Planning Application Ref: 1629/22/ARM
Address: Dennings Wallingford Road Kingsbridge TQ7 1NF
Description: Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions

Case Officer: Helen Grant

Planning Application Ref: 1386/22/FUL
Address: Dennings Wallingford Road Kingsbridge TQ7 1NF
Description: Erection of six new residential dwellings (resubmission of 3830/20/FUL)

Case Officer: Charlotte Howrihane

3rd December 2022

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

<u>The South Hams Society interest</u>

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The Society is writing to the District Council to object to each of the two planning applications listed above following concerns raised by members. The grounds for objection are that the development landscape changes already implemented have increased Kingsbridge town centre flood risk from uncontrolled surface water runoff.

The Society notes that a drainage consultation document has been submitted on the 29th November 2022 by a SHDC internal drainage 'Senior Engineer'.

We consider it to be an inadequate assessment on the tightly drawn site boundary that ignores the development changes already carried out prior to receiving any planning approval.

Within that tightly drawn site boundary are the historic field entrances to the two fields that the old Dennings building sits between.

It would be irresponsible of the District Council to ignore the consequences of these changes and not to consider the long term implications of this development on the critical drainage area.

The Society wishes to bring to the attention of the local planning authority the recently issued flood investigation report completed by Devon County Council regarding a flood event that occurred in Kingsbridge on the Platinum Jubilee weekend, Saturday 4th June 2022.

The District Council should already be aware of the report and be implementing the recommendations.

We include key extracts of that report.

The Jubilee Flood report for Kingsbridge (extracts).

Published 16/11/2022 2:53pm

Section 19 Flood Investigation Report

This flood investigation report has been produced by Devon County Council as a Lead Local Flood Authority under Section 19 of the Flood and Water Management Act 2010.

Version	Undertaken by	Reviewed by	Approved by	Date
Draft 1	Jago Burris	Jessica Bishop	Martin Hutchings	18/10/2022
Final	Jago Burris	Jessica Bishop	Martin Hutchings	16/11/2022

1. Introduction

The Flood Risk Regulations 2009 and the Flood and Water Management Act 2010 (the Act) have established unitary and upper tier local authorities as the Lead Local Flood Authority (LLFA) for their area. This has placed a number of responsibilities on the LLFA in relation to flood risk management and in particular Section 19 of the Act which states:

Flood and Water Management Act 2010: Section 19 – Local Authorities: investigations

- On becoming aware of a flood in its area, a lead local flood authority must, to the extent that it considers it necessary or appropriate, investigate –
  1. which risk management authorities have relevant flood risk management functions, and
  2. whether each of those risk management authorities has exercised, or is proposing to exercise, those functions in response to the flood.
- Where an authority carries out an investigation under subsection (1) it must –
  1. publish the results of its investigation, and
  2. notify any relevant risk management authorities.

Flood and Water Management Act (2010), S.19, c.29, London: HMSO

A '*Risk Management Authority' (RMA)* means:

(a) the Environment Agency (EA),

(b) a lead local flood authority,

(c) a district council for an area for which there is no unitary authority,

(d) an internal drainage board,

(e) a water company, and

(f) a highway authority.

2.2 Key Responsibilities

RMAs in Devon all have their own roles and responsibilities. The general RMA responsibilities in relation to flood risk and surface water management are outlined below:

The Environment Agency is responsible for managing the risk from the sea, Main Rivers and reservoirs and has a strategic overview role for all flood risk management, making it a key local partner for DCC, especially when managing the risk from combined sources and in the event of a large flood incident. The EA also provides a flood warning service throughout England and Wales in areas at risk of flooding from rivers or the sea.

Devon County Council as the Lead Local Flood Authority is responsible for overseeing the flood risk from Ordinary Watercourses, groundwater and surface water runoff. They are also responsible for consenting to works on Ordinary Watercourses and enforcing the removal of any unlawful structure or obstruction within the watercourse. And, as previously stated they must ensure that a flooding investigation is carried out by the relevant authority and publish a report. DCC must also prepare a Local Flood Risk Management Strategy and maintain a register of flood risk assets.

Local District Councils are classified as land drainage authorities with discretionary powers under the Land Drainage Act, such as the implementation and maintenance of flood defences on ordinary watercourses. They also have powers under the Public Health Act to ensure the removal of any blockage within an Ordinary Watercourse that is considered a nuisance. As a planning authority they are responsible for the preparation of development plans and making decisions based on planning policy.

Devon County Council as the Highway Authority maintains the highway drainage system to reduce the amount of standing water on the highway. This is achieved by limiting the water on the roads and ensuring that they are kept clear of rainwater, including the maintenance of highway gullies and culverts.

3. Flood Incident Summary

3.1 Incident Summary

On the morning of the 4th of June 2022, heavy rain led to internal property flooding occurring in the Kingsbridge area. Kingsbridge is a town in the South Hams district at the head of the Kingsbridge Estuary. The worst affected location was in the Bridge Street area, with internal property flooding also occurring on Duncombe Street, Mill Street, Church Street, and Manor Park. In the outskirts of Kingsbridge, one property experienced flooding on Embankment Road and one property in Goveton. In total thirteen properties were reported to have experienced internal property flooding.

Table 3.1 lists the areas and streets affected by flooding, and the corresponding number of properties reported to have flooded in each location. It should be noted that the flooded locations have been reported alphabetically and not in any order of priority. Table 3.2 lists the depth of rainfall recorded from the Environment Agency automatic rainfall gauge that is located closest to the affected areas. Table 3.2 shows rainfall data collected from the Davey Park Farm gauge, south-west of Kingsbridge.

During the rainfall event on the morning of the 4th of June it has been reported that the Dodbrook Stream did not burst its banks and the flooding was due to localised surface water rather than water flowing down the Dodbrook Stream from further up the catchment. It has also been reported that the pond between Wallingford Road and Stentiford Hill did not overflow as has happened in past events. The intensity of the rainfall exceeded the capacity and ability to enter the drainage system causing it to be overwhelmed and flooding to occur. Once the storm abated the system was able to catch up and the flood waters receded.

Representatives from the Town Council have suggested that residential development sites could have contributed to the flooding. Excess water is reported to have come from a development on Scholars Walk which uses attenuation tanks. Water and mud are reported to have come out of a development to the east of Stentiford Hill during the rainfall event on the 4th June. Highway drains are also reported to have been blocked in the area around the Applegate Park site.

Multiple residents of Kingsbridge affected by the flooding have reported that highway drains were overwhelmed including those on Church Street, Bridge Street, and Duncombe Street. They reported that muddy water overwhelmed the drains and then entered their properties and businesses.

Table 3.2: Rainfall (mm) recorded at Davey Park Farm on 4th June 2022.

Time	Rainfall (mm)
04/06/2022 08:15	0.4
04/06/2022 08:30	1.1
04/06/2022 08:45	1
04/06/2022 09:00	1.2
04/06/2022 09:15	1.5
04/06/2022 09:30	5.3
04/06/2022 09:45	3.5
04/06/2022 10:00	1.2
04/06/2022 10:15	3.3
04/06/2022 10:30	1.4
04/06/2022 10:45	0.4
04/06/2022 11:00	0.1

4.1 Kingsbridge

4.1.1 Mill Street, Bridge Street, Church Street and The Quay

The area around Bridge Street and central Kingsbridge experienced the majority of the flooding on the 4th June 2022. Surface water from the heavy rainfall overwhelmed the highway drains and flooded into properties. The photo in Figure 4.1 shows the depth of the flooding against the buildings and cars on the street. The ongoing Kingsbridge Integrated Urban Drainage Model (IUDM) and Flood Analysis report by Pell Frischmann shows that the primary flood risk on Church Street is fluvial and exacerbated by surface water when the watercourse cannot accept additional flows. The town centre is a complex area in terms of flood risk and the IUDM report has confirmed that there is fluvial flood risk as well as surface water flood risk from the combined system. With the additional factor of tide locking in this area the drainage system is inadequate to cope with a 1 in 10-year return storm event.

4.2 Highway Infrastructure

During this event, surface water flooding affected the Highway network in Kingsbridge. Bridge Street was flooded by surface water and became unsafe for traffic to pass. Highway drains on Church Street, Bridge Street, and Duncombe Street were overwhelmed due to the intensity of the storm event, contributing to the flooding.

4.4 Planning and development

Concerns have been raised regarding the impact of ongoing development sites on the flood risk in Kingsbridge, particularly in the 4th June event, with muddy and silty flood waters being conveyed in the town.

Developers have a responsibility to ensure a robust drainage strategy is in place during the construction phase in addition to once the development is complete. Breach of any planning conditions will be for the Local Planning Authority, South Hams District Council enforcement to take any necessary action.

All Risk Management Authorities in Devon should encourage the use of Sustainable Drainage Systems and promote the benefits, such as improving water quality, biodiversity and amenity, channelled throughout various groups, development management and through advice on Local Authority Core Strategies, development plans and policies. Devon County Council will give guidance to Planning Authorities and the development industry as a Statutory Consultee, fulfilling a duty to check and approve sustainable drainage system designs for major developments.

5.0 Recommended Actions

The following actions in Table 5.1 are recommended for the areas affected in this chapter.

Action By	Recommended Action	How
DCC LLFA / SWW / EA	Progress flood improvements as recommended in the finalised Kingsbridge IUDM study	Work in partnership to finalise the report and hydraulic model to inform options and business case to develop a potential scheme for preferred option, subject to funding justification.
DCC LLFA / SWW / EA	Increase community resilience	To consider Property Flood Resilience (PFR) measures where necessary as part of a wider multi-stage solution through the IUDM report preferred option
DCC LLFA / SWW / EA	Increase community resilience	To consider natural flood management options within the catchment as part of a wider multi-stage solution through the IUDM report preferred option
Kingsbridge Town Council	Increase community resilience	Ensure Community Emergency Plan is up to date. Support available from DCC, Environment Agency and Devon Community Resilience Forum.
SWW	Ensure efficient operation of public combined and surface water sewers.	Continue maintenance regime and consider future investment in Kingsbridge sewer network improvements, such as storm water separation where appropriate.
DCC Highways	To ensure efficient operation of highway drains and culverts.	Review and carry out any maintenance as required. Investigate feasibility of installing 'smart gullies' in partnership with Devon Resilience Innovation Project
South Hams District Council	Ensure flood risk is managed from developments in construction phase and planning conditions are being adhered to	Investigate current developments in Kingsbridge area and take appropriate enforcement action if necessary
EA	Ensure efficient operation of Dodbrook Stream culvert	Carry out maintenance or enforcement action as necessary
Land owners	Ensure efficient operation of ordinary watercourses though their land	Carry out maintenance responsibilities to ensure a free flow of water
South Hams District Council / EA / DCC LLFA	To ensure flood risk is managed from new developments.	Encourage sustainable drainage practices for new developments.

6. Next Steps

The next steps following this report will be for DCC as the LLFA to ensure that the recommended action tables in each chapter are presented to the responsible Risk Management Authority. The DCC LLFA will consider their actions in line with other priorities and monitor delivery through regular reviews, whilst working in partnership with DCC Highways, the EA, District Councils, South West Water and the local communities affected.

There is an expectation from DCC of itself and its partners that all authorities involved will cooperate and work together to improve the flood risk in the vulnerable areas identified in this report by completing the recommended actions. As the LLFA, DCC has a responsibility to oversee the delivery of these actions.

Where minor works and quick-win schemes have been identified, these will be prioritised and will be carried out as soon as possible by the relevant authority or landowner, subject to available funding and resources. Any major works requiring capital investment will be considered through the EA's Medium-Term Plan process.

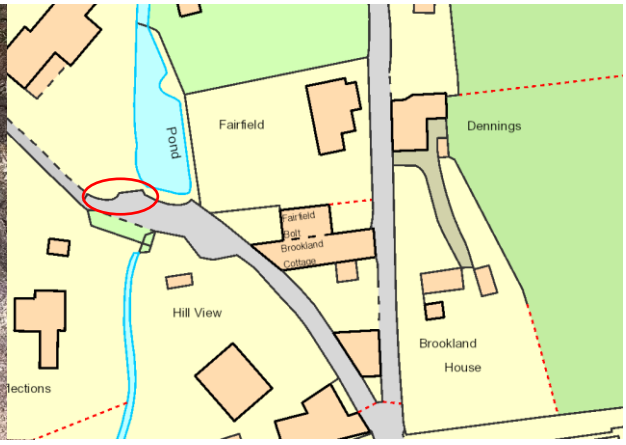
A review of the actions will be carried out by DCC as the LLFA in order to monitor progress and encourage delivery of recommended actions.

In light of the recommendations, the authorities are expected to work together. The Society do not see the authorities co-operating with this development as only an internal drainage consultation response can be found online.

What conclusions can we take from this report?

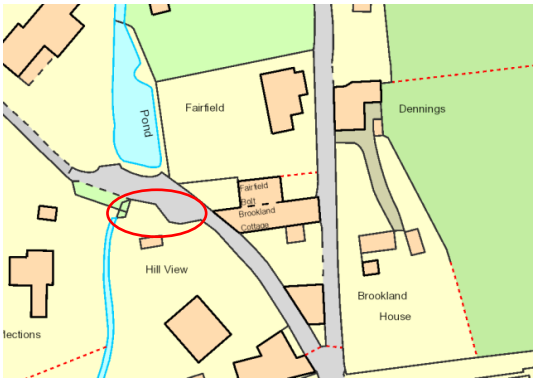
- Kingsbridge has a particular problem with surface water (to the extent it has been given Critical Drainage Status).
- A relatively normal rainfall event of 20.4mm did cause severe flooding (a weather station at Waverly Road, Kingsbridge recorded 18.1mm for this event which supports the DCC reports rainfall record).
- Flooding was localised to Kingsbridge as it was confirmed that the sluice gate on the north side in the nearby Cow Lane did not overflow. This sluice gate orifice position confirms that the flooding was caused by rainfall south of the sluice gate.

The sluice gate and location:



- It was reported that muddy water overwhelmed the drains and was seen coming out of a development site to the east of Stentiford Hill.

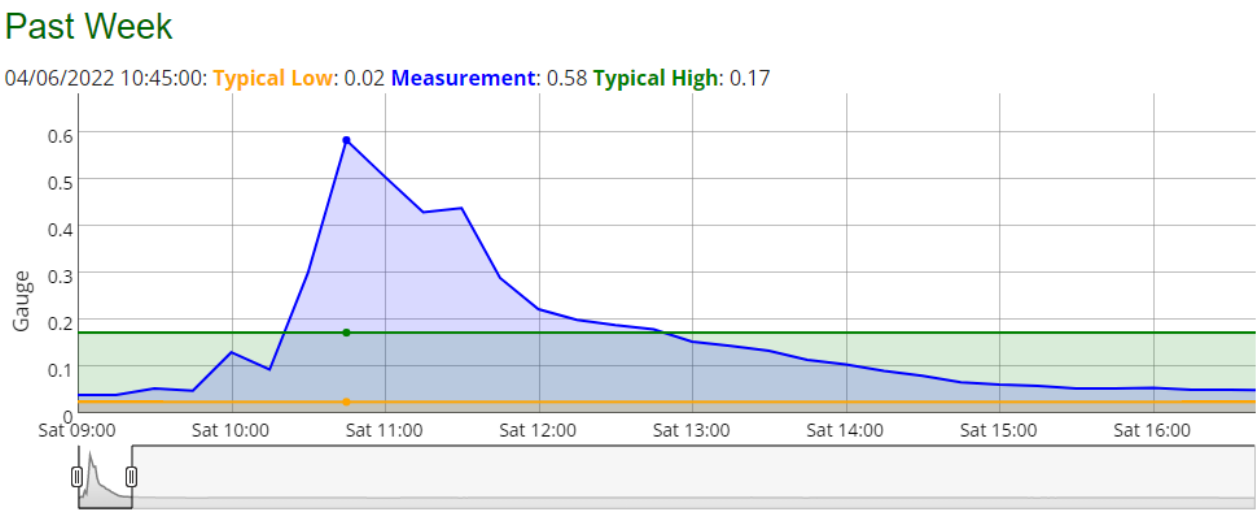
Sediment runoff from the new Dennings' fields entrance on the 4th of June in Cow Lane:



- An ongoing Kingsbridge Integrated Urban Drainage Model (IUDM) and Flood Analysis report by Pell Frischmann shows that the primary flood risk on Church Street is fluvial and is exacerbated by surface water when the watercourse cannot accept additional flows. (Analysis and report started 2018/2019)
- With the additional factor of tide locking in this area the drainage system is inadequate to cope with a 1 in 10-year return storm event (or less with the amount recorded).
- All Risk Management Authorities in Devon should encourage the use of Sustainable Drainage Systems and promote the benefits, such as improving water quality, biodiversity and amenity, channelled throughout various groups, development management and through advice on Local Authority Core Strategies, development plans and policies.
- South Hams District Council / EA / DCC LLFA – are to ensure flood risk is managed from new developments.

The Society highlight that only 18-20.4mm of rainfall over 2 ¾ hours caused the Jubilee flood.

The Dodd level is monitored by the Environment Agency which illustrated the rapid rise in level on the 4th June.



Downstream of this sensor, the Dodd enters a culvert on the north side of Duncombe Street. When this culvert reaches capacity, downstream, the town loses its drainage and can change to backflow which discharges mud into Bridge Street.

A previous Duncombe Street culvert over capacity event (2012).

The Dennings site.

It is almost certain that if this site is to remain with this field entrance arrangement on such a steep hillside, it will always bring a considerable risk of flooding to the town.

This is new.

Significant changes have been made to the Dennings' fields without planning permission.

The internal hedgerows were removed completely ignoring the requirement to gain the approval of the LPA as required by the Hedgerows Regulations 1997 act.

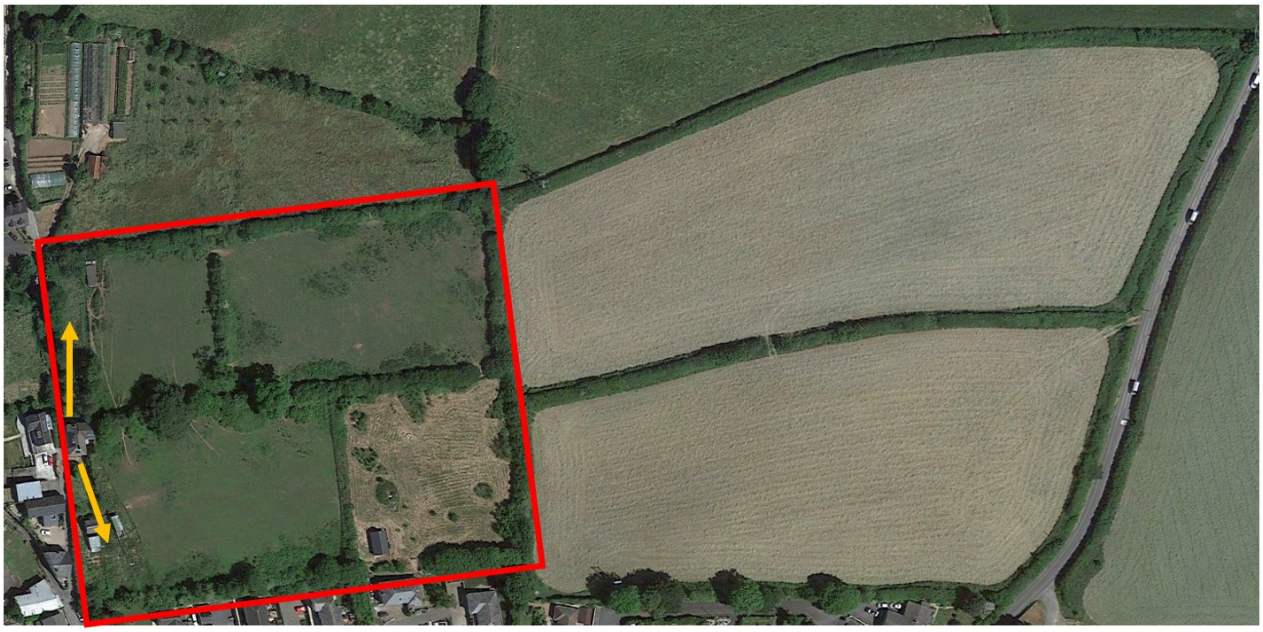
A section of stone wall in the south west corner of the site was removed. And a change to the historic two field entrances was made. Previous access was by the two ramp entrances either side of the Dennings building.

The south field and north field entrances.

The stone wall and land behind has been removed.

Look at the changes to these two fields with pictorial evidence on the next two pages:

Satellite image showing the two entrances and field boundaries - 2017:



The image below shows the fields closer up:

The current owner/s make the following changes 2021:

A lot of the land above Dennings is steep and falls to the south west corner towards the new entrance.

2021 (yellow arrows show the two historic entrances):

The historic field boundaries were removed ignoring the requirements of the Hedgerows Regulations 1997 act.

The site was changed to viticulture in the summer of 2021 and it is not obvious that approval was sought from Natural England which was required as the land was not cultivated land.

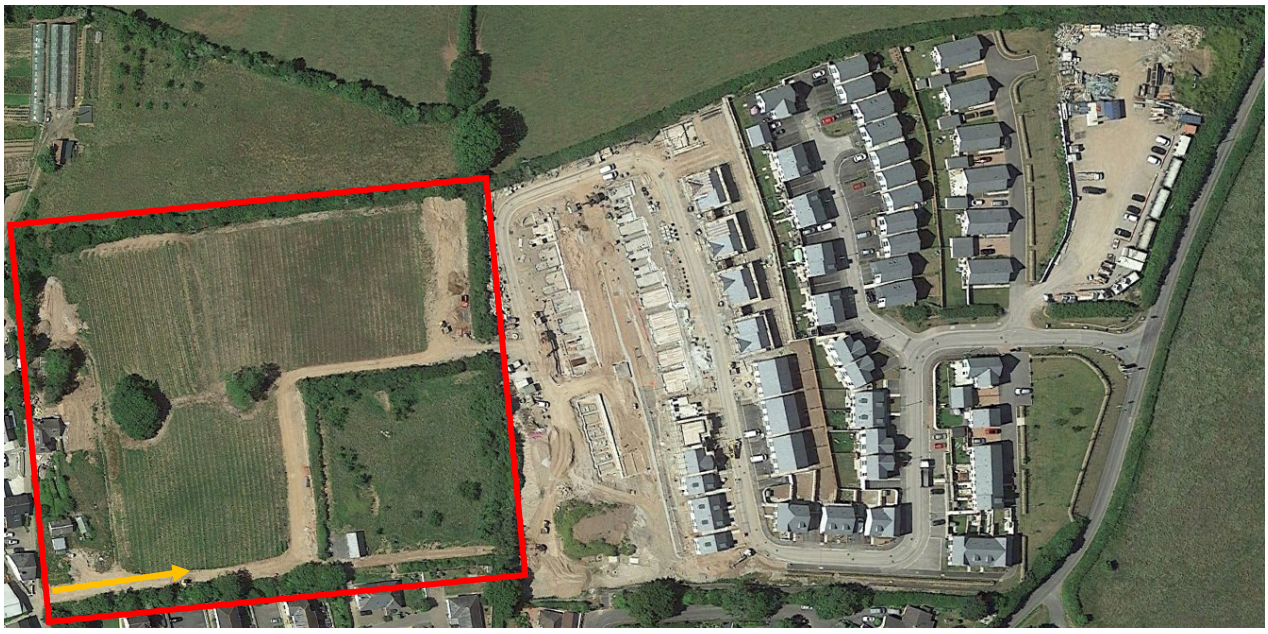
'Land regulations

Converting farmland into vines should not be an issue, ***but smaller sites that have not been cultivated are protected by Environmental Impact Assessment (EIA) regulations.*** *Changing the use of such land to viticulture will require permission from Natural England through an EIA screening decision'.*

These changes to field access gateway positions have been completed to enable the proposed development and therefore should be part of the overall development proposal.

2022:

The way in which the landscape has changed has cause the risk of localised flooding to Kingsbridge Town Centre to increase exponentially. New holes punched through the western hedgerows of the Applegate development, land levels changed, bare ground fast runoff surfaces increased, dividing hedgerows removed and a barren landscape created. To cap it all a new straight steep open access has been created at the (now) lowest location of the field.



These changes have completely changed the risk of flash flooding emanating from the site from low to high.

Acknowledging the issue of water emanating from the field, someone decided to install a channel drain at the new entrance where the stone wall has been removed.

These drains are normally to be found in domestic driveways and car parks. They are notorious for becoming blocked and fail to work on steep slopes where water washes over them, especially where that water contains loose material that blocks the grating.

It is somewhat incredulous to believe that someone would conclude that the channel drain fitted would be adequate drainage for an area of 2.26 hectares.

It is not known where this new drain discharges to but it appears that it may be straight into the new Applegate development drain that discharges into the nearby stream. There does not appear to be any gulley trap fitted (preventative measures to protect the SSSI site). The stream discharges directly into the Salcombe / Kingsbridge estuary SSSI site.

It was pretty obvious that this new drain would fail to deal with anything other than light rainfall

Where a stone wall once stood, a new drain channel has been installed:

In addition to the changes to the Dennings' fields, to the east of the Dennings site, the new Applegate Park site has continued to allow surface water to enter Dennings' fields below. This could be seen on the morning of 21st November 2022 with a stream running off the end of Applegate Way running straight through the hedgerow to the Dennings' fields below.

Water runs off the end of Applegate Way:

This combines with the run off from the 2.26 Hectare field/s of Dennings'.

This new drain is not working and will not work. Any new development at the bottom of this field is at high risk of surface water flooding during any flash flood event from the Applegate development.

DCC Lead Local Flood Authority (LLFA) is regularly seen to quote that a designed surface water scheme will provide improvement. What the LLFA fails to comprehend is that during a heavy summer shower or winter storm, considerable amounts of water will fail to make it down any drain at the side of the road, even when they do not become blocked.

Church Street in Kingsbridge on the 17th June 2020. This is what a 13 minute summer shower of 13mm of rainfall looks like. The highway drains are not coping at all.

The Applegate development is at the top of the hill from where this water is coming from and the development road is of a similar length.

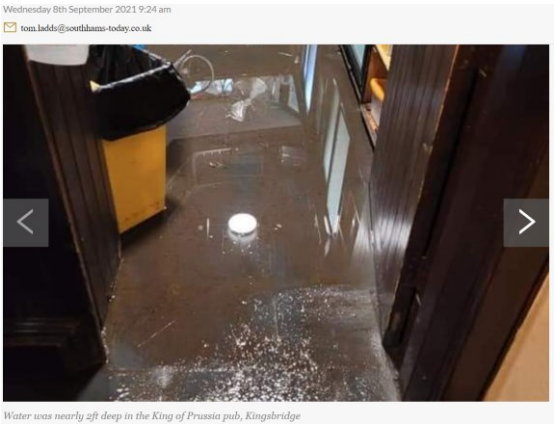
The new single field entrance into Wallingford Road - the lowest part of the new Applegate development is at the top of this field.

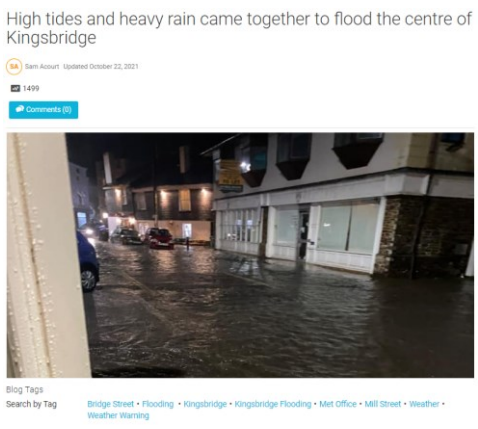
Accumulating surface water runs across the channel drain.

And into the stream.

It is not clear that any consideration has been given to field runoff from the bottom section of the field at the north end of this housing development or how it will be managed. The removal of both hedgerow and the previous scrub grassland to create the bare landscape of a terraced vineyard has created a new danger of faster surface water runoff.

Kingsbridge Town Centre flooding is a serious issue that should not be made more frequent.





The Society refers the case officer to the previous refusal by the Planning Inspectorate of APP/K1128/W/21/3282469 dismissed on the 4th March 2022.

'Reasons

Drainage

6. The appeal site is located within Flood Zone 1. Nonetheless, the site is located in a Critical Drainage Area (the CDA) as identified by the Environment Agency.

7. Amongst other matters, Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014- 2034 (March 2019) (the Local Plan) provides that development should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere. Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies. Policy DEV35 also provides that for developments located within the CDA, a Drainage Strategy should be included, setting out and justifying the options proposed, present supporting evidence, and include proposals for long term maintenance and management.

8. Following submission of a Flood Risk Assessment, the Appellant has put it to me that, subject to the outcome of infiltration tests, there would be two possible strategies that could be implemented, and which would adequately manage the disposal of surface water at the site. It is maintained by the Appellant that in the event that both the two possible strategies for disposal of surface water were not found to be feasible, that a further fall back option of disposal through a sewer has been agreed with South West Water.

9. It is noted that the Council's Drainage Specialist, having considered further information provided by the Appellant, removed their earlier objections to the scheme and indicated that final details of the proposed surface water drainage could be adequately secured by a pre-commencement planning condition. Such a planning condition would provide a sequenced approach to securing the most sustainable drainage option, with specific details of alternative options to be provided as necessary.

10. However, from the evidence before me it appears that the removal of the earlier objection by the Council's Drainage Specialist relies on there being a confirmed fall back position to dispose of surface water through a dedicated sewer in agreement with South West Water. In my view, in the absence of information that confirmed that soakaway or attenuation was shown to be viable, evidence to show that the alternative fall back option was agreed and feasible would be required.

11. In this instance, the Appellant has provided a copy of correspondence from South West Water which provides that the potential fall back for connection to the surface water dedicated sewer

would be a logical alternative in the event that the potential soakaway was not a viable option. Whilst I acknowledge the Appellant's submissions in this regard and note that the Council's Drainage Specialist indicates that they accept that correspondence from South West Water as amounting to an agreement in principle, in my view the confirmation of the potential for a logical alternative being present does not amount to an agreement in principle. Consequently, I do not find that the maintained fall back option has been agreed.

Appeal Decision APP/K1128/W/21/3282469

https://www.gov.uk/planning-inspectorate 3

12. Whilst I would concur that in the event that the fall back option had been shown to be agreed in principle, and that, therefore, there would be a confirmed feasible option for the disposal of surface water, a planning condition that would allow for further details of soakaway or attenuation, including details regarding the maintenance and management of any such drainage system, would be sufficient and reasonable.

13. However, in the absence of confirmation regarding the potential fall back, and given the site's location within the CDA, it would therefore be important to ensure that one of the two possible options for disposal via soakaway or attenuation would be feasible. In this instance, insufficient information has been provided that would confirm the feasibility of either of those two options.

14. Policy DEV35 of the Local Plan is specific with regards to justification of the proposed drainage options and that proposals for long term maintenance and management of the drainage system are provided. Whilst I would agree that such matters could be left to be secured by planning condition, it could only be on the basis that at least one of the options for disposal of surface water would be possible. Given that it has not been demonstrated that the fall back has been confirmed, and given the site's location within the CDA, it would be required that sufficient information is provided in support of the application that demonstrates that one of the two proposed options, via soakaway or attenuation, is feasible.

15. In view of the above, the proposal would not provide an adequate means of drainage and would therefore fail to comply with Policy DEV35 of the Local Plan which seeks to ensure that development incorporates sustainable water management measures, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere'.

Three months later, these fields contributed to the Platinum Jubilee Flood.

The current situation is unacceptable and paragraph 15 of the appeal decision is still applicable.

It is expected that the authorities will work together and someone needs to resolve the issue of this large site directly contributing to town flooding. You now have a flood report and evidence of a flood that should not have occurred.

For and on behalf of the South Hams Society

Richard Howell

Chairman.