they have incomplete data.

b) AW's response, which was only recieved after a complaint to the Information Commissioner, was amplified by a helpful meeting with AW officials on the 12th October. The response indicated that AW does not know

- how many times the sewer flooded before 2011, although they note incidents even in dry weather and blockages (dates unspecified)
- how many houses drain rainwater into the sewer (although it knows some do) using up 'spare' capacity
- how much surface water enters the sewer as a result
- how many times the beck has been polluted from sewage egress into it from their system

As their function is to provide for sewerage, AW have responded to the proposals very narrowly by assessing the capacity of the sewer to take more sewage over and above the sewage it currently takes – even though some of that spare capacity is already taken up by an unknown amount of rainwater from an unknown number of domestic connections. They have not assessed the impact that additional sewage will have on the existing problem of flooding and pollution caused by the surface water because '*Anglian Water is not responsible for preventing flooding from rain water.*' AW have also confirmed that they cannot fund any improvements to the network as a result of the domestic rainwater which enters the system, because this is not within their function – so the current problems are not properly recorded but are also insoluble.

Furthermore, AW's response has disclosed that none of the flooding incidents experienced by villagers over the years was considered a significant pollution incident by the EA who are responsible for acting on environmental pollution. A separate EIR has been lodged with the EA to confirm this. The MSDC Environmental Health department is responsible for dealing with the nuisances that are '*harmful to health*' (statutory nuisances). An EIR has been lodged with them to find out their data is on this repeated public health hazard, although their responses to the applications have raised no such data.

5.3 Evidence of adverse impacts - There is a history of flooding with raw sewage polluting Low Road, the beck that runs along it and adjacent properties, resulting in documented public health hazards. The frequency is increasing in both winter and summer.

- In 1985 and 1988, correspondence²⁸ between our then MP Michael Lord and Anglian Water CEO Peter Bray discussed the problem, with the Chief Environmental Officer.
- The local Public Health Officer was involved in 1988 and 2018, with a report made to Public Health England in 2018 and public health advice issued to the village (email reproduced at the Appendix).
- There have been at least five incidents of flooding and/or sewage egress since 2016 and 4 in 2018 alone. AW had to send a "clean up team" after three manholes had lifted in April this year. This level of flooding far exceeds the threshold for surface water flooding used by SCC of 1 in 30, which SCC's Map B shows to be extensive within the village and its environs.

It has variously been suggested that pump failure and failure to de-sludge the sewerage system is the cause. However, sewage egress has occurred following work to correct these problems. A range of factors account for these problems:

- **Topography** - Fressingfield has unusual topography for the district, as noted in MSDC's Joint Supplementary Landscape Guidance:²⁹ *'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.'* This topography and the number of flooding incidents reported (which is far short of what has actually occurred) in the area since 2016 alone are shown on the SCC Map A.
- **Location** - The sewer and the beck sit in a hollow with slopes into it from four sides (Harleston Hill, Cratfield Road, Laxfield Road and the slope to the north). Surface water problems have been caused further up these slopes at The Swan in Back Road, Afton House on Harleston Hill and Street Farm on Cratfield Rd, as indicated on the Map of Fressingfield on page 16. Sandbags have been necessary to prevent water entering into houses on Low Road.
- **Flood Zones** – Within the village, there are
 - extensive High Risk³⁰ areas with a 1 in 30 risk of surface water flooding in a year as shown on SCC's Maps B and C (edged pink) , including the route of the beck and the sewer,
 - a number of Medium Risk surface water flood areas with a 1 in 100 chance of flooding each year, as shown on Maps B and C edged green.
 - a significant Flood Zone 3 area for river flooding (1 in 30 chance) following the beck (Map C hatched dark blue)

These categories are based on incomplete data, suggesting the risks are in fact higher.

- **Geology** - Fressingfield is situated on Plateau Claylands as noted in the same document, characterised by *'mainly heavy, seasonally waterlogged'*³¹ soils. The capacity of the land to absorb surface water by infiltration is therefore limited.
- **'Combined' system** – although not designated as a combined system, AW has acknowledged that the sewer has to accommodate both surface and foul water. Although only built for foul water, an unknown number of houses in the village have surface water connections into the sewer. Surface water from the highway drainage system discharges into the beck via three outlets. Rainwater from the domestic connections enters the sewer while the level of the beck rises as a result of the highway water, so that the manholes pop and pollution of the surrounding properties and the beck ensues. Such connections are not illegal and the owners concerned cannot be obliged to change these connections. Indeed, given the known long history, they may well have acquired the legal right to a drainage easement by prescription. SCC designates the system as combined.

The position has been summed by the EA on the 18th May 2018 (email reproduced at the Appendix)³²: *"Without an adequate system for surface water drainage, this is causing flooding on the road. Surface water is also getting into the foul sewer system, which is not designed to cope these levels of flows and therefore causing manholes to pop and sewage to overflow"*

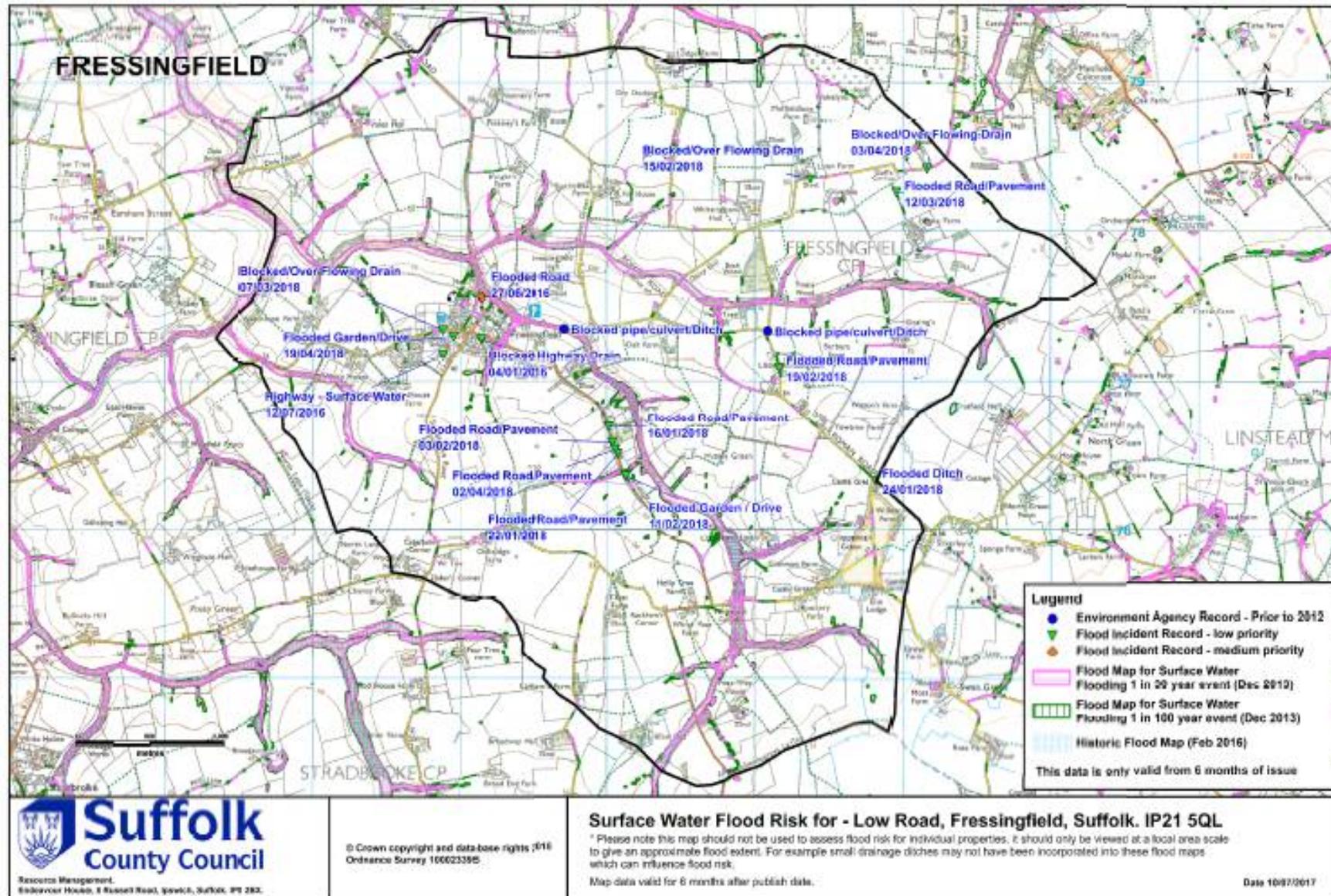
5.4 'Inappropriate development' and 'adverse impacts' - Sustainable Drainage Strategies have been required for the five proposed new developments, but were not required for the sites of the 91 houses constructed since 1995. The contribution that these additional houses have made to the ongoing and worsening flooding and pollution problems is undocumented, but it is notable that villagers of long standing recall flooding up to four feet deep in cellars in the 1960s, with school children sent home early at times of heavy rainfall because of flooding outside the school in Cratfield Rd., but that the earliest records of sewage pollution are from 1985.

No amount of 'mitigation' can make what is demonstrably unsustainable, sustainable. Unless the 105 new residents expected in the 46 approved houses, and the 479³³ in the further 208 houses proposed are put on a forced starvation diet, there will be 57% extra sewage discharging into a system which already regularly floods, pollutes and causes hazards to public health.

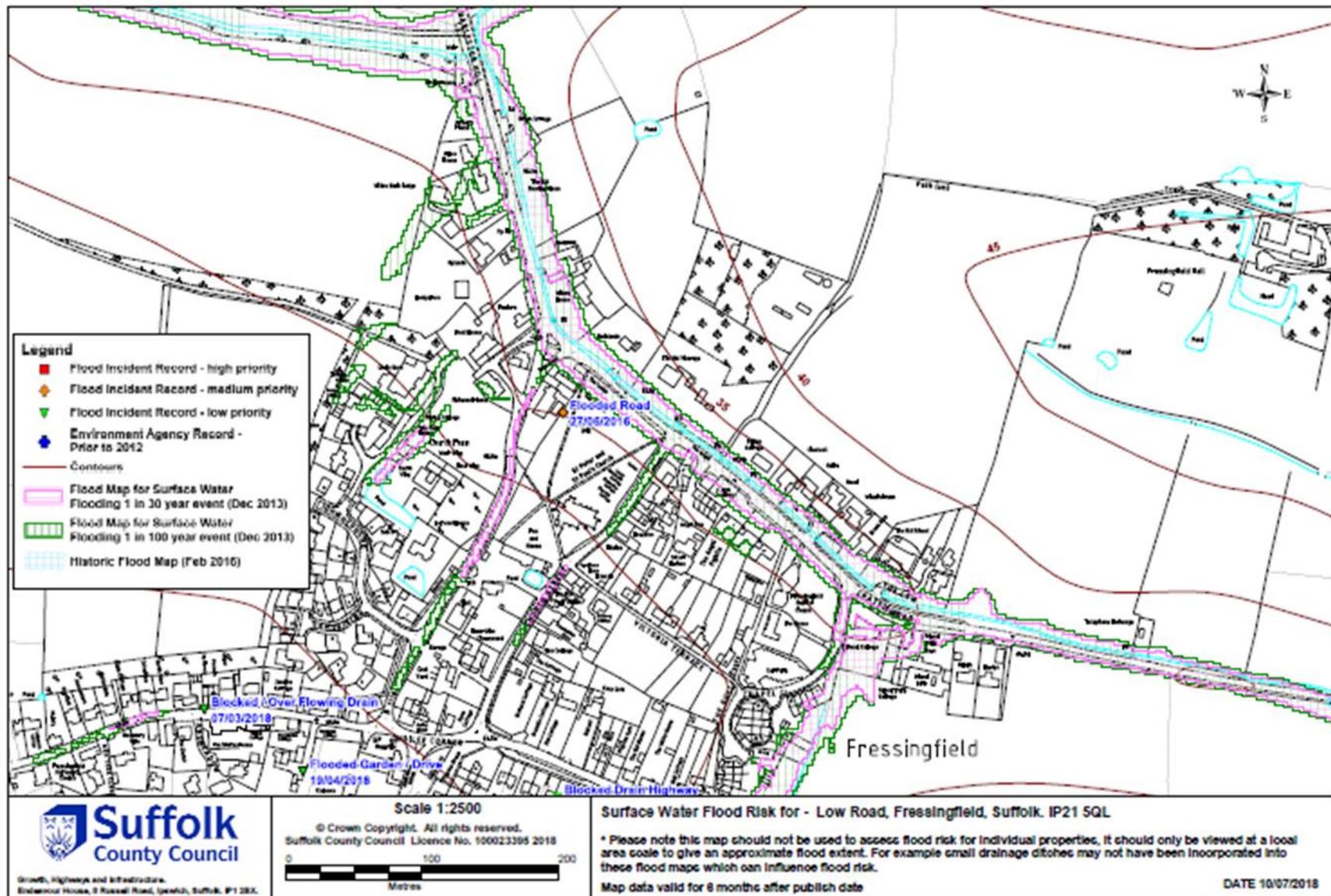
Yet the flooding, pollution and public health hazards experienced in Fressingfield for many years seem to be invisible to those charged with making decisions about them. These problems amount to '*local circumstances*' of major significance in assessing the sustainability of the proposed developments, which would result in breaches of the NPPF, through '*adverse impacts*' that would '*significantly and demonstrably outweigh the benefits*' when assessed against the NPPF policies taken as a whole (paragraph 11) including:

- failure to protect '*areas at risk of flooding*' (paragraph 11 and footnote 6);
- '*inappropriate development*' because of flooding risk , better directed elsewhere (paragraph 155);
- undesirable '*likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of ... the wider area to impacts that could arise from the development*' (paragraph 180).

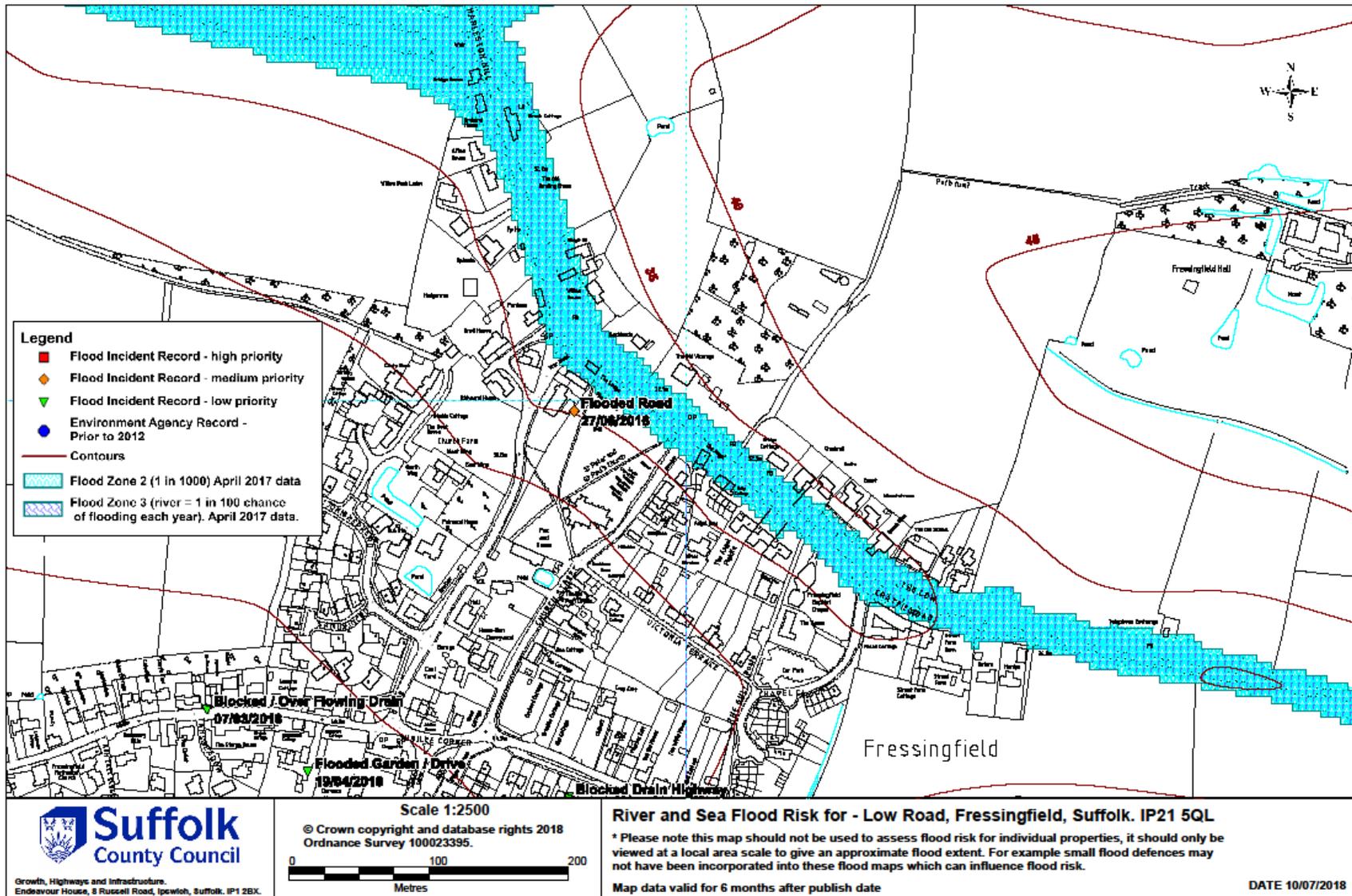
SCC FLOOD MAP A – Surface Water Flooding Areas, and Surface Water Flooding Incidents since 2016



SCC FLOOD MAP B – SURFACE WATER FLOOD ZONES (larger scale)



SCC FLOOD MAP C Medium and High Probability River Flooding Areas



SUSTAINABILITY

6. TRANSPORT AND ROAD SAFETY

6.1 Legal Requirements

6.1.1 NPPF requires the planners to ensure that

- *'opportunities to promote walking, cycling and public transport use are identified and pursued'³⁴, with 'street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods'³⁵ and 'layouts that encourage walking and cycling'³⁶*
- *'the environmental impacts of traffic and transport infrastructure' are 'assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains';³⁷*
- *'Significant development' is 'focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'³⁸*
- *'decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.'³⁹*

Para 110 sets out detailed requirements for developments:

- **Pedestrians and cyclists** - *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- **Disabled people** - *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- **Road Safety and local character** - *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- **Deliveries and emergencies** - *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

A transport assessment is required for developments that will generate *'significant amounts of movement'* so that *'the likely impacts of the proposal can be assessed.'⁴⁰ This must be 'a comprehensive and systematic process that sets out transport issues relating to a proposed development' including *'measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed to deal with the anticipated transport impacts of the development'⁴¹.**

NOT COMPLIANT – these applications are not compliant with these requirements for the reasons set out below

6.1.2 National guidance – national government guidance on Transport Assessments⁴² requires that data should include– *'as a minimum' - 'the quantification of the person trips generated from the existing site and their modal distribution, or, where the site is vacant or partially vacant, the person trips which might realistically be generated.'*

NOT COMPLIANT – these applications are not compliant with this requirement because neither current person trip rates nor the likely increase as a result of the developments, are measured.

6.1.3 MSDC policies - MSDC's Saved Transport Policy T10 sets out the matters to which it will have regard in planning decisions, including *'whether the needs of pedestrians and cyclists have been met.'⁴³ The same policy requires assessment of 'the suitability of existing roads giving access to the development in terms of the safe and free flow of traffic and pedestrian safety.'*

MSDC's Policy T11⁴⁴ requires *'highway schemes including roads, footways, parking and pedestrian priority areas to be designed to accommodate the needs of people with disabilities.'*

SUSTAINABILITY

NOT COMPLIANT – these applications are not compliant with this requirement because neither current person trip rates nor the likely increase as a result of the developments, are measured so that the needs of pedestrians and cyclists are unknown while no mention is made of the needs of people with disabilities in the CTA or SCC's recommendations

6.2 The Right Information

6.2.1 Information provided by applicants - A Cumulative Traffic Assessment (CTA)⁴⁵ was produced by Create Consulting on all five developments, in response a holding objection from SCC. These documents fail to provide the right information for MSDC to assess the applications against the legal requirements. The CTA does not:

- prioritise pedestrians - pedestrian traffic is not prioritised⁴⁶
- use the right data - vehicle trip rates are used only not person trip rates⁴⁷
- assess the full impact - as extra traffic from the scout and Baptist chapel are ignored
- assess environmental impact – environmental impact is almost ignored⁴⁸
- assess the right area – only accidents within the village, not the area, were considered⁴⁹
- assess the right period - an accident in 2017 at Jubilee Corner is not included.⁵⁰
- assess the right needs – the needs of disabled people and children are not assessed⁵¹
- assess access for delivery , agricultural or emergency vehicles
- assess parking - the impact on parking in the village is ignored⁵²
- assess heritage - the impact on the heritage of the village is ignored⁵³

Given that only 37% of the current scout attendees are from the village, it is likely that the extra scouts will come from elsewhere increasing traffic, as there is only one bus per week. The fact that the new Baptist chapel is also to have far more activities than the existing one, including a badminton court and sports area suggests a greater increase in traffic than what might occur based on the proportionate increase in its capacity for worshippers. These traffic issues have not been taken into account in the CTA. As it is now a year old, this document is also out of date, with three accidents in the village occurring within a week some weeks ago.

Bizarrely, the CTA concludes that because there were not many accidents in the past, the increase in pedestrian and vehicular traffic – which it acknowledges to be '*significant*' – will not cause any increase in accidents in the future. This irrational assertion is no substitute for the proper modelling of impact upon different types of pedestrians and other matters set out in the NPPF. The right information has not been provided to support MSDC decisions.

6.2.2 SCC response to MSDC's consultation – There has been considerable correspondence between SCC Highways department, MSDC and the developer to inform SCC's response to MSDC. However, this has yet to result in the right information being given to MSDC to enable it to make a decision. In response to residents' concerns, SCC revisited its response and produced a further document⁵⁴.

SCC⁵⁵ recognises the lack of footpaths and sustainable transport and sees this as '*moderate to a high degree of significance in Planning terms*'. Likewise general road safety is deemed to be '*at the higher level of significance but not severe*.' Based on lived experience of current traffic on the village's limited road capacity, the significance of a 57% increase in traffic would undoubtedly be severe..

Whilst reciting the need to consider legal requirements to prioritise pedestrians, minimise conflict between cyclists or pedestrians, and recognise the needs of disabled people as well as locate development where it is sustainable, this document does not address these issues.

6.3 Evidence of Adverse impacts – The NPPF is clear that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*.'⁵⁶ The map on page 16 illustrates the challenges of making these developments safe.

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SCC estimates an extra 584 residents, including 63 primary school children will result from the five developments, increasing the village population - and potentially the pedestrian and vehicular traffic - by 57%. This includes 105 new residents from the 46 houses approved so far.

Adverse impacts under the seven topics identified in paragraphs 102 and 110 of the NPPF are examined below.

a) Adverse impacts on pedestrians and cyclists - There are many areas of the village without footways where pedestrians must walk along the road. Increases in traffic will make this more hazardous. This includes most of New Street, where the shop and medical centre are located, as well as one complete side of Jubilee corner.

- New and existing footpaths concentrate pedestrian traffic at the points where these footpaths will join the road. Yet in some cases, visibility is very poor:
 - Visibility from the top of the existing footpath, which emerges onto New St., a few yards from Jubilee Corner, offers no visibility into Back Street, onto which John Shepherd Rd emerges, nor Stradbroke Rd, both roads onto which traffic from an extra 184 houses will emerge. SCC recommend painting the lines on the road at this point a different colour to slow traffic down.
 - The new footpath proposed from Post Mill Lane onto New Street will emerge at the top of an outward facing curve in New St, with very poor visibility in each direction and no footway. SCC in their additional comments on the 31st July 2018 did not even mention this footpath.
- The village shop, which is vital to its sustainability, does not have adequate parking and it is already dangerous, for pedestrians negotiating their way around cars parked outside the shop along the road, with one's view of oncoming traffic blocked. More traffic and pedestrians will increase this hazard.
- In addition to increased hazards for existing residents, there will be extra pedestrian traffic from the additional 584 residents predicted by SCC, all variously going to the medical centre, the shop, the pubs, the sports centre, Sancroft Hall and the three places of worship.

No data has been provided on cyclists in any document so it is not possible to assess the adverse impacts upon them. They will suffer from the same poor visibility as pedestrians but will be approaching the junctions referred to at greater speed, suggesting greater hazard for them.

b) Adverse impacts on public transport - As SCC⁵⁷ has noted with a bus service offering one bus per week, Fressingfield is '*very poorly served by scheduled bus services*', which is '*of no use for commuting*.' No figures are given for pedestrian trip rates or public transport use in the CTA so the adverse impacts on public transport cannot be assessed. It is however clear that public transport is inadequate now for the current population of the village and there are no plans to improve it, so the use of sustainable transport cannot be maximised as the NPPF requires.

c) Adverse impacts on disabled people - The NPPF requires consideration of '*the needs of people with disabilities by all modes of transport*' and includes those '*with ambulatory difficulties*', such as elderly frail people in this definition. No data is provided on meeting these needs. However, it is clear that most of the village being without pavements presents hazards for disabled people and others with impaired mobility - hazards that can only worsen with the likely increase in traffic as a result of a 57% in residents.

Both MSDC and SCC will be at risk of a claim for breach of their legal duties on disability equality if assessments are not required of the needs of disabled people in relation to the increased traffic and greater hazards for disabled pedestrians.

d) Adverse impacts on Road Safety - The CTA does not differentiate between types of pedestrians, ignoring the different needs of children (in a village with a primary school) and older people (in a village already having an older population above the average⁵⁸). Nor is there any assessment of the

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cumulative impact of the developments on the pedestrian routes to the play space adjacent to the sports club, from each of the new developments, nor to and from the proposed additional play space within the John Shepherd Rd development (1432/17). More children will also be walking to school, to the school bus pick up points and to the new scout hut, but the impact on them has not been assessed.

Traffic of all types along the specified roads themselves as well as at junctions is not assessed, even though only 26% of casualties occur within 20 metres of a junction⁵⁹. ROSPA notes: '*rural roads are narrow and often have no pavement or crossing facilities. Child pedestrian casualties in rural areas are more likely to occur when children are walking along the road rather than crossing it.*'⁶⁰ With the arrival of an estimated 63 new primary school children, this is very relevant.

Even without the right information, it is logical that 57% more pedestrian traffic in the village, including that generated by 63 primary school children, as well as potentially 57% more vehicular traffic will impact negatively on road safety. The mitigation measures have been designed without data on pedestrians, children, cyclists or disabled people cannot be considered adequate to address such impacts.

e) Adverse impacts on local character – the CTA provides no assessment of these impacts and SCC barely mentions the topic. The character of this medieval village with its conservation area and 58 listed buildings can only be profoundly adversely affected by so much extra traffic and exacerbation to parking difficulties outside the shop and medical centre. No mitigation measures are proposed for this aspect of sustainability.

f) Adverse impacts on deliveries and access for emergency vehicles – the CTA provides no assessment of these impacts and SCC does not mention the topic. The photographic evidence provided on the front cover illustrates the current challenges of delivery to the shop, which can only be adversely hampered by the additional traffic while the current safety hazards for pedestrians will be worsened. No mitigation measures are proposed for this aspect of sustainability.

g) Adverse impacts on the environment- The NPPF requirement on assessing '*environmental impacts of traffic and transport infrastructure*' cannot be met because the CTA is silent on environmental impact. The Environmental Impact Assessment Regulations⁶¹ prohibit the granting of planning permission without explicit consideration of environmental impact. Yet it does not appear to have been considered.

A conservative assessment would suggest additional emissions from:

- an extra 508 car journeys per day to and from work throughout the year (assuming one working adult per new house travelling to and from work each day), of which 92 will result from developments already approved
- an extra 63 car journeys per day to transport children home from a primary school outside the village (as there is no capacity in the primary school currently⁶²) in term time, of which 11 will result for developments already approved. This assumes only one child per house and that children have been dropped off as part of a parent's journey to work in the morning.
- an extra 100 extra journeys per week on scout evenings to and from the new scout hut (where capacity is to increase from 100 to 150 scouts⁶³) – already approved

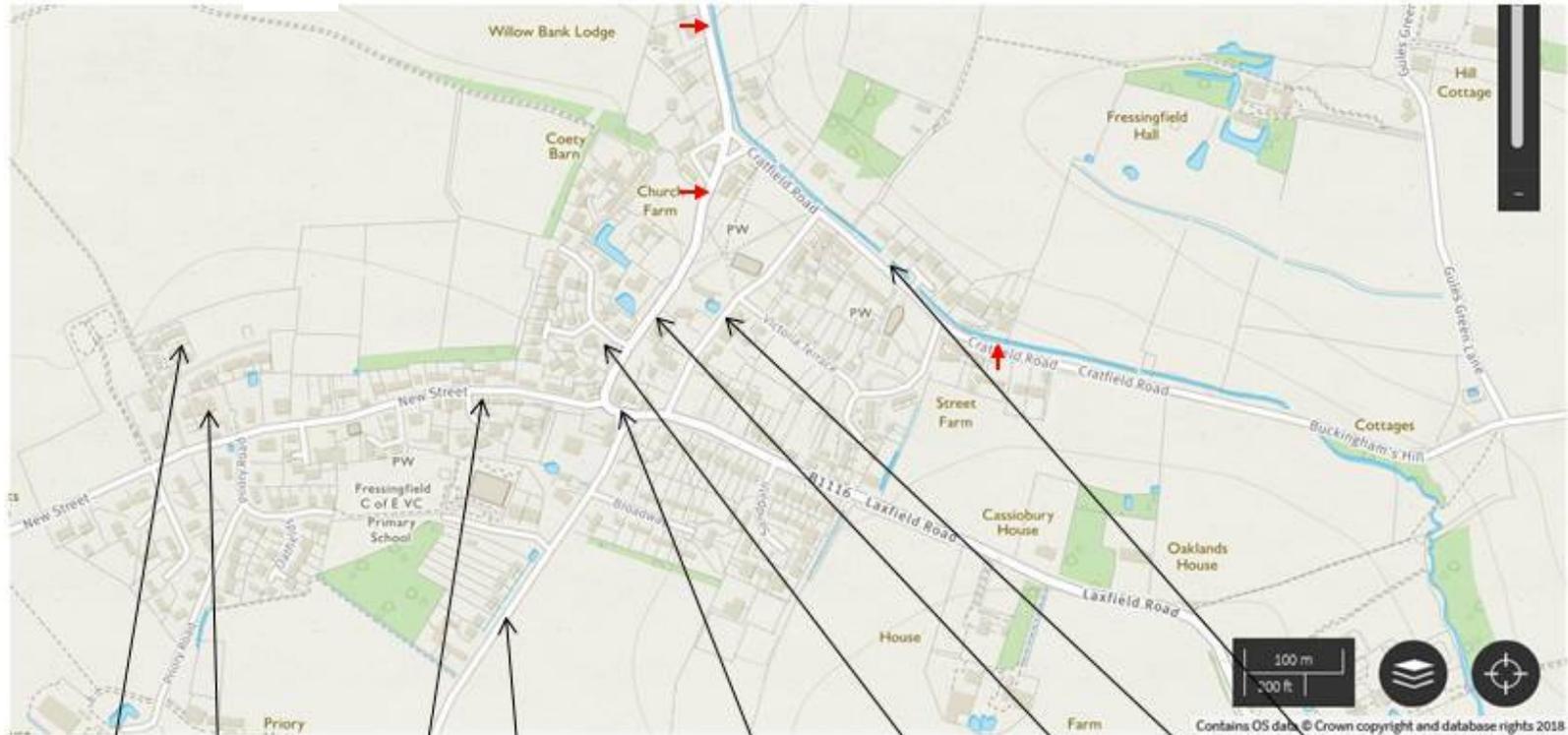
This estimate does not include trips for young people attending secondary school outside the village, or trips for shopping or leisure activities, to buy petrol or do anything else. There will be at least 570 extra car journeys per day in the village, of which 105 will result for developments already approved.

6.4 'Inappropriate development and 'adverse impacts' No amount of mitigation can make what is clearly unsafe, safe, nor what is unsustainable, sustainable. The various adverse impacts catalogued above in relation to transport and road safety for pedestrians and vulnerable road users, and related sustainability, mean that these developments are not sustainable and their adverse impacts are significant.

MAP OF FRESSINGFIELD

(courtesy Google Maps)

Extent of historical flooding, with sewage pollution in Low Rd



Existing Post
Mill Lane

Medical
Centre

Village
Shop

Stradbroke
Rd

Jubilee
corner

Existing John
Shepherd Rd.

Back
St.

Church
Lane

Low
Rd.

7. CHARACTER - HERITAGE

7.1 Legal Requirements

7.1.1 The NPPF requires decisions to take account of

- *the desirability of new development making a positive contribution to local character and distinctiveness*⁶⁴
- *the effect of an application on the significance of a non-designated heritage asset [such as the Conservation area] [which] should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Low Rd.

NON COMPLIANCE – it is very hard to see how these developments or any of them will make a positive contribution as required, to the historic setting of the village with 58 listed buildings, narrow streets and a conservation area of significant extent in which the main services are located.

7.1.2 MSDC's policies of relevance are

- Saved Policy FC1.1 (*Mid Suffolk approach to delivering Sustainable Development*): 'Proposals for development must conserve and enhance the local character of the different parts of the district'.
- Saved Policy SB2 (*Development appropriate to its Setting*): 'within settlement boundaries, development or changes of use appropriate to their surroundings will normally be permitted unless, to a material extent, they are considered to adversely affect:-
 - *the character and appearance of the settlement;*
 - *listed buildings, their settings or the appearance of a conservation area.*

The district planning authority will refuse development which does not have a form, scale or character in keeping with the surrounding area. Excessive infilling or inappropriate forms of development will be refused.'

NON COMPLIANCE – these proposals neither conserve nor enhance the local character and will be more likely to cause harm because of the greatly increased traffic that they will bring.

7.2 Adverse impacts:

- **Scale** - both John Shepherd Rd (1432/17) and Post Mill Lane (1648/17) are extensions to existing housing developments and would be contiguous to each other, creating a collar of new housing around the western boundary of a medieval village, matched by new housing to the south (3872/16 and 4410/16 already agreed and 1449/17). This would radically alter the village's character and certainly not enhance it.
- **Setting** - in its Joint Landscape Guidance⁶⁵ MSDC notes: '*Much of the significance of many of the districts conservation areas lay in their landscape setting, agricultural heritage and relationship with the countryside.*' The addition of three extra areas of housing of such a great extent (in addition to the two already agreed) will compromise that relationship of the village with its setting because the new housing will dominate.
- **Character** - Fressingfield is a small village set within a hollow dominated by its ancient church. With 444 houses, 58 listed buildings and many other historic buildings which are not listed, the introduction of large estates around its boundaries would swamp the village and destroy its character as a small ancient settlement
- **Important vistas** – Fressingfield's unusual topography creates important vistas of the village within its hollow. Additional development, which is too large or badly positioned, would entirely destroy this medieval view because it is immediately visible as one stands at the top of those hills before entering the village.
- **Consultee comments** – both Suffolk Archaeology and the Suffolk Preservation Society have expressed reservations about some of these development and in the former case have formally

objected to a section of the John Shepherd Road development. These comments are indicative of the harm to the village's overall character, and must not be ignored.

NON COMPLIANCE – these proposals will not meet the NPPF and MSDC requirements as there would be no enhancement to the historic character and such an increase in new housing would cause significant harm to its rural medieval character.

7. SUSTAINABILITY OVERALL

These proposals are not sustainable for a range of reasons.

The proportion of supposed housing need that should be met from Primary Villages such as Fressingfield is intended by policy to be limited, to make it sustainable. Historically this limit has regularly been exceeded, creating a 'sustainability deficit' before these applications are even considered.

Discussions with Anglian Water have revealed that there is an insoluble problem with the existing drainage infrastructure, in that an unknown number of houses are connected to the sewer for rainwater discharge. There are no data of domestic connections of surface water to the foul sewer. This has caused flooding and pollution for many years, of the worst possible kind – human excrement flooding onto the highway, into the beck and adjacent properties. There has been a consistent failure over the years not only to address the problem, but even to record it accurately. This has meant that the applications which have made use of this data are based on a fictional picture of the foul and surface water capacity of the village. More houses would mean a lower threshold for the triggering of this problem, because of more sewage in the sewer from the extra residents, and a greater impact from high rainfall when an even greater volume of sewage than now would overflow.

The traffic, both pedestrian and vehicular, generated by the new residents will funnel through the village streets with their limited capacity and poor visibility on routes providing access to the school, shop and medical centre. This will increase existing road safety hazards, such as at Jubilee Corner, and bring new ones such as at the junction of the new proposed footpath emerging onto a blind curve in New St.

The increase in car journeys by so many new residents in a location with minimal employment opportunities and a sparse bus service will be significant, exacerbating emissions and contributing to climate change rather than mitigating it.

The historic character of Fressingfield as a small medieval village will suffer significant harm from three large developments of 208 houses which together with the 46 already approved but not yet constructed, will amount to an increase of 57% - out of all proportion to its current size and out of keeping entirely with this character.

Elizabeth Manero, SAFE

16th October 2018

APPENDIX

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

Endeavour House, Russell Road, Ipswich, SUFFOLK IP1 2BX

Telephone: 01473 260051

EMAIL FROM THE ENVIRONMENT AGENCY

Dear Elizabeth,

Thank you for your email, I apologise for the delay in my response.

I have checked the planning applications listed below with our team who provide comments to the relevant local authority. We only provide comments when there are certain constraints on the application. For example, if the development is on contaminated land, is in area at risk of flooding from a main river, or is not proposing a connection to the public sewer system. As these planning applications did not have these constraints, we did not consult on them.

As you may have already ascertained the Environment Agency is only responsible for flooding from a main river. Where there is surface water flooding, or concern about surface water as a result of a planning application then this is the responsibility of the lead local flood authority.

During the planning process the water company will be consulted to ascertain if there is enough capacity in their sewer system, to accept additional flows. They should be taking into account the cumulative effect of multiple small developments when making this decision.

Without an adequate system for surface water drainage, this is causing flooding on the road. Surface water is also getting into the foul sewer system, which is not designed to cope with these levels of flows and therefore causing the manholes to pop and sewage to overflow. I would recommend that the lead local flood authority need to ensure a suitable drainage system for the surface water is

implemented and Anglian water need to remove surface water inputs from their foul sewer to relieve some of the pressure.

With regard to the pollution of the beck with sewage I will raise the matter with the local manager at Anglian Water to see if there are any measures they can take to stop the manholes overflowing. In the meantime as my colleague James mentions, please do report any sewage pollution of the beck to our hotline number on 0800 80 70 60 (24 hours) Whilst we are not able to attend every incident reported to us, it will be logged which helps us build up an evidence base of how often the problem is occurring.

Kind Regards,

Rachael

Rachael Storr | Team Leader - Land & Water Norfolk
Dragonfly House, 2 Gilders Way, Norwich NR3 1UB
Tel: 0203 0255436 | Int: 55436
rachael.storr@environment-agency.gov.uk

EMAIL FROM DEFRA

Dear Ms Manero,

Thank you for your email of 23 April about responsibility for assessing the cumulative impact of multiple housing developments on drainage and surface water flood risk.

Flood risk is an important consideration in the planning system and the government has strong planning policy safeguards in place. The National Planning Policy Framework sets out clear policies for assessing, avoiding and managing flood risk, and for ensuring that new development does not increase flood risk elsewhere. The Framework is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in a flood risk area, it should be made safe, without increasing flood risk elsewhere, and appropriately flood resilient and resistant. The Framework is supported by planning guidance, including guidance on flood risk and coastal change. This guidance makes clear that local planning authorities must consider the strict tests in the Framework that protect people and property from flooding and where these tests are not met, development should not be allowed.

The Framework's policies apply to all sources of flooding, including from surface water run-off and overwhelmed drainage systems. The policy was strengthened in April 2015 to make clear the expectation that sustainable drainage systems will be provided in all new major developments, such as ten or more homes, unless demonstrated to be inappropriate.

In the government's consultation on the draft National Planning Policy Framework, open until 10 May, and accessible at <https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>, we have made clear that local policies directed at managing flood risk are now expected to consider the cumulative impacts of flood risk, rather than just flood risk to or from individual development sites. The Ministry of Housing, Communities and Local Government (MHCLG) have also clarified aspects of planning policy in relation to SuDS. It would not be appropriate for us to comment until MHCLG have had the opportunity to carefully consider all consultation responses. You are of course welcome to contribute to the consultation through the link provided above.

We would therefore suggest that you continue to liaise with the local planning authority on this matter. Finally; you mentioned the role of Internal Drainage Boards (IDBs), and in particular The Waveney, Lower Yare and Lothingland IDB. IDBs are independent locally funded and operated statutory public bodies. There are currently around 112 IDBs in England and the Boards consist of elected members who represent agricultural rate payers and local authority appointed members representing special levy payers in the local community. They operate predominantly under the Land Drainage Act 1991, and are classified as a Risk Management Authority under the Flood and Water Management Act 2010. IDBs are responsible for water level management in areas of special drainage

need, in areas such as Somerset, Yorkshire, Lincolnshire, Norfolk, Suffolk, Kent and Sussex. Their main focus historically was drainage of agricultural land. However, IDBs have developed to play a much wider role in managing water levels. They are responsible for reducing flood risk from ordinary watercourses for both rural and urban communities (including protection of businesses and infrastructure) and they also have duties in protecting and enhancing valuable wildlife habitats and conservation. Much of their work involves the improvement and maintenance of rivers, drainage channels and pumping stations. They work in close partnership with the Environment Agency, Natural England, local authorities and others in carrying out their duties.

Yours sincerely,

Gordon Wilson, Ministerial Contact Unit

EMAIL FROM SCC DRAINAGE DEPARTMENT

From: Jason Skilton [<mailto:Jason.Skilton@suffolk.gov.uk>]

Sent: 04 September 2018 10:52

To: john@jpcastro.co.uk

Cc: Matt Hullis

Subject: FW: Problems with Flooding and Sewerage in Fressingfield

Hi John,

This is the hybrid application whereby the have full permission for the construction of the new church and car park, then outline consent for the 18 dwelling development

If you feel that they are breaching the planning conditions, you'll need to speak to Mid Suffolk District Council Planning Enforcement Team.

<https://www.babergh.gov.uk/planning/enforcement/report-it/>

This application was granted by the LPA whilst SCC Flood and Water still had outstanding issues that need to be resolved.

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Growth, Highway & Infrastructure

Endeavour House, 8 Russell Rd, Ipswich, Suffolk IP1 2BX.

Tel 01473 260411

- ¹ Appeal Decision Land on East Side of Green Rd Woolpit Suffolk 28.09.18 The Planning Inspectorate
- ² NPPF 2018 para 11
- ³ NPPF 2018 paragraph 11 and footnote 6.
- ⁴ NPPF para 11
- ⁵ Associated Provincial Picture Houses Ltd v. Wednesbury Corporation 1947
- ⁶ Tesco Stores v Dundee City Council 2012
- ⁷ NPPF 2018 para 43
- ⁸ NPPF 2018 para 9
- ⁹ Suffolk Observatory 2017 accessed 19.10.18
- ¹⁰ NPPF 2018 para 72 b)
- ¹¹ Ibid para 78
- ¹² Ibid para 103
- ¹³ Babergh and MSDC Joint Annual Monitoring Report 2017-2018..
- ¹⁴ Core Strategy Development Plan Document MSDC 2008
- ¹⁵ NPPF 2-018 para 11 and footnote 6
- ¹⁶ NPPF 2018 para 155
- ¹⁷ NPPF 2018 para 180
- ¹⁸ **Town and Country Planning (Development Management Procedure) (England) Order 2015**
- ¹⁹ NPPF 2012 para 158
- ²⁰ Flood risk assessment: the sequential test for applicants Planning and Policy Guidance April 2012 Department of Communities and Local Government
- ²¹ NPPF 2018 para 156
- ²² Suffolk flood Risk Management Strategy March 2016 para 4.1
- ²³ Flood Risk Assessment, Surface & Foul Water Drainage Strategy Plandescil consulting engineers Mar. 2017
- ²⁴ Para 5.15 Flood Risk Assessment and Drainage Strategy Create Consulting Engineers Ltd Mar. 2017
- ²⁵ Para 6.14 Flood Risk Assessment and Drainage Strategy Revision A Create Consulting Engineers Ltd Mar. 2017
- ²⁶ Flood Risk Assessment, Surface Water & Foul Water Drainage Strategy Plandescil Mar.2017 S8
- ²⁷ *Ibid*
- ²⁸ All correspondence can be produced
- ²⁹ Babergh and MSDC Joint Landscape Guidance 2015
- ³⁰ As [defined](#) by the Environment Agency for surface water
- ³¹ <http://www.suffolklandscape.org.uk/landscapes/Plateau-claylands.aspx> accessed 19.04.18
- ³²
- ³³ SCC estimates from infrastructure comments on proposals
- ³⁴ NPPF para 102
- ³⁵ Ibid para 91a)
- ³⁶ NPPF 2018 para 91
- ³⁷ NPPF 2018 para 102
- ³⁸ NPPF 2018 para 103
- ³⁹ NPPF 2018 para 98
- ⁴⁰ NPPF 2018 para 111
- ⁴¹ NPPF 2018 Annex 2
- ⁴² Department of Transport (DoT) and Department of Communities and Local Government (DCLG) Joint Guidance on Transport Statements and Assessments 2016
- ⁴³ MSDC Transport Policy adopted 09.98 and retained 06.16, T10
- ⁴⁴ MSDC Transport Policy adopted 09.98 and retained 06.16, para 2.7.3
- ⁴⁵ Cumulative Traffic Assessment Create Consulting 17.10.17
- ⁴⁶ NPPF 2018 para 110a) and MSDC Transport Policy T10
- ⁴⁷ NPPF 2018 para 110a) and c) and Annex 2 and DoT and DCLG Jt Guidance on TAs 2016 para 3.4
- ⁴⁸ NPPF 2018 para 102d)
- ⁴⁹ DoT and DCLG Jt Guidance on TAs 2016 para 4.1
- ⁵⁰ Ibid para 3.3
- ⁵¹ NPPF 2018 para 108 b) MSDC Transport Policy T12
- ⁵² NPPF 2018 para 110d) and DoT and DCLG Jt Guidance on TAs 2016 para 4.16
- ⁵³ DoT and DCLG Jt Guidance on TAs 2016 para 4.38

⁵⁴ Further comments SCC Highways to MSDC 31.07.18

⁵⁵ Ibid.

⁵⁶ NPPF 2018 para 109

⁵⁷ Sam Harvey Senior Development Management Engineer email to MSDC 14.08.17

⁵⁸ Fressingfield Village Profile

⁵⁹ Rural Road Safety Factsheet Royal Society for the Prevention of Accidents February 2017

⁶⁰ Ibid.

⁶¹ Environmental Impact Assessment Regulations 2011 Section 3(4)

⁶² SCC Strategic Infrastructure Comments re 1432/17 dated 18th May 2017 p3. 'The existing primary school is at capacity.'

⁶³ <https://community-fund.aviva.co.uk/voting/project/view/15-245>

⁶⁴ NPPF 2018 para 192

⁶⁵ [Joint Babergh and Mid Suffolk District Council Landscape Guidance](#) 2015