

ATTACHMENT SCI

[Redacted]

**From:** [Redacted]  
**Sent:** 26 February 2021 10:38  
**To:** [Redacted]  
**Subject:** FW: Question (Item 7) Cabinet Meeting held on 7 Dec 2020

**From:** [Redacted]  
**Sent:** 04 February 2021 16:45  
**To:** [Redacted]  
**Subject:** FW: Question (Item 7) Cabinet Meeting held on 7 Dec 2020

Dear Tom

Peter has asked officers to respond to your question as requested. Eddie West is liaising with colleagues as this will require input from other teams and will respond in full as soon as possible.

Kind regards.

[Redacted]



<https://www.nhs.uk/conditions/coronavirus-covid-19/>

**From:** [Redacted]  
**Date:** 25 January 2021 at 09:59:43 GMT  
**To:** [Redacted]  
**Subject:** Question (Item 7) Cabinet Meeting held on 7 Dec 2020

Dear Peter,

Sorry to bother you, but you may remember that I asked a Members question (No 8) at the Cabinet Meeting on 7 Dec [Redacted]

“As a local member, I had planned to hold a scrutiny type meeting in Whitchurch in early September 2020, to look in detail at the Infrastructure deficiencies in the town.

The purpose of this was to call witnesses and in particular to invite senior representatives from utility providers and other agencies and organisations to attend so that an accurate up to date and complete snapshot of present and future infrastructure shortcomings could be taken.

Regrettably the pandemic intervened and it did not happen.

I am aware of a number of issues that have been brought to my attention by my constituents, which do not appear in the Whitchurch Settlement policy or the Place Plan

I would therefore be most grateful if I can receive in answer to this question a complete and comprehensive list/report of the infrastructure deficiencies and indeed facility deficiencies that officers have a record of for Whitchurch.”

The Portfolio holder then read out the officers, response.

You kindly granted me a supplementary question as the officers’ answer did not provide the information asked for.

Tom Biggins “ Please can I have a list of the deficiencies as I have actually asked for in my original question please.”

Peter Nutting “OK I will ensure officers respond to that as soon as possible”.

Just wondered if you would please chase this up for me as 7 weeks has passed!

Kind regards,

Tom

[For information about Coronavirus click here/image below](#)



\*\*\*\*\*

If you are not the intended recipient of this email please do not send it on to others, open any attachments or file the email locally.

Please inform the sender of the error and then delete the original email.

\*\*\*\*\*



## Regulation 19 Submission

The allocation of sites WHT037 and WHT044 is unsound.

These sites are not in Flood Zone 2 or 3 as they are land locked and do not contain a river or watercourse. They appear to be in Flood Zone 1 (low probability of fluvial risk) based on the EA flood map, however they suffer from considerable surface water (pluvial) flooding.

This is evidenced by the following:

1.Environment Agency surface water flooding risk map. High risk of surface water flooding. As can be seen from the two snapshots from the Environment Agency surface water flooding website, one taken before the recent housebuilding (Doc 2) and the other in Dec 2020 (Doc 3), there are:

a) sizeable high risk flooding locations identified in the central area of these proposed sites.

b) there is flooding highlighted in the top left- hand corner of the site from the watercourse that skirts around from the Grove Estate on Tarporley Ro

2. Photograph of flooding

3. Written evidence from 30+ local households during the Regulation 18 consultation.

4. Local knowledge. This area between Chester Road and Tarporley Road (ie in planning terms land north of Chester Road) has always been recognised locally as being very wet. One of the nearby properties along the north side of Chester Road was actually named "Springfields" because of its ponds and springs.

## BACKGROUND

The geology of this ground is Glaciofluvial deposits (Secondary A) overlying HALITE-STONE AND MUDSTONEWILKESLEY HALITE MEMBER (which is unproductive).

Over the 24 years that I have been a Councillor I am aware that there have been a series of flooding issues in land locked Chester Road and Chester avenue, from water coming from this area of wet land, north of Chester Road. As more housing in recent years has been constructed the flooding problems have become more frequent and affected more people.

Two previously built sites, adjacent to WHT037 + WHT044, at Oak Tree Way and the Beeches have caused flooding issues. On the Shropshire Council Planning Portal there is application 18/02583/FUL for the construction of storm drainage system for Oak Tree Way. It was validated on 6 July 2018 and the decision is still pending. The comments on the planning portal about this application detail the major problems that residents in the Chester Road area, further away from this site, have experienced through water finding its way into their properties. The problem is that the developer has now moved away, the houses on Oak Tree Way have been bought and are all now occupied, but I still have residents further down Chester Road who are still experiencing flooding.



Water that used to percolate into the ground in fields is now being concentrated and is thus surfacing at weak points at lower levels and inundating residents' homes and gardens and surcharging the existing water drainage network.

Taking one example out of several separate incidents affecting different properties, Dr Jamie Muir of 28 Chester Road had water erupting out of his garden in Jan 2018. There is a video available of the waterfall that cascaded for several hours from his garden in Chester Road through Chester Avenue and down the hill (narrowly missing the new Brambles Estate with its own drainage problems) and into Stags Brook. Another flood occurred out of his lawn in his garden this September.

#### CONCERN

As seen above there are very real problems of flooding that exist today. I and the residents do not want to see the situation worsened by further development causing more flooding issues on top of what exists today.

I find no comfort whatsoever in the sentence in the Report on WHT037 and WHT044, "The site will incorporate appropriate sustainable drainage, informed by a sustainable drainage strategy. Any residual surface water flood risk will be managed by excluding development from the affected areas of the site, which will form part of the Green Infrastructure network. Flood and water management measures must not displace water elsewhere".

My experience is that these solutions invariably do not work well (even if they happen at all), and the result is ongoing issues after the developer has departed, as evidenced by the Oak Tree Way and Beeches examples above.

It should be the reality, at the Local Plan stage, that the developer is put to argue the case in front of the Inspector that the necessary investigations and modelling have taken place to prove the suitability of these sites. Not the local Councillor and residents to argue their case to prevent further increased flooding of existing residents in the future.

#### UN SOUNDNESS ARGUMENT

On page 61 of the Shropshire Council – Level 1 SFRA Final report under Whitchurch it states "Due to the topography of Whitchurch, the main surface water flood risk is runoff from the high ground of the town towards the unnamed watercourse which flows into the Grindley Brook. Extents in the 30-year event are predominantly areas of ponding around the B5395 (This is the Chester Road area of concern to me).

The National Planning Policy Framework (NPPF) advises that the Council's "evidence base" – Strategic Flood Risk Assessment should have regard to "all sources of flooding" including surface water.

I do not believe that the "Council's Sequential Test Document" online picks this up satisfactorily and I am raising this as a formal representation to the local plan.

The NPPF Extract that I am relying on is:

158. The aim of the Sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites



appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. **The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.**

It seems to me that because WHT037 + WHT044 are classed as Zone 1 and not Zone 2 or Zone 3, the Local Plan process in this instance is unsound as it has not adhered to the NPPF. It has failed to fully address surface water flooding and has concentrated the sequential approach on fluvial flooding, to the extent that any sequential approach to surface water flooding has been lost and does not happen.

NPPG:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Sequential-Test-to-Local-Plan>

Paragraph :019 Reference ID: 7-019-20140306

**“Within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of a development”**

This is clear, and means that there should be a sequential approach for all known areas at risk from any form of flooding. The intention of this guidance can only mean that this includes surface water flooding.

Therefore I believe this aspect of the Local Plan to be unsound and that WHT037 + WHT044 should be removed.

T H Biggins

Member for Whitchurch North

26 Feb 2021

A

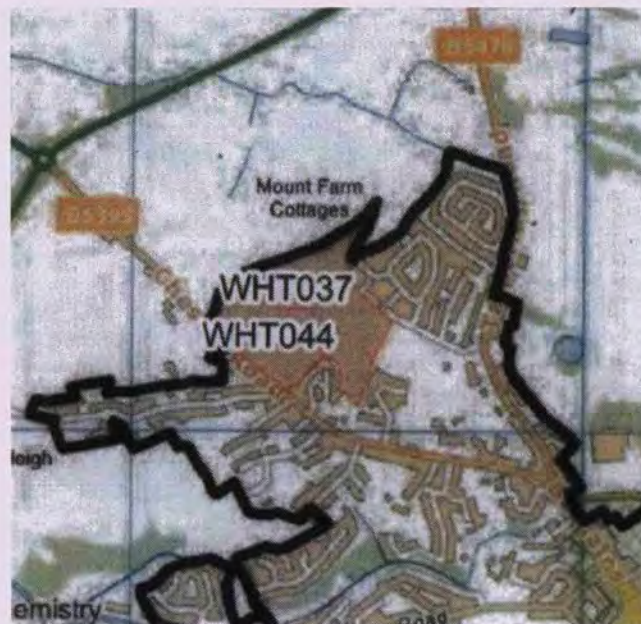
**CURRENT LOCAL PLAN (EXISTS TODAY)**

**PROPOSED NEW HOUSING ALLOCATION AND BOUNDARY CHANGE**

**COUNCILLOR BIGGINS SUGGESTED AMENDMENT:**

**THIS IS WHAT IS BEING CONSULTED ON**

**REMOVAL OF WHT037 + WHT044 AND RETAINING EXISTING DEVELOPMENT BOUNDARY**





Basic view  Detailed view

Location



Doc 2

Flood risk from rivers or the sea

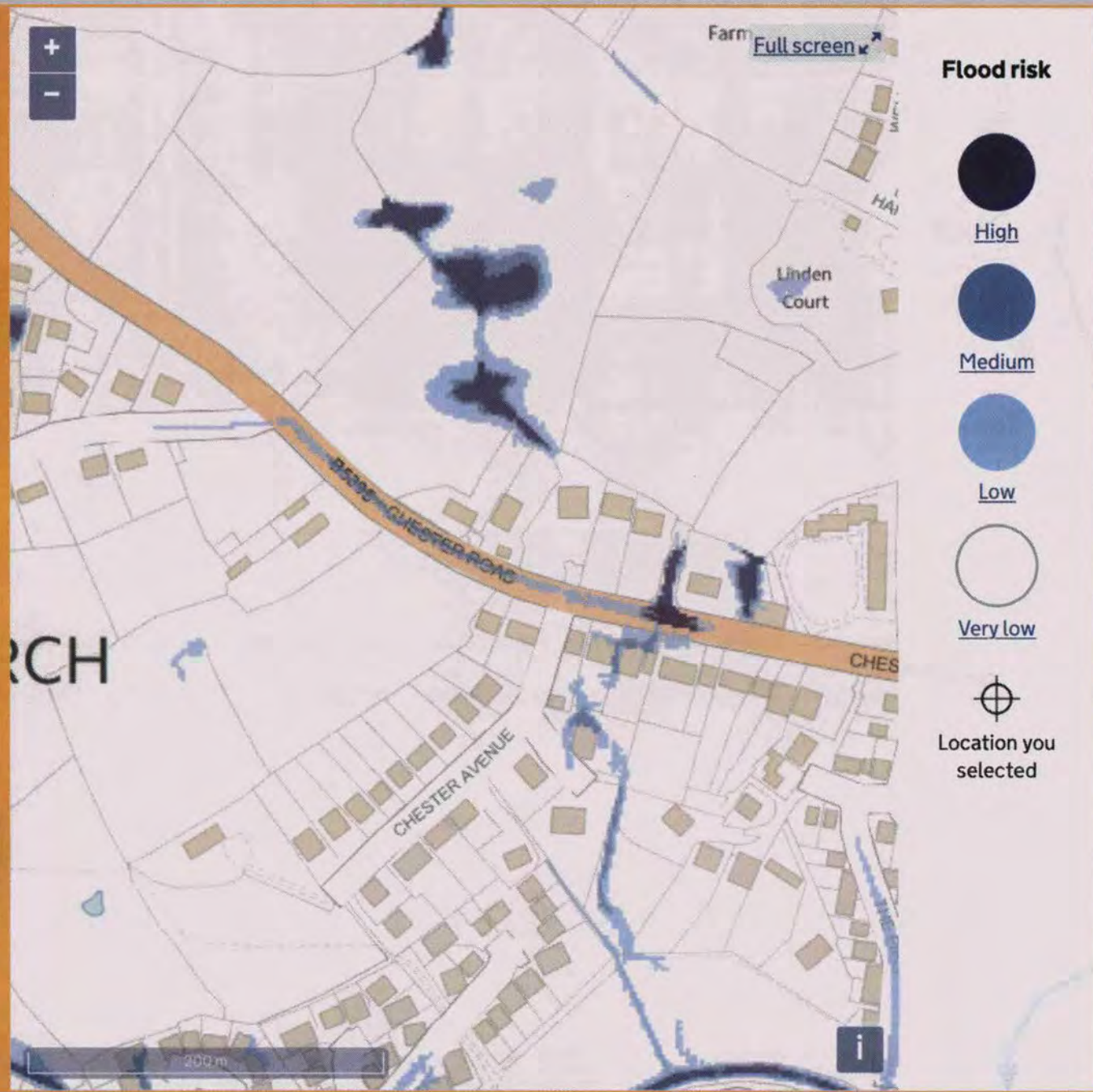
- Extent of flooding
- Depth and flow estimates at monitoring stations

Flood risk from surface water

- Extent of flooding
- High risk: depth
- High risk: velocity
- Medium risk: depth
- Medium risk: velocity
- Low risk: depth
- Low risk: velocity

Flood risk from reservoirs

- Extent of flooding
- Flood depth
- Flood speed



Flood risk



High



Medium



Low



Very low



Location you selected



BETA This is a new service – your [feedback](#) will help us to improve it.

# Learn more about this area's flood risk

DOC 3

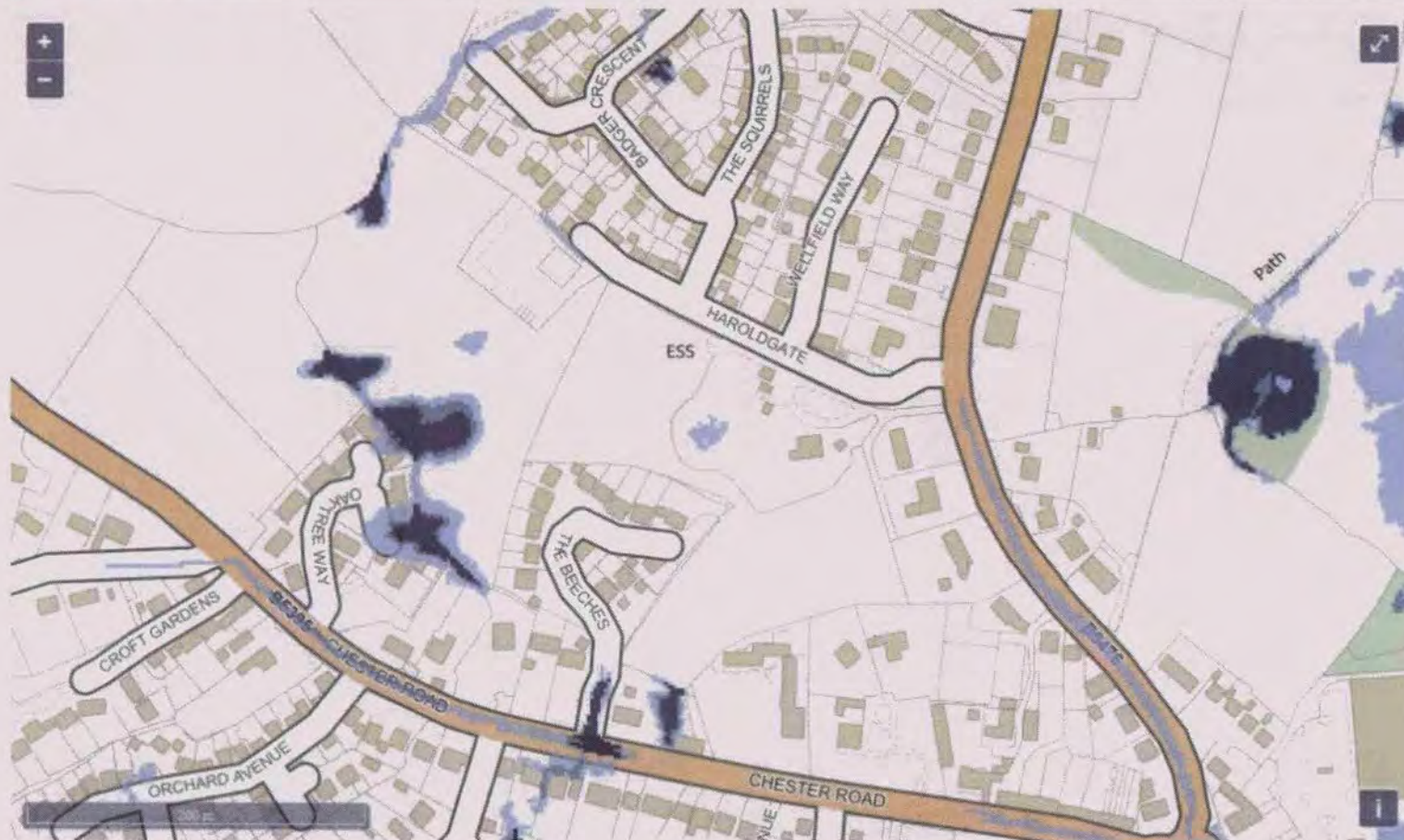
Select the type of flood risk information you're interested in. The map will then update.

Flood risk

Extent of flooding

Location

Enter a place or postcode



Extent of flooding from surface water









# Planning – Application Summary

Help with this page

18/02583/FUL | Application under Section 73A of the Town and Country planning Act 1990 for the construction of storm drainage system. | Land Adj. 35 Chester Road Whitchurch Shropshire

Back to search results

Track

Print

Details Comments (6) Documents (10) Related Cases (1) Map

Summary Further Information Contacts Important Dates

Reference	18/02583/FUL
Alternative Reference	PP-07003592
Application Validated	Fri 06 Jul 2018
Address	Land Adj. 35 Chester Road Whitchurch Shropshire
Proposal	Application under Section 73A of the Town and Country planning Act 1990 for the construction of storm drainage system.
Status	Pending Consideration
Appeal Status	Unknown
Appeal Decision	Not Available

There are 10 documents associated with this application.

There are 0 cases associated with this application.

There is 1 property associated with this application.





## Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	
------------------------	--

#### Q1. To which document does this representation relate?

- Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan
- Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

#### Q2. To which part of the document does this representation relate?

Paragraph:		Policy:	S18	Site:	WH1037 WH1044	Policies Map:	
------------	--	---------	-----	-------	------------------	---------------	--

#### Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

- |  |      |                          |     |                                     |
|--|------|--------------------------|-----|-------------------------------------|
| A. Legally compliant                     | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |
| B. Sound                                 | Yes: | <input type="checkbox"/> | No: | <input checked="" type="checkbox"/> |
| C. Compliant with the Duty to Co-operate | Yes: | <input type="checkbox"/> | No: | <input type="checkbox"/>            |

(Please tick as appropriate).

#### Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

SEE ATTACHED SHEET + PHOTOGRAPHS

- ① THE SEQUENTIAL TEST DOCUMENT SHOULD HAVE REGARD TO "ALL SOURCES OF FLOODING" INCLUDING SURFACE WATER. I DO NOT BELIEVE THAT IT PICKS THIS UP SATISFACTORILY WITH NPPF POLICY AND GUIDELINES
- ② I RESERVE THE RIGHT TO PRODUCE INFORMATION EVIDENCING THE DEFICIENCY OF INFRASTRUCTURE + UTILITIES TO SUSTAIN NEW DEVELOPMENT IN WHITCHURCH. Ref Member's Question 7 Dec Cabinet. Information not as

(Please continue on a separate sheet if necessary)

yet record from Shropshire Council + Utilities, passed today 26/2/21

Attached  
SCI



**Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

THE REMOVAL OF WH037+ WH044 AND RETAINING EXISTING DEVELOPMENT BOUNDARY OF WHITCHURCH AS PER ATTACHED PLAN (A)

(Please continue on a separate sheet if necessary)

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

- No, I do not wish to participate in hearing session(s)  
 Yes, I wish to participate in hearing session(s)  
(Please tick one box)

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

TO REPRESENT MY CONSTITUENTS

(Please continue on a separate sheet if necessary)

**Please note:** The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature:

[Redacted Signature]

Date:

26/2/21

Office Use Only

Part A Reference:

Part B Reference: