


To; Rachael Balmer, Senior Planning Officer
From 
c.c. Kirkbymoorside Town Council
Re; Application no. 19/00772/MOUT

Dear Planners / Planning Committee

The due process of public consultation as part of the set procedures in the planning system is designed to gauge public opinion about proposed new developments and to gain valuable local knowledge that would otherwise be missed. Over 70 individuals have now expressed their opinions, and concerns, about this application and have provided significant relevant information about this site and the surrounding area. Many of these submissions express serious concern about the lack of suitable infrastructure to take the large amount of sewage and surface water to be generated by the planned 43 houses as the current systems cannot take existing volumes and already overflow and pollute the river Dove and increase flooding in Kirby Mills. The latest amendments to this application do not address these concerns, with the solution proposed for the removal of sewage leaving so many questions unanswered. The proposal for the surface water, if implemented, would actually increase the risk of flooding at Kirby Mills, so this application as it stands should be refused.

No doubt because of their own concerns Yorkshire Water wrote to the applicant on 5th August 2019 saying *if the developer is looking to have new sewers included in a new sewer adoption agreement* then their Developer Services Team should be contacted, but to date no contact is recorded on this site. In fact the next input from Yorkshire Water on 13th July 2021 clearly states that their conditions of 5th August 2019 still applied so no approach appears to have been made. Instead the last Detailed Flood Risk Assessment and Sustainable Drainage Strategy (DFRA&SuDS) includes a new *Foul Sewer subject to S104 Agreement with Yorkshire Water* but gives no indication if this has been discussed or an agreement concluded. That foul water sewer is shown as connecting into the existing public foul water sewer near White Cottage. The said sewer at that point currently takes the output from just one house, so how it is meant to cope with the sewage from another 43 houses is not explained. The developer does not even seem to have bothered to contact the land owners who are going to be asked to accommodate this new sewer with the result that at least one of these appears to have ruled out their co-operation thus bringing the whole scheme into question.

Perhaps of even more concern are the new plans for the disposal of surface water from the proposed site. The Lead Local Flood Authority at NYCC have set a basic condition that *the discharge of surface water must not increase the risk of flooding to nearby surrounding areas, as there is a noted high flood risk to the downstream Kirby Mills*. The LLFA's latest submissions on 22 October 2021 and 3 December 2021 may agree that the *management of surface water on site* is a reasonable approach, but they are not satisfied with the lack of detail about the handling of the discharge off the site and continue to ask for the same basic information it requested in August 2019 to which there has yet to be a response from the developer, consequently the LLFA have not agreed to this latest submission as it stands. As Kirby Mills is a high flood risk area, and has flooded twice already this year, then it is difficult to see how any extra surface water can be allowed to flow down to this area. Local knowledge, as supplied by the 70+ members of the public, has shown that some of the assumptions in the DFRA&SuDS are not correct and show that;

- Rainfall on higher land to the north of the site will cascade south across Swineherd Lane and onto this site as is obvious to anyone who has visited the site or can read contour

maps. The claim in the DFRA&SuDS (5.3) that this rainfall will defy the laws of gravity and flow west is simply ridiculous and disingenuous.

- Water does accumulate on the site and on occasion causes the footpath to become impassable.
- There are known occasional springs to the south of Swineherd Lane and the name of the adjacent Springfield, where two water supplies for the town are shown on the 1856 O.S. map, is a bit of a giveaway so the possibility of these should be taken into account and added into the appropriate calculations.
- Swineherd Lane floods during heavy rain and road drains direct this excess water to the top of the ditch to the east of the site. At the moment this ditch does not flow due to years of neglect so the water just percolates down the hill.
- This water and the natural flow from the hillside accumulates in the south-west corner of the adjacent field to the east of the site as pointed out by an objector who describes it as forming a lake, and this is confirmed on the government's recently published flood maps <https://check-long-term-flood-risk.service.gov.uk/map?easting=470398&northing=486011&map=SurfaceWater> where this area is shown as liable to flooding.
- The ditch to be used for the surface water currently terminates at the bottom of the Sports Field in a soak-away, not a pipe crossing the road as hoped by the developer.

In view of the existence of so much surface water coming off this hillside at the moment, the idea of opening up the ditch to the east of the site and regrading it to improve the flow and its capacity is nothing short of a recipe for disaster. This will take all the existing surface water from the hillside above the site, the flooding off Swineherd Lane, the field to the east of the site, the Sports Field, and the field to the east of the Sports Field and drain all of it immediately down to Kirby Mills. When it arrives near White cottage there is no pipe currently to take this water across the road, so is the developer going to provide this, or is it just going to be allowed to flood into the road then down to Kirby Mills? The plan on page 24 of the DFRA&SuDS then shows a connection to an assumed Yorkshire Water pipe for surface water running along the verge down to the Old Mill Race, but the publicly available information from YW does not show one in this location. The one shown on the YW plan goes through private property further south and seems to be the already overloaded emergency overflow pipe from the Town's old combined sewer and surface water system that itself is already causing so many problems for the residents of Kirby Mills, so surely access should not be allowed into this pipe. If the route suggested by the developer from the site to the Mill Race is allowed to be created then it will provide a more effective means of transferring all the existing surface water to Kirby Mills and can only result in an increased risk of flooding.

The original public consultation document for the Local Plan categorised this site as being in Group2 – *sites where it is considered that there is no reasonable prospect / very unlikely that concerns identified at Stage 2 of the SSM can be mitigated or sufficiently mitigated or, there are compelling reasons which indicate that a site is not deliverable or developable*. In view of the serious and apparently unsurmountable problems now identified concerning the disposal of both sewage and surface water then this conclusion of the Council's own very detailed Site Selection Methodology seems to have been well founded and prophetic. The problems highlighted concerning both sewage and surface water are far too important to be considered in "reserved matters" and this site should now be removed from The Plan and this application rejected.

Yours Sincerely

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