

## Observations submitted by a member of the public in respect of Application 19/00772/MOUT

19/00772/MOUT | Outline planning application for 43 residential dwellings and associated infrastructure - all matters reserved other than for layout, scale and access (1.3Ha) | Land Off Swineherd Lane Swineherd Lane Kirkbymoorside North Yorkshire

I'm going to summarize my objections to this development first and then go into details afterwards.

My key objections are:

1. Kirby Mills is in a high flood risk zone. We already experience flooding and this year we have had two disruptive flooding events. The solution to deal with surface water from this proposed development can only increase the flow of water into Kirby Mills and this can only exacerbate our known problems.
2. Per the responses from Yorkshire Water, the potential developer hasn't been in touch with them in regards to joining up with the local drainage and sewage network (Section 104 of the Water Industry Act 1991), probably because the points of connection are not capable of taking the volumes coming out of a development this size
3. Per the responses from North Yorkshire County Council (NYCC) as the Lead Local Flood Authority (LLFA). The LLFA have NOT agreed to anything other than the "management of surface water on site" is a reasonable approach. They have asked the developer **four times** to provide additional critical information such as a topological survey and how they propose to dispose of the surface water "highlighting any flood control structures/culverts and the potential impact of the proposed watercourse/ditch has on the receiving system". No response has yet been seen. The last LLFA note also pointed out that the proposed scheme needs the co-operation of affected landowners and these have not even been approached.
4. The proposed drainage route down to the "Old" Mill Race in Kirby Mills lacks critical details and makes bold and unproven assumptions. The depth and width of the regraded ditch is not given. This could create Health and Safety issues for users of the Sports Field to the west of the ditch when retrieving balls, and also for the lives and safety of animals in the farmer's field to the east. The route shown on the developer's plan from the end of this ditch crosses Village Lane into the field to the south of it, but the lack of a "subject to Section 104" comment on the developer's documents both implies carelessness in compiling this document and also doesn't address the LLFA requirement about culverts mentioned in point 2 above.
5. The proposed sewage route is across the farmer's field to the East and bypasses the Combined Sewage Overflow at the bottom of the Playing Fields thus leading to an increased risk of sewage entering the watercourses in Kirby Mills in flood conditions (sewage in the watercourse is an existing issue in flood events for Kirby Mills)
6. It fails to meet the 2019 RDC Local Plan Sites Document requirements for Kirkbymoorside, particularly on Coalescence and Flood Risk but also (specific to this site – 156) to the requirements that "any form of development would require careful consideration in terms of scale, massing and landscaping"
7. Finally, but possibly inadmissible for this application review, the Ecology Assessment recently posted clearly states that the field east of this application (currently Possible Site 254, site 666 on the 2019 document is scheduled for "Phase 2" and this further increases the Coalescence and Flood Risk issues

Based on the above summary, it's my opinion that this application should be refused outright. It certainly can't be allowed to progress without the developers providing full information on the open issues raised. Given the length of time that the open issues have been on the table and the apparent reluctance of the developer to address them, and that the requirements stipulated by both Yorkshire Water and the LLFA to accept the solutions currently offered have not yet been met, then this application as it stands can only be rejected.

Before going into the details, I thought it best to give you a quick summary of my personal involvement in this note.

I live at The Cornmill in Kirby Mills, which is both our home and our source of income (guest

house and 2 self catering cottages). The Cornmill is on the north of the A170. It's eastern boundary is the River Dove from the weir down to the A170. Within the property, we have ownership of the Mill Race from the west side entrance close to the weir to the A170. This also runs southwards past a number of houses on both the north and south of the A170. We've lived here since 2002, so after the major flooding in 2000, but including a number of other flood events since then, including the semi-major flood event in 2002. See [2002s268 - River Dove at Kirkby Mills - Watercourse Report... \(ryedale.gov.uk\)](#) for pictures of the devastation caused in the 2002 event.

We've not flooded, although a number of neighbours have, and / or had the issue of sewage coming back into their homes through the toilets. This is probably because our buildings are slightly higher than theirs. We've not flooded but it's been very close. For example, see the pictures on the attached report above (pages 49 onwards)

In addition, we have one Yorkshire Water drainage pipe which both exits into the "Old" Mill Race about and then goes on to exit into the River Dove just north of the A170 and another drainage pipe which empties into the River Dove just south of the Keldholme Weir. In both cases, there are existing issues with the volume of water coming through these pipes, plus a certain amount of sewage that joins them from the existing drainage / sewage network and also the water flowing down both the River Dove and down from the field for this development (across the Playing Field, not entering the roadside drains as they are already full, and flowing down the road past Alderson House to us).

There is no recognized owner of the Keldholme Weir (confirmed by NYCC). However, taking note of my riparian duties, I keep a close look at the weather reports and open the sluice gate on the weir when the prediction is for a period of wet / stormy weather to try to make sure that a lot of water is sped away before flood conditions arise. I'm not getting any younger, and opening the sluice gate is getting harder. At some point, I won't be able to do it, and that will increase the probability of flooding in Kirkby Mills. It also has to be noted that we still have flooding events in Kirkby Mills even taking these precautions into account (January 2021 being the last major event).

Finally, I'm working closely with Kirkbymoorside Town Council on the River Dove Natural Flood Management Assessment they commissioned. In my view, the proposals in this document – as per the actions implemented for Pickering Beck – are the key to providing a long term way of diverting or retarding flood water coming to both Kirkbymoorside and Kirkby Mills. In the mean time, allowing development to start on sites that contribute to the existing flood risks is unacceptable.

Now, on to the detail.

The Flood Risk section (pages 23 – 24) identifies the Flood Zone 3 classification for Kirkby Mills. What has been established in the recent River Dove Natural Flood Management Potential Assessment commissioned by Kirkbymoorside Town Council, is that this development site has been identified as one of the sources of excess water that contribute to the flooding events in Kirkby Mills. In this case, this application's Detailed Flood Risk Assessment & Sustainable Drainage Strategy (DFRA & SDA) must provide an adequate and clearly defined approach to ensure how this application wouldn't increase the flood risk to Kirkby Mills, and this it fails to do. As noted on point 2 (above) the LLFA still considers that the developers haven't provided what is expected for them (the LLFA) to accept this application.

The latest DRFA & SDA (pages 12 – 13) mentions nothing to address the "Assessment of the impact of development flows on the receiving watercourse and downstream flood risk" (LLFA requirement), with the only comment on page 17 being that the "The run off destination from the attenuation system shall be to the watercourse to the east of the development. This watercourse is open and follows the eastern boundary of the sports field down to Kirby Mills. The assumed route of the watercourse is then to the old Mill Race as shown in Appendix E. ". Appendix E has a number of inaccuracies including the presumption that the watercourse flows without interruption into a drainage pipe south of the Keldholme Village Lane (the watercourse has a dead end at the end of the Playing Fields) and that it already links into the drainage pipe and this doesn't need a

Section 104 notification to Yorkshire Water. Per the LLFA comments, the developers haven't notified them that this will need a culvert under the Keldholme Village Lane to achieve.

Moreover, the DRFA & SDA (page 13) goes on to state that "The existing watercourse shall be deepened and regraded longitudinally between the development and the public highway at Kirby Mills to accept the discharge from the new surface water sewer system. The watercourse shall be cross-sectionally graded with a 1 in 2 batter on both banks and graded into the existing watercourse profile downstream. ". Again , this "watercourse" is a ditch running south from the development area, terminating at the pavement running to the south of the playing fields, at the western side of the White Cottage.

Again, the ditch terminates at this point, leaving water to "soak away". To repeat, there is no existing culvert linking this ditch to the main drain running through the field to the south of Keldholme Village Lane (incorrectly mapped on the DRFA & SDA plan on page 24) and neither does it empty into the roadside surface water drains on Keldholme Village Lane . With regards to the alternative of this ditch emptying into the roadside surface water drains, even if it did, existing flood event conditions result in the water coming down from the development site in question flowing over the roadside surface water drains (already full from roadside water) and then flowing down to Kirkby Mills to increase the flood risk there.

As the developer's DRFA & SDA stipulates that the existing watercourse will be "deepened and widened", etc., this implies that this will make this watercourse a more effective conduit for excess water running down to Kirkby Mills, or – if no culvert is built to replace the "dead end", result in more efficient flooding to the White Cottage and the bottom end of the Playing Field.

To deepen and widen the watercourse has an impact on the existing landowners and we know that discussions with these people haven't happened yet. For most of the watercourse's length, the two affected landowners are Simon Boocock (farmer) to the east and Kirkbymoorside Town Council (as owners of the Playing Fields) to the west, then the owners of White Cottage at the southern end (east) as the watercourse runs through their property and probably KMS TC on the west side . Widening the watercourse would therefore impinge on existing farmland and the size of the Sports Field, and cause potential structural issues to the White Cottage. In addition, as the White Cottage has a lifted floor with a gap to bare earth underneath, any flood water permeating this space would cause significant issues and probably make the house uninhabitable. For the Sports Field, a reduction in space would impact on its ability to support cricket matches (the boundary being very close to the ditch) and also some of the Sunday children's football matches. There are also safety issues, such as ensuring that sheep grazing in the farmer's field can't fall into the enlarged ditch, plus ensuring that there are no issues with users of the Sports Field retrieving football or cricket balls (plus tennis balls from the tennis courts) particularly when the watercourse contains flowing water. Per the latest LLFA note, a pre-requisite is that the developers receive the co-operation of the relevant landowners, and this hasn't happened.

This also fails to address the known fact that the *current* Mill Race is an integral part of the flooding events at Kirkby Mills and declines to define about the impacts of this development on the "downstream flood risk" (LLFA, above). Moreover, relating back to the need to contact existing landowners for co-operation, we – as a family – own the Mill Race from the Keldholme Village Lane down to the A170 and I certainly don't give anyone permission to add to the levels in this watercourse.

Furthermore, the DRFA & SDA plan on page 24 shows a new sewage pipe running across Simon Boocock's field and – subject to S104 agreement) linking into the existing public foul water sewer on Keldholme Village Lane to the east of the White Cottage. Originally, the sewer proposal for this application was to link into the sewer in Duna Way but this was deemed to be too small a pipe. I think this is also an issue (i.e., too small a pipe) with the connection on Keldholme Village Lane as, at this point, the only current input to this pipe is from the White Cottage. To add some additional details, the Combined Sewer Overflow (CSO) is at the south of the Playing Fields about 40 metres west of the White Cottage. Therefore the sewage entering here, will bypass the CSO and then run into Kirkby Mills / Keldholme. As there is already an issue with sewage in the watercourses here, this increases the potential hygiene risk in these communities. We are literally looking up a drainpipe at 43 additional toilets! More if site 254 (site 666 on the 2019 document)

which is identified in the developers Ecological Impact Assessment as “Phase 2” is approved (about the same size field and therefore a further 43 toilets). This is also a watercourse / drainage issue as these dwellings will also be discharging water from baths / showers / washing machines, etc. Again the developers haven’t been in touch with Yorkshire Water about the S104 impact yet.

On a purely aesthetic point of view, as per point 1 on “scale, massing and landscaping (Site 156 page 30 of the 2019 plan), this application fails on all points. To begin with, the landscape impact of raising the ingress/egress road level to avoid too steep a slope will result in a rather strange view of the cars entering and exiting the development from the A170 level. In addition, the current layout plan (obviously assuming that site 254 / 666 will be available) has the main road running north to south with three roads running west to east (presumably to link up with an mirror image road layout on the east side). This means that the view up the hill from the A170, rather than showing a field above the Playing Fields or even a group of houses showing a semi-organic vista, will show a series of three rows of buildings, rather like a barracks. As the inference is that a number of the dwellings will be three storeys (and a minimum of two storeys), the development will dwarf the bungalows to the west and north and look unbalanced.

In the 2019 RDC Local Plan Sites Document it’s recognized that “it is considered important to the character and identities of Keldholme and Kirkby Mills, that this gap [between these communities and Kirkbymoorside] is maintained ” (see also the Form and Character - Coalescence section on page 23), but this proposed development would mean that the gap between the communities is reduced to one field (the field next to the Playing Fields) and is a significant reduction in the Visually Important Undeveloped Areas that separate these communities.

In the Residual Requirements for Housing section (page 8) it states that “Completions and commitments at the town mean that the housing requirement of 300 homes at the Town has been met. (This figure does not include the need to identify further land across the settlement hierarchy to provide for an additional, identified supply buffer.) ”. If you also take into consideration the Strategic Policy Context statement (page 6) that “For Kirkbymoorside, the Local Plan Strategy allocated 5% of the employment land (c.1.85-2.25ha) of land to be shared between Kirkbymoorside and Helmsley ” with the majority of employment opportunities being in the Malton/Norton area, plus Pickering. Therefore this particular application would be considered as “additional, identified supply buffer” and, given that the already-achieved requirement of 300 homes will result in an increase in population over and above the need for employment locally, this means that this development will be a “dormitory development” with the residents needing to work elsewhere. The report also notes that the only regular bus service is the 128/X28 which runs on an East-West axis between Helmsley and Scarborough and therefore the residents will almost inevitably need cars to travel to work and, even with a move to electric- or hydrogen-powered cars, this would have an environmental impact.

The Local Sustainability Issues section of this document (pages 6 - 7) note these issues, amongst others.