Site Level & Drainage Statement

The Orchards

Blazegate

Gedney

Spalding

Lincolnshire

Report Ref: BLI.2024.65

October 2024

Rev 00

Prepared for

Mr. John Rooney

Limitations

This Report has been prepared by BLI Consulting Engineers Ltd for the sole use of Mr. John Rooney ("Client") in accordance with the agreement under which our services were performed [fee letter dated 4th August 2024]. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by BLI Consulting Engineers Ltd. This Report is confidential and may not be disclosed by the Client nor relied upon by any other party without the prior and express written agreement of BLI Consulting Engineers Ltd.

The conclusions and recommendations contained in this Report are based upon information provided by others and upon the assumption that all relevant information has been provided by those parties from whom it has been requested and that such information is accurate. Information obtained by BLI Consulting Engineers Ltd has not been independently verified by BLI Consulting Engineers Ltd, unless otherwise stated in the Report.

The methodology adopted, and the sources of information used by BLI Consulting Engineers Ltd in providing its services are outlined in this Report. The work described in this Report was undertaken during September 2024 to October 2024 and is based on the conditions encountered and the information available during the said period. The scope of this Report and the services are accordingly factually limited by these circumstances.

Where assessments of works or costs identified in this Report are made, such assessments are based upon the information available at the time and where appropriate are subject to further investigations or information which may become available.

BLI Consulting Engineers Ltd disclaim any undertaking or obligation to advise any person of any change in any matter affecting the Report, which may come or be brought to BLI Consulting Engineers Ltd's attention after the date of the Report.

Certain statements made in the Report that are not historical facts may constitute estimates, projections or other forward-looking statements and even though they are based on reasonable assumptions as of the date of the Report, such forward-looking statements by their nature involve risks and uncertainties that could cause actual results to differ materially from the results predicted. BLI Consulting Engineers Ltd specifically does not guarantee or warrant any estimate or projections contained in this Report.

Copyright

© This Report is the copyright of BLI Consulting Engineers Ltd.

Any unauthorised reproduction, adaption, or usage of this report and/or appended documents by any person is strictly prohibited without prior written consent.

Table of Contents

1 Introduction 1

2 Development Details 3

3 Site Level Design – Planning Condition 6 5

4 Surface Water Drainage Strategy – Planning Condition 5 6

5 Foul Water Drainage Strategy – Planning Condition 5 11

6 Drainage Ownership & Maintenance Strategy 13

7 Discussion and Conclusion 16

Appendices

Appendix A Full Planning Permission

Appendix B Existing Site Layout (Topographical Survey)

Appendix C Proposed Development Layout

Appendix D Site Level Design Layout/Strategy

Appendix E Greenfield Run-off Rates

Appendix F BRE 365 Percolation Test Location Plan

Appendix G Proposed Surface & Foul Water Drainage Layout/Strategy

Appendix H Flow Control Chamber (Oriflo)

Appendix I Surface Water Design Calculations

Appendix J Anglian Water Asset Map

Appendix K Diamond DMS Brochure (Sewage Treatment Plants)

1 Introduction

1.1 BLI Consulting Engineers Ltd have been commissioned by Mr. John Rooney to prepare a Site Level and Drainage Statement for the development site known as The Orchards. The proposed development comprises of a change of use from agricultural land to provide five gypsy/traveller family pitches each having a static mobile home, dayroom, parking for a tourer and two vehicle spaces.

1.2 The purposed of this statement is to discharge the relevant planning conditions imposed as part of the Full Planning Permission (Ref: H06-0532-23) granted by South Holland District Council. For ease of reference, a copy of the approved planning permission has been included within Appendix A and the planning condition(s) which are addressed by this report included below:

Planning Condition 5

Prior to commencement of development above the laying of foundations, precise details of the means of

*The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:*

*i) Within **three months** of the date of this decision a scheme for the means of foul and surface water drainage disposal to separate systems shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.*

*ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.*

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Planning Condition 6

*The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:*

i) *Within **three months** of the date of this decision a scheme showing full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.*

ii) *ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.*

iii) *iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.*

iv) *iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained.*

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2 Development Details

Site Location

2.1 The application site is located:

- **Site Address:** – The Orchards, Blazegate, Gedney, Spalding, Lincolnshire
- **Post Code:** - PE12 0AD
- **Central Grid Reference: –** TF 41904 24527

2.2 Refer to Figure 2.1 below for site location.

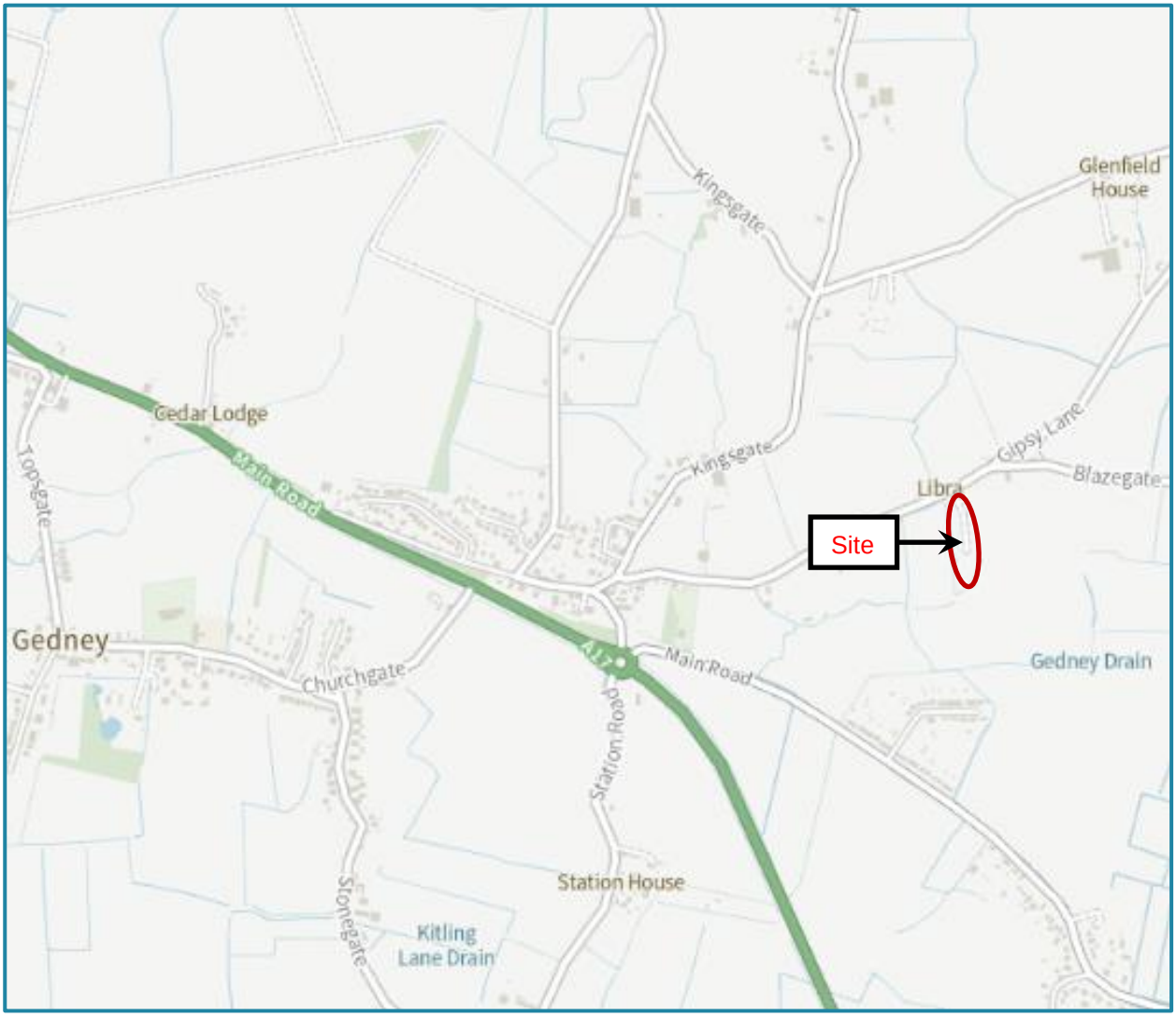


Figure 2.1 – Site Location Plan

Existing Site Layout

2.3 A Topographical Survey of the site has been undertaken by Mija Survey (Ref: 15000_01) and a copy of the survey has been included within Appendix B.

2.4 The existing site layout comprises of:

- A vast area of rough grassland.
- Dense vegetation to majority of the site boundary.

2.5 Vehicular and pedestrian access to the site is currently achieved off Blazegate (adopted highway) to the north of the site.

2.6 Ground levels are relatively flat across the site with a gentle fall towards the northern site boundary. The average ground level is set at circa 3.00m AOD.

2.7 During the site walkover, a drainage ditch was observed along the majority of the site boundary, excluding a small area to the north-east of the site. The ditch it approximately 1.5m below top of bank level and leaves the site in the north-west corner where it connects with the wider drainage network.

Development Proposal

2.8 The proposed development as shown in Appendix C comprises of:

- Five gypsy/traveller family pitches each having a static mobile home, dayroom, parking for a tourer and two vehicle spaces.
- A shared private road and individual driveways which will serve the above pitches.
- Three grassed play areas.

2.9 Vehicle and pedestrian access to the site will continue to be achieved from the existing entrance leading off Blazegate (adopted highway) to the north of the site.

2.10 The proposed development has an impermeable area of approximately 0.105 ha comprising of the five roof areas associated with the static mobile homes and dayrooms. The private road and driveways will comprise of a self-draining gravel construction and have been excluded from the calculation of the proposed impermeable area.

3 Site Level Design – Planning Condition 6

3.1 The proposed level design for the site development has been included within Appendix D and a summary of the design parameters has been provided below:

- A Flood Risk Assessment (FRA) was undertaken by Ellingham Consulting Ltd in support of the original planning application. The FRA stated that all Finished Floor Levels (FFL) of the statice caravans and dayrooms should be set at a minimum of 1.6m above general ground level. Therefore, the FFL of all static caravans and dayrooms have been set at 4.60m AOD which equal 1.6m above the typical site level of 3.00m AOD.

- The site level design for the external levels:

  - Has used the private access road located through the centre of the site as the high point, with a typical ground level of circa 3.10m AOD and a gentle fall towards the north (site entrance).

  - Has gently sloped the ground levels on either side of the private access road towards the site boundary which will avoid land depressions and ponding of water. The typical boundary level will be circa 2.90m AOD.

3.2 A timetable for the scheme's implementation will be agreed with South Holland District Council as part of the planning consultation.

4 Surface Water Drainage Strategy – Planning Condition 5

Existing Surface Water Runoff Rate

4.1 The proposed development has an impermeable area of circa 0.105 ha and the equivalent greenfield runoff rates for this area are shown in Table 4.1 below and calculations included within Appendix E. The calculations have been undertaken using the FEH Statistical Method and take into account the existing site and ground conditions.

Return Period	Existing Discharge Rate
1-year	0.09 l/s
30-year	0.25 l/s
100-year	0.37 l/s
200-year	0.44 l/s
QBAR	0.10 l/s

Table 4.1 - Existing Greenfield Run-off Rates

Climate Change

4.2 In accordance with the latest guidance on climate change allowance, the Peak Rainfall Mapping available on the GOV.UK website stipulates a 40% increase in rainfall intensity for the following design parameters:

- Upper End Allowance
- 1% annual exceedance rainfall event (100-year).
- Design life up to the year 2125.

Surface Water Drainage Hierarchy

4.3 The development will incorporate a Sustainable Drainage System (SuDS) that suits the site conditions and location. However, all sites have constraining factors, and this means that certain SuDS solutions may be restricted.

Stage 1 - Infiltration Drainage

4.4 In accordance with the surface water drainage hierarchy, infiltration drainage is the preferred method of surface water disposal, and this has been considered during the early stages of the development's drainage strategy.

4.1 The British Geological Survey (BGS) digital mapping of Great Britain at 1:50,000 scale identifies the site geology as follows:

- Superficial Deposits – Tidal Flat Deposits (Clay & Silt)
- Bedrock Geology – Ampthill Clay Formation (Mudstone)

4.2 The above geology is unlikely to support the use of infiltration drainage techniques such as soakaways due to poor soil infiltration. To obtain a better understanding of the site geology, 3No. percolation test were proposed in accordance with BRE 365 in the location shown within Appendix F.

4.3 Excavation works undertake across the site demonstrated the site geology to be consistent and in accordance with the BGS Geology Mapping. Percolation testing was attempted within TP 02 as shown in Photo 4.1 below and the water level remained constant throughout the day, resulting in a failed test.

Photo 4.1 – Percolation Test (TP 02)

4.4 Therefore, it has been confirmed that high-intensity infiltration drainage such as soakaways would not be a viable method of surface water disposal for the proposed development. However, infiltration drainage will still be promoted where possible with the use of gravel surfacing and partial infiltration via attenuation structure.

Stage 2 - Discharge to Watercourse

4.5 In accordance with the surface water drainage hierarchy, a discharge into an adjacent watercourse would be the next preferred method of surface water disposal. During the site walkover, a drainage ditch was observed along the majority of the site boundary, excluding a small area to the north-east of the site. The ditch it approximately 1.5m below top of bank level and leaves the site in the north-west corner where it connects with the wider drainage network.

4.6 Therefore, in accordance with the surface water drainage hierarchy, it is intended that the surface water runoff from the proposed development will discharge into the surrounding ditch network at an appropriately restricted discharge rate as detailed below.

Surface Water Drainage Strategy

4.7 Using the architectural layout provided, the surface water drainage layout/strategy has been included within Appendix G and detailed below:

- Due to the long length of the site and the relatively flat nature of the ground levels, a single point of discharge into the adjacent ditch network was not viable without the requirement of a pumping station. Therefore, each plot will be served by its own individual drainage system to reduce the length of pipework and avoid the need to use a surface water pumping station.

- For each plot, the surface water runoff from the roof area of the static caravan and dayroom (0.021 ha) will be restricted to 0.9 l/s. The discharge will be restricted using a Oriflo Chamber (or similar) as shown within Appendix H with a minimum orifice size of 27mm. It is not viable to restrict the discharge rate beyond the proposed 0.9 l/s (per plot) as this would further reduce the size of the orifice and increase the risk of a potential blockage within the flow control chamber.

- Onsite attenuation will be provided within a geo-cellular attenuation tank as shown on the drainage layout plan included within Appendix G. The attenuation design has been undertaken to accommodate the 100-year (+40%) plus climate change storm event with calculations included within Appendix I.

- It is intended that the attenuation tank is located 5.0m away from any building foundation and is wrapped in a geo-textile layer. This will allow partial infiltration in the below ground geology and reduce the volume of runoff entering the adjacent ditch network.

- The private road and driveway will comprise of a permeable gravel construction as shown on the drainage layout plan included within Appendix G. The significant depth of permeable sub-base construction will provide a large area for infiltration and storage, and therefore, reduce surface water runoff when compared to the natural greenfield conditions of the site.

4.8 The long-term maintenance and ownership of the drainage system has been considered, as detailed within Section 6 of this report.

Pollution Control & Water Quality

4.9 As shown in Figure 4.1 below, the entire site is located outside of the Source Protection Zone.

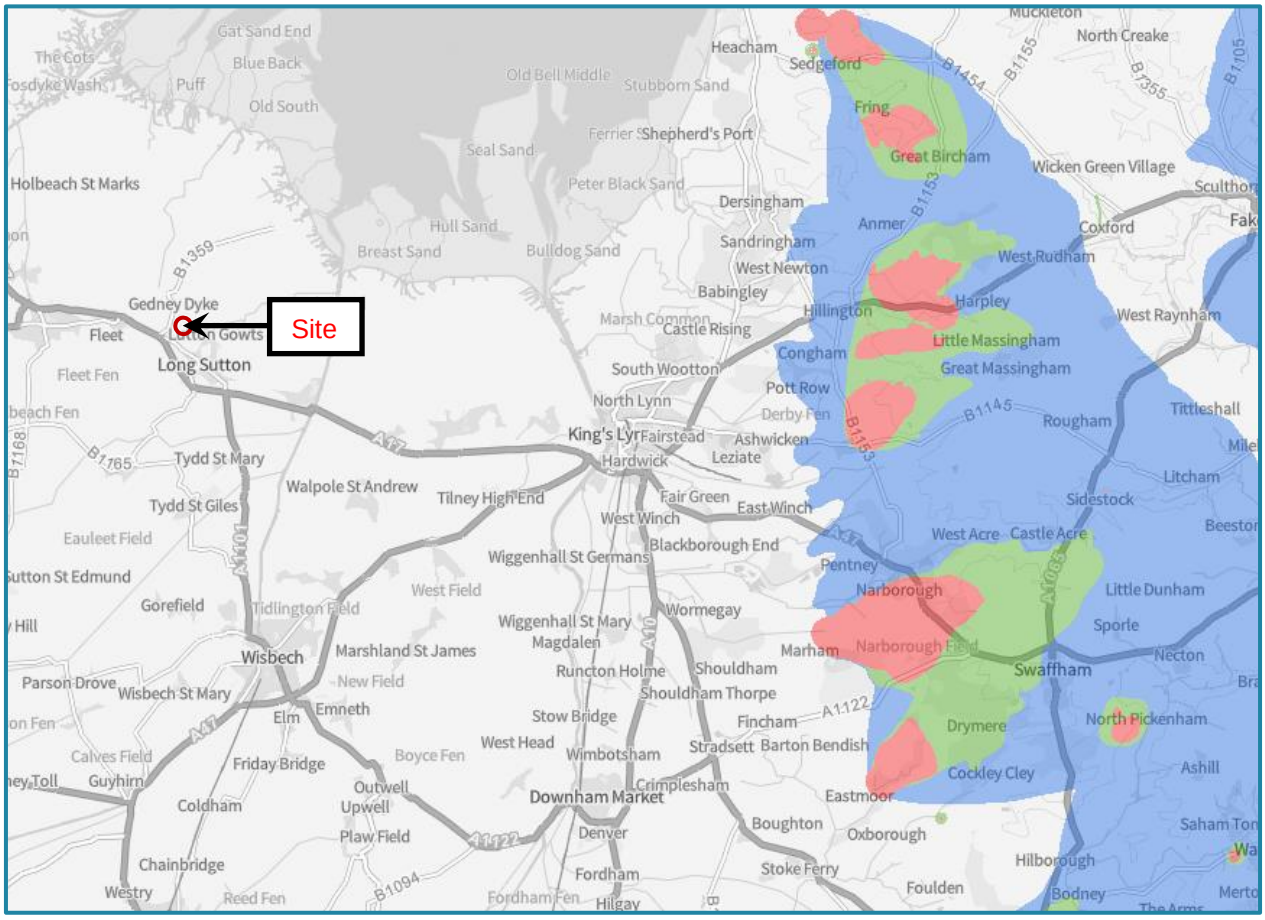


Figure 4.1 - Source Protection Zone

4.10 A water quality assessment in accordance with Section 26 of the CIRIA SuDS Manual has been undertaken for the different land uses across the proposed development as shown within Table 4.2 and Table 4.3 below.

Proposed Land Use & SuDS Mitigation	Total Suspended Solids	Metals	Hydro-carbons
Residential Roof Areas	- 0.20	- 0.20	- 0.05
Attenuation/Soakaway (Partial Infiltration)	+ 0.40	+ 0.30	+ 0.30
Total SuDS Mitigation	**+ 0.20**	**+ 0.10**	**+ 0.25**
Summary	**ok**	**ok**	**ok**

Table 4.2 – SuDS Mitigation Assessment of Residential Roof Areas

Proposed Land Use & SuDS Mitigation	Total Suspended Solids	Metals	Hydro-carbons
Residential Driveways & Car Parking Areas	- 0.50	- 0.40	- 0.40
Permeable Gravel / Sub-base Construction	+ 0.70	+ 0.60	+ 0.70
Total SuDS Mitigation	**+ 0.20**	**+ 0.20**	**+ 0.30**
Summary	**ok**	**ok**	**ok**

Table 4.3 – SuDS Mitigation Assessment of Residential Driveways & Car Parking Areas

4.11 The above assessment demonstrates that the proposed surface water drainage strategy has incorporated suitable SuDS Mitigation for all proposed land uses.

4.12 A timetable for the scheme's implementation will be agreed with South Holland District Council as part of the planning consultation

5 Foul Water Drainage Strategy – Planning Condition 5

5.1 The Anglian Water asset map included within Appendix J and extract included within Figure 5.1 below demonstrates that there is not a public foul water drainage network located within the vicinity of the site. Therefore, an alternative method of foul water disposal is required to serve the proposed development.

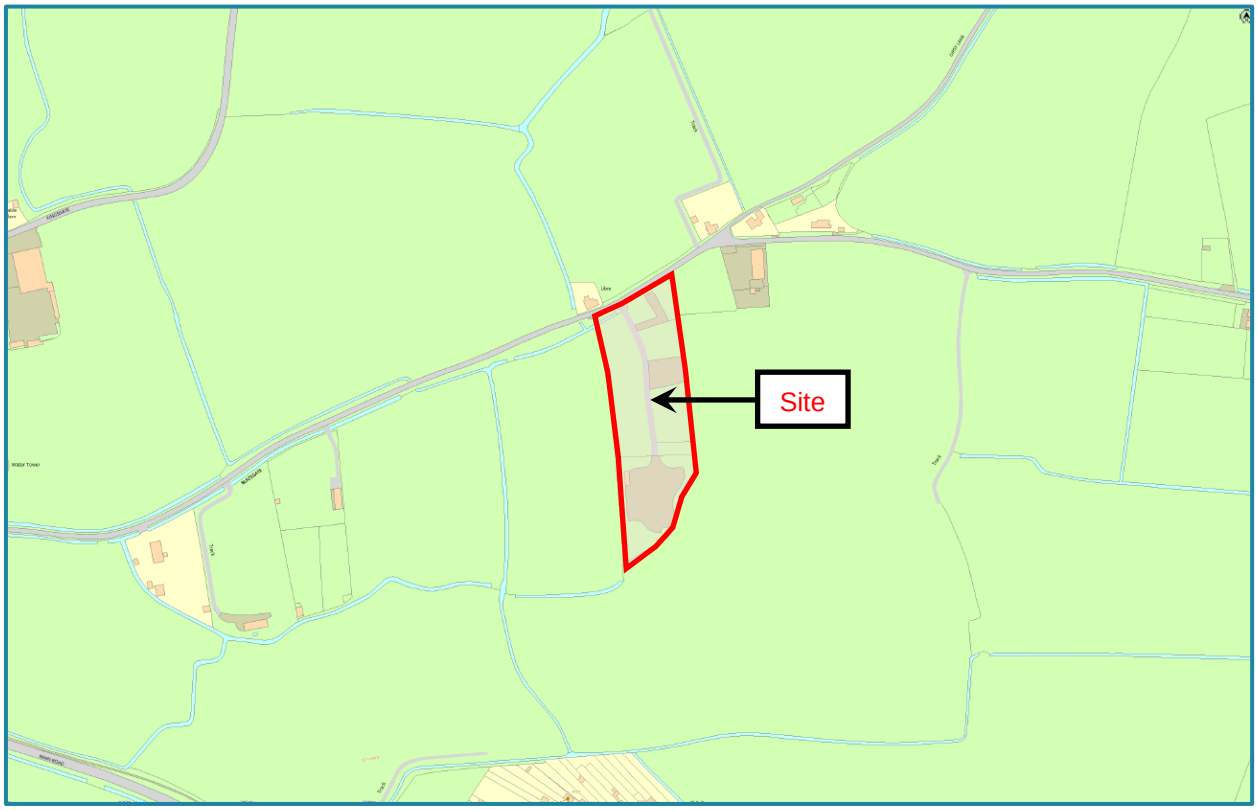


Figure 5.1 – Anglian Water Asset Map Extract

5.2 In accordance with the Environment Agency (EA) General Binding Rules, where a public foul water sewer network is not located within 30m x the number of dwellings (5 x 30 = 150m) of the site boundary, a package sewage treatment plant can be installed to serve the proposed development.

5.3 It is therefore intended that each plot will be served by its own individual Diamond DMS (or similar) sewage treatment plant as detailed within Appendix K. The sewage treatment plant will discharge into the adjacent ditch network which surrounds the site as shown on the proposed drainage layout plan/strategy included within Appendix G.

5.4 The discharge will be domestic content only and the total daily discharge from each sewage treatment plant will be less than 5.0 m^3/day.

5.5 However, due to the watercourse not having flowing water all year round, the above design does not comply with the requirements of the EA General Binding Rules. Therefore, the client shall submit a Bespoke Environmental Permit to the EA to obtain formal consent to discharge for each treatment plant.

5.6 A timetable for the scheme's implementation will be agreed with South Holland District Council as part of the planning consultation

6 Drainage Ownership & Maintenance Strategy

Ownership & Maintenance Responsibility

6.1 The private surface and foul water drainage system will be under the ownership of the landowner (client), and they will be solely responsible for the drainage systems future maintenance and repair.

6.2 In the event of the land/development being sold in the future, the maintenance responsibility together with all maintenance documentation will be transferred to any future owners.

Maintenance Regime

6.3 The maintenance regime for the surface and foul water drainage system has been undertaken in accordance with CIRIA 753 The SuDS Manual and the EA's General Binding Rules and is set out within Table 6.1 and Table 6.2 below.

Surface & Foul Water Drainage Network		
Required Maintenance	**Typical Frequency**	**Works Undertaken**
Inspection & Monitoring of the surface & foul water drainage network including inspection chamber, pipework, and catchpit chambers.	Monthly for 12 months following installation to understand rate of sediment build-up. Then annually as a minimum or more frequently if the rate of sediment build-up dictates.	Occupants
Undertake require maintenance, clearance and general inspection of the foul water sewage treatment plant in accordance with the manufacturer's guidance manual.	Annually or Bi-annually depending on manufacturer.	Occupants Specialist Contractor overseen by Occupants
Inspection & clearance of the gutters and filter meshes.	Annually as a minimum or more frequently if the rate of sediment build-up dictates.	Occupants
Inspection and removal of litter and other debris (leaves) from the drainage catchment, including roads, car parks and soft	As required (approximately twice a year)	Occupants

landscaping areas.		
Maintain adjacent vegetation such as pruning of bushes, removal of nuisance plants and grass cutting.	As required (approximately twice a year)	Occupants
Arrange repair works to any damaged areas of the surface and foul water drainage network.	Depending on observations made during the inspection and monitoring of the drainage network.	Occupants Specialist Contractor overseen by Occupants

Table 6.1 – Surface & Foul Water Drainage System Maintenance Plan

Geo-Cellular Attenuation Tank		
Require Maintenance	**Typical Frequency**	**Works Undertaken**
Inspect/check all inlets, outlets, overflows, and vents associated with the geo-cellular attenuation tank to ensure they are in good condition and operating as designed. If required, take remedial action.	Annually or more frequent if required.	Contractor Initially Occupants and/or Specialist Contractor overseen by Occupants.
Survey the inside of the geo-cellular attenuation tank for sediment build-up and remove if necessary.	Every 5 year or more frequent if required.	Occupants and/or Specialist Contractor overseen by Occupants.
Inspection & clearance of the flow control chamber.	Monthly for 12 months following installation to understand rate of sediment build-up. Then annually as a minimum or more frequently if the rate of sediment build-up dictates.	Contractor Initially Occupants and/or Specialist Contractor overseen by Occupants

Table 6.2 – Geo-cellular Attenuation Tank Maintenance Plan

6.4 The maintenance regime recommended above is put in place to minimise the risk of blockages occurring and to prevent water surcharging from the inspection chambers and manholes.

6.5 The above maintenance plan should be considered as a live document and should be updated over the lifetime of the development and adapted where necessary to ensure a system failure does not occur and the risk of flooding is minimised.

7 Discussion and Conclusion

7.1 BLI Consulting Engineers Ltd have been commissioned by Mr. John Rooney to prepare a Site Level and Drainage Statement for the development site known as The Orchards. The proposed development comprises of a change of use from agricultural land to provide five gypsy/traveller family pitches each having a static mobile home, dayroom, parking for a tourer and two vehicle spaces.

7.2 The report demonstrates that:

- The proposed development will incorporate a suitable site level design which takes in account the advice/mitigation measures put forward within the Flood Risk Assessment undertaken by Ellingham Consulting Ltd in support of the original planning application.
- In accordance with the surface water drainage hierarchy, the proposed surface water drainage strategy comprises of a restricted discharge to a nearby watercourse with onsite attenuation provided to accommodate the 100-year (+40%) plus climate change storm event.
- The proposed development will incorporate a suitable foul water drainage strategy which will ensure the risk of pollution to the surrounding water bodies and the risk of flooding is not significantly increased.
- The future ownership of the surface and foul water drainage system has been established and an appropriate site-specific management strategy has been undertaken.

7.3 Therefore, the site level strategy and drainage design put forward as part of this statement is considered to satisfy the requirements of Planning Conditions 5 and 6 imposed as part of the Full Planning Permission (Ref: H06-0532-23) granted by South Holland District Council.

Appendices

Appendix A

Full Planning Permission

The Planning Inspectorate

Appeal Decision

Hearing held on 11 June 2024

Site visit made on 11 June 2024

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/A2525/W/24/3339458
Land at The Orchards, Blazegate, Gedney, Spalding PE12 0AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr John Rooney against the decision of South Holland District Council.
- The application Ref is H06-0532-23.
- The development is change of use of agricultural land to provide 5 Gypsy/Traveller family pitches each having a static mobile home, dayroom, parking for a tourer and 2 vehicle spaces together with a treatment plant, the laying of hardstanding and associated ancillary works.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of agricultural land to provide 5 gypsy/traveller family pitches each having a static mobile home, dayroom, parking for a tourer and 2 vehicle spaces together with a treatment plant, the laying of hardstanding and associated ancillary works at The Orchards, Blazegate, Gedney, Spalding, PE12 0AD in accordance with the terms of the application, Ref H06-0532-23, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant and his wider family have been on the site since 2021. The development subject of this appeal is therefore retrospective. Indeed, an Enforcement Notice has been served and is in effect. This requires the use of the land for residential purposes to cease, all caravans and other associated works to be removed and the land to be returned to its previous condition.

3. It is not disputed by the Council that all of the occupants of the site are Irish travellers and meet the definition of gypsies and travellers as set out in Annexe 1 of the Planning Policy for Traveller Sites (PPTS). From the evidence before me, I have no reason to disagree.

Main Issue

4. The main issue is whether the development and its occupiers are at unacceptable risk from flooding.

Reasons

5. It is not disputed by the parties that the site is within flood zone 3a. This is defined in the national Planning Practice Guidance (the 'PPG') as being land

which has a high probability of flooding i.e. a 1% or greater annual probability of river flooding or a 0.5% or greater annual probability of sea flooding. It is agreed that the risk of flooding at this site is from the sea. It is also not disputed that the development, by primarily comprising caravans, falls into the classification of 'highly vulnerable' development as set out in the National Planning Policy Framework (the 'Framework'). The PPG says that highly vulnerable development in flood zone 3a should not be permitted, though it is noted that this national guidance takes no account of flood defences, and it is agreed that there are defences against tidal flooding in the District. Nonetheless, policy 4 of the South East Lincolnshire Local Plan (the 'Local Plan'), which relates to flooding, reflects this guidance in stating that caravans will not be permitted in areas at risk of flooding. Similarly, Local Plan policy 20, which relates to gypsy and traveller sites, says that such accommodation will not be permitted in flood zone 3a.

6. However, the explanatory text to policy 4 acknowledges that much of the land in South Holland is at significant risk of flooding and so identifies the need to facilitate development in a way that is resilient to flooding. To that end, the policy generally allows for development in flood zones 2 and 3 subject to a number of criteria, including where a site specific flood risk assessment identifies the predicted flood risk level and demonstrates flood resistance and resilience measures.

7. It is agreed by the parties that the flood risk at the appeal site primarily arises from a failure or breach of the sea defences, and that these defences comprise an earth embankment around 7km from the site. The Environment Agency would aim to fix the breach within 72 hours of it occurring.

8. Two breach scenarios have been modelled; a 1 in 200 year flood event (0.5% annual probability) and, due to the highly vulnerable nature of the development, a 1 in 1000 year flood event (0.1% annual probability). Both scenarios were modelled based on such events happening now, and in 2115.

9. The data shows that were either event to happen now there would be very little impact on the site. Flood water could reach the site, but it would be very shallow; less than 0.25m, and slow moving and therefore it is considered to be a low hazard.

10. Were such flood events to happen in 2115, the hazard would be greater as flood water would be deeper as a result of climate change. A 1 in 200 year event could result in flood water at the site being up to 1m in depth and a 1 in 1000 year event could result in water at the site reaching a depth of up to 1.6m. In both scenarios the water would be slow moving.

11. However it was agreed by both parties that as the risk is from tidal flooding, the depth of water would rise and fall with the tides. These maximum depths would only occur after a number of high tides, with the depth of water at the site increasing with each high tide. Indeed after the first high tide, the water may not reach the site at all. It is also the case that other obstacles, such as historic defences between the site and the sea, may impede the flow of flood water. No account of these is made in the modelling.

12. Clearly, were flood water depths to reach 1.6m or even 1m at the site this could be dangerous to the residents. However it is more likely, in my view, that even in these most serious flood events, because of the slow rate of increase in

the depth of flood water and because it would rise and fall, occupiers would take the opportunity to evacuate the site during one of the low tide times, before these dangerous depths of flood water were reached. This evacuation would be prompted by text alerts from the Environment Agency warning the residents of imminent flood events, starting from a basic flood alert to a severe flood warning.

13. Notwithstanding the above, paragraph 173 of the Framework and Local Plan policy 4 both advise that applications should be supported by site specific flood-risk assessments and should demonstrate that there are no other reasonably available sites appropriate for the development with a lower risk of flooding. The Council accept there are no public gypsy and traveller sites in the district and do not dispute there is no availability for the appellant and his family on other private sites. This demonstrates there are no other sequentially preferable sites, and hence the sequential test is passed.

14. As the PPG states the proposal should not be permitted, the exception test is not applicable. This test would require the development to demonstrate wider sustainability benefits to outweigh the flood risk, and that the development would be safe for its lifetime and without increasing flood risk elsewhere. However even if the exception test did need to be passed, the appellant suggests the provision of 5 gypsy and traveller pitches to the provision in the District is a wider sustainability benefit. The Council do not dispute this. The parties also agree that the development does not increase flood risk elsewhere.

15. With regard to making the development safe, it has been proposed that the dayrooms would be built with floor levels 1.6m above ground level and that static homes would also be set 1.6m above ground level on brick plinths. This would allow for damage to most possessions to be avoided. However were residents to take refuge in those spaces, they would be surrounded by deep floodwater at times of the severest flood events. Although the static mobiles and day rooms would provide a safe space for a short amount of time, the occupiers would ultimately need to be rescued, which would place additional burden on emergency services. However, as set out above, it is more likely that the occupants would vacate the site, prompted by text alerts from the Environment Agency, before floodwater reached dangerous depths. As such I am satisfied the exception test would be passed.

16. Consequently, whilst there is conflict with some parts of policies 4 and 20 and the PPG, I find that that conflict is outweighed by the specific circumstances here as set out above such that the residents are not at unacceptable risk of flooding.

17. Though not included in the reason for refusal, the Council identify conflict with Local Plan policy 1 in their officer's report, as this states that in the countryside, development will be limited to that which is necessary to such a location or meets the needs of the area in terms of community benefits. The Council accept they do not have a sufficient supply of gypsy and traveller sites. I consider, therefore, that this development would go towards meeting the needs of that community. I also note that in the explanatory text to the policy it states that some housing may be justified in the countryside, such as gypsy and traveller accommodation. As such whilst the site is detached from Gedney, which itself only has limited facilities, there is no conflict with Policy 1.

Other Matters

18. For the hearing, a second main issue on the agenda was whether there were any other considerations, such as the need and supply of gypsy and traveller sites in the district and the personal circumstances of the appellant and his family, that outweighed any harms. However as I have found no harm in respect of the main issue, I need not consider this second issue further.

19. Concerns have been raised by some neighbours regarding the loss of wildlife and the effect on the appearance of the area. Whilst any loss of habitat is regrettable, a planning condition can be applied which would secure a net gain in biodiversity. Also, the site is fairly well screened by vegetation along its boundaries, supplemented by a fence along its eastern side. Though it is proposed to raise dayrooms and static mobiles substantially above ground level, it is likely that the boundary vegetation would continue to provide a good degree of screening such that there would be no adverse visual impact.

20. I understand the land has been used for agriculture in the past but, as set out in the officer's report, that use has not been maintained. In any case, even if the development has resulted in a loss of active agricultural land, I have no substantive evidence to demonstrate that the loss of this area is detrimental to agricultural production.

21. There is also concern that dogs from the site have caused a nuisance to a neighbour. However I have no substantive evidence of this, and the plans show entrance gates to be provided. There is also concern that the site is being used as a commercial operation. A planning condition can be imposed to ensure no business is carried out at the site.

22. The development generates a modest amount of traffic and although Blazegate is narrow, I do not consider this is likely to have resulted in an adverse effect on highway safety. Furthermore, although visibility to the right from the access is poor, the plans show the existing hedge on the frontage being removed and replaced further into the site to ensure satisfactory visibility. The lack of objection from Lincolnshire County Council supports my view. I have seen photos of caravans being moved onto the site and the disruption that caused. However as the static mobiles are all now on site, any additional deliveries of this nature would be rare.

23. The occupation of the site before obtaining planning permission and the continued occupation in breach of the Enforcement Notice constitutes intentional unauthorised development. Furthermore as the appellant has owned the site for many years before moving onto it, there has been considerable opportunity to achieve permission before occupation. However the lack of any other suitable gypsy and traveller sites is also a consideration. Overall I give modest weight to this matter.

Conditions

24. At the hearing it was agreed that, as the development has already commenced, many of the conditions proposed by the Council would need to be reworded as, as drafted, they referred to details being submitted before development commenced. In addition the suggested condition relating to the commencement of development is not necessary. I have slightly amended the

wording of some of the conditions to better reflect the advice in the PPTS and the Framework.

25. It is necessary to impose conditions limiting the occupation of the site to gypsies and travellers, the number of pitches, and specifying the approved plans in the interests of certainty. The condition preventing commercial activities is necessary to maintain the character of the area and the living conditions of nearby occupiers.

26. The conditions which relate to the flood warning and evacuation plan, the flood risk assessment and site drainage are necessary in the interests of keeping the occupants of the site safe from flooding.

27. The condition relating to the submission of a biodiversity management plan is imposed in the interests of supporting biodiversity and has a longer compliance period than the others as the appellant has advised that currently the lead in time for such work is lengthy. The condition reflects their advised timescales, which I consider to be reasonable. The condition relating to details of levels is necessary to protect the character and appearance of the area.

28. The Council had suggested a condition withdrawing permitted development rights for curtilage buildings and means of enclosure. However the PPG advises that such conditions may not pass the test of reasonableness or necessity, and in this case, I do not consider the condition is necessary. Curtilage buildings would not benefit from permitted development anyway, and means of enclosure would not be likely to be visible from beyond the site past the existing boundary vegetation.

Conclusion

29. Overall despite some limited conflicts with the development plan and national policy, the site and its residents are not at an unacceptable risk from flooding, for the reasons set out above, and therefore the development accords with the development plan as a whole. There are no other considerations which suggest a decision other than in accordance with the development plan. As such the appeal is allowed.

A Owen

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/BLAZE/01 and 20/BLAZE/02 Rev C.

2) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

3) There shall be no more than 5 pitches on the site, and on each of the pitches there shall be parking for a tourer, and no more than one dayroom and one static mobile home at any one time.

4) No commercial activities shall take place on the site, including the storage or sale of materials, machinery, vehicles or waste.

5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

   i) Within **three months** of the date of this decision a scheme for the means of foul and surface water drainage disposal to separate systems shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

   ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

   iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

   iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained.

   In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

   i) Within **three months** of the date of this decision a scheme showing full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas,

including any mitigation measures arising as a consequence (for example increased height of boundary treatment) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;

ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within **six months** of the date of this decision a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site, supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

ii) If within **14 months** of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved scheme specified in this condition, the scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

i) Within **three months** of the date of this decision a Flood Warning and Evacuation Plan (the FWEP) shall have been submitted for the written approval of the local planning authority and the FWEP shall include a timetable for its implementation. The FWEP shall include (but not be limited to):

- The name of the designated flood warden who will assume overall responsibility for the management of the FWEP;
- The trigger for an evacuation of this site which shall be the issue of Flood Alert code(s) issued by the Environment Agency and the same shall bear the meaning set out in 'Flood Warnings: what they are and what they do' (or any successor document published by the Environment Agency);
- The arrangements made by the operator of the site to register for, receive and continue to receive all forms of Flood Alert/Warning from the Environment Agency's Flood Warning system;
- The arrangements that will be made to ensure every occupier of each caravan is able to leave the site immediately in the event of the issue of a trigger for evacuation, including the arrangements that will be made to ensure persons who may not be able to use their own private car are able to leave the site with the assistance of the operator;
- Details of how the need for evacuation will be communicated to any occupiers of a caravans who are on site at the time of the issue of a trigger for evacuation;
- Provision for the periodic review and updating of the FWEP.

ii) If within **11 months** of the date of this decision the local planning authority refuse to approve the FWEP or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted FWEP shall have been approved by the Secretary of State.

iv) The approved FWEP shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved FWEP specified in this condition, the FWEP shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

9) The development shall be carried out in accordance with the mitigation measures detailed in the submitted flood risk assessment (ref ECL0712a/NKF Planning Consultancy, dated May 2023). These mitigation measures shall be fully implemented within **three months** of the date of

this decision and subsequently retained and maintained thereafter throughout the lifetime of the development.

APPEARANCES

FOR THE APPELLANT

Neil Langley	Agent
Phillip Brown	Gypsy & Traveller Consultant
Tim Ellingham	Flood Risk Consultant

FOR THE COUNCIL

Daniel Allen	Principal Planning Officer
Mark Simmonds	Development Manager
Rebecca Flint	Planning Officer for the Environment Agency
Heather Tysoe	Flood Risk Advisor for the Environment Agency

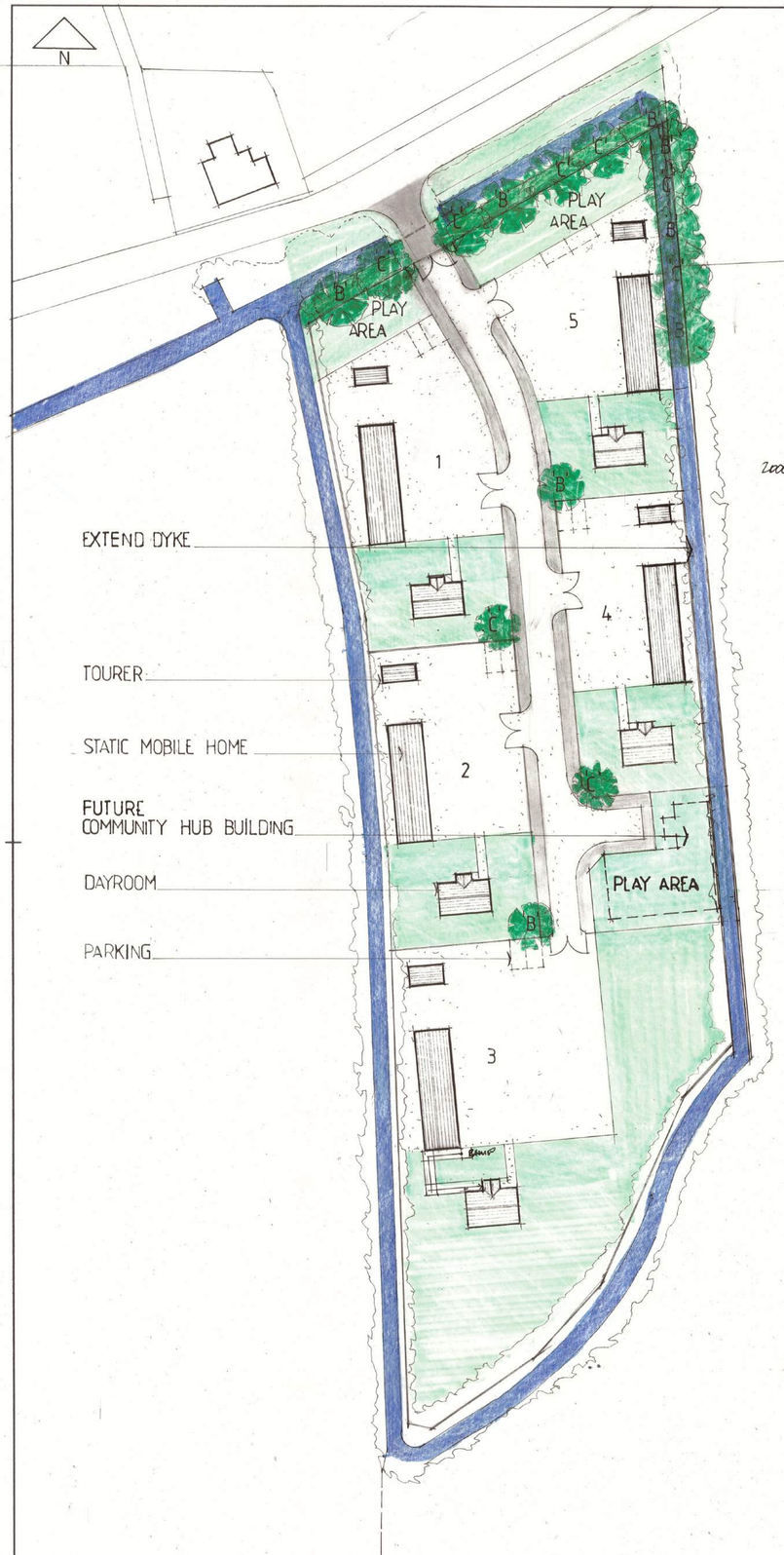
Appendix B

Existing Site Layout (Topographical Survey)

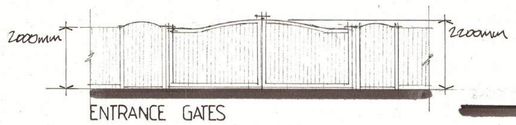
INDICATIVE
House
RR
RE
Cabin
Deck
dense vegetation
TH
Cabin
Cabin
Cabin
Deck
dense vegetation
dense vegetation
dense vegetation

Appendix C

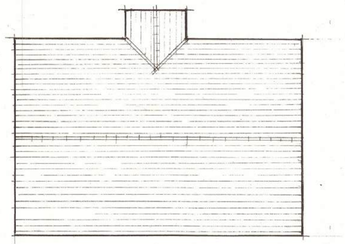
Proposed Development Layout



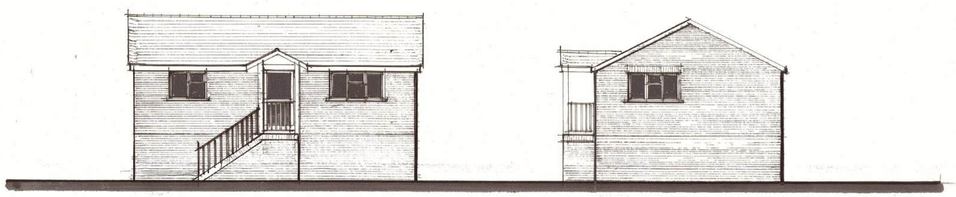
SITE PLAN 1:500

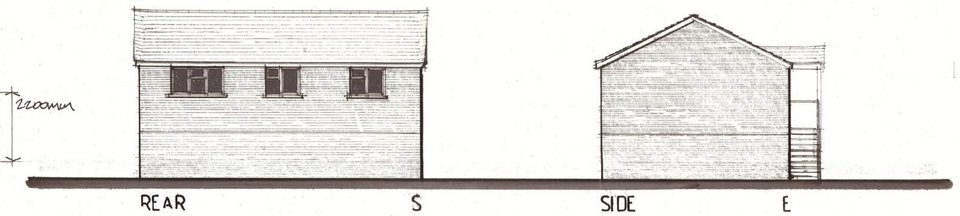


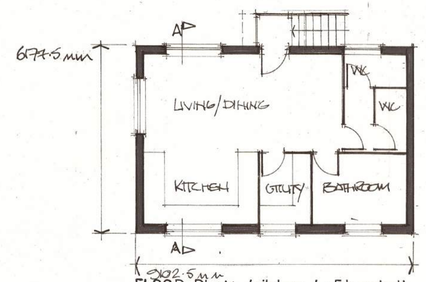
ENTRANCE GATES



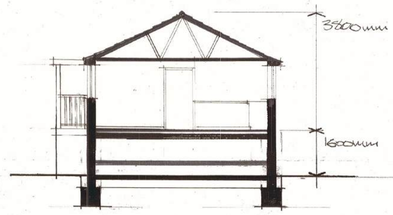
ROOF PLAN





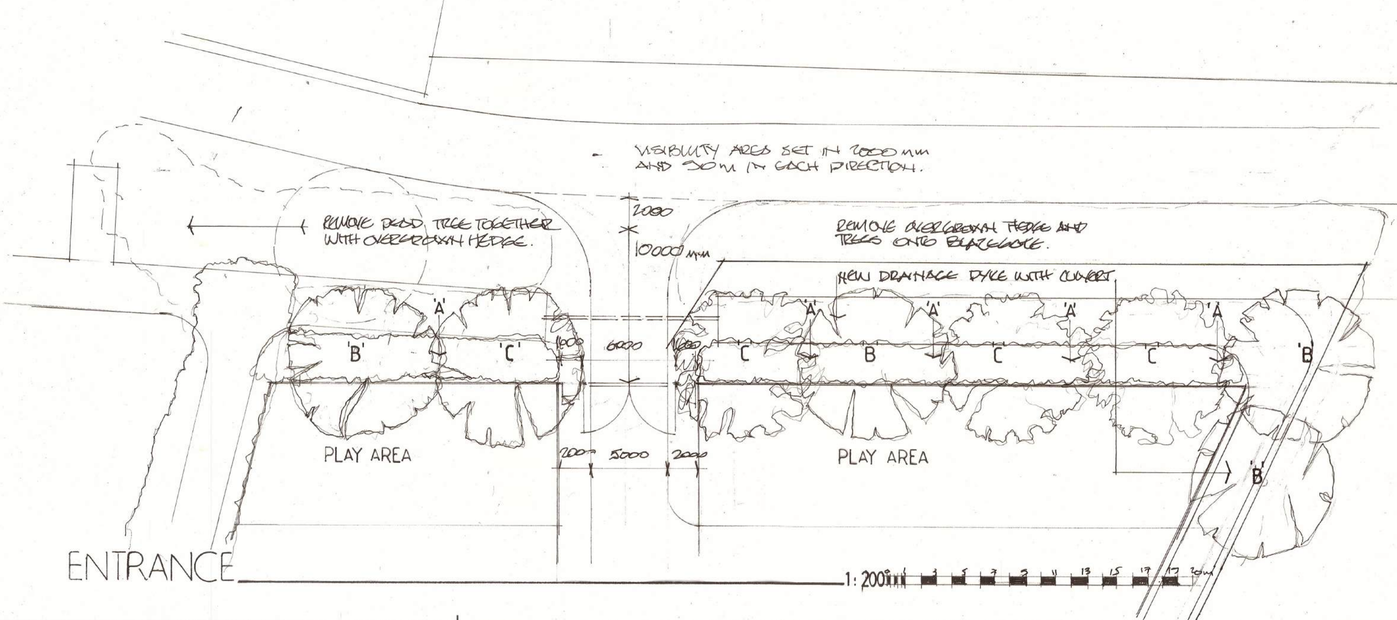


FLOOR PLAN (pitches 4+5 handed)



SECTION A-A

ENTRANCE & DAYROOM 1:100



ENTRANCE 1:200

NOTES:
All dimensions must be checked on site and not scaled from this drawing.

ROOF
'MARLEY ETERNITE' SLATE EFFECT
TILE COLOUR - DARK GREY
FASCIA SOFFIT
'PVCu' FASCIAS, SOFFITS AND BARGE BOARDS COLOUR - WOODGRAIN
WINDOWS + DOORS
'PVCu' DOUBLE GLAZED WINDOWS AND DOORS COLOUR - WOODGRAIN
WALLS
COUNTY WALLS 'TORTERRA' FACING BRICKWORK COLOUR - COUNTRY RED SMOOTH WIREOUT
FENCING
ALL FENCING TO BE 1800mm MIN WITH 150mm GRAVEL BOARDS
COLOUR - NATURAL
GATES
AUTOMATIC MAIN ENTRANCE GATES AS SHOWN COLOUR - NATURAL.
SIDE GATES TO MATCH.
DRIVE + HARDSTANDINGS
CLEAN NEW ROLLED STONE
COLOUR - NATURAL.
ENTRANCE UP TO GATES AND FOOTPATH TARMACADAM

	Date	Revisions
d	SEPT 2021	AREAS OF HARDSTANDING REDUCED, RAMP TO PLOTS ADDED
B	AUG 2021	FFL RAISED TO 1600mm. DYKE EXTENDED TO THE SOUTH EAST BOUNDARY
		COMMUNITY HUB BUILDING
A	JULY 2021	OMITTED FROM APPLICATION

© copyright

Client
MR J ROONEY

Job Title
LAND SOUTH EAST OF 'LIBRA'
BLAZEGATE
GEDNEY
SPALDING
LINCS

Drawing Title
SITE PLAN, ENTRANCE AND DAYROOM AS PROPOSED

Scale 1:100 1:200 1:500

Date DEC 2020 | Drawn by KS

Drg. No. 20 / BLAZE / 02 | Rev. C

ABACUS 526565

594 x 841mm A1

Appendix D

Site Level Design Layout/Strategy

DESIGN NOTES

1. All levels and grid co-ordinates have been established using GPS and relate to the Topographical Survey undertaken by Mija Survey (Ref:15000_01).

2. All dimensions are stated in millimetres unless shown otherwise and all existing/proposed levels are stated in metres Above Ordnance Datum (mAOD).

3. Dimensions and co-ordinates should not be scaled from this drawing, if in doubt please contact BLI Consulting Engineers Ltd.

4. The contractor is to verify the accuracy of information provided by others prior to construction. Any discrepancies found on this or any other drawing should be reported to and resolved by BLI Consulting Engineers Ltd before the commencement of any work relevant to the discrepancy.

5. This drawing should be read in conjunction with BLI Consulting Engineers Ltd engineering related drawings and all relevant drawings and specifications by the Architect and other specialists.

6. Existing public utility services and private apparatus are not necessarily all shown and the contractor shall liaise with the appropriate utility provider to determine precisely where on site existing services are located. Services shall be located and marked out on site prior to any excavation work being commenced.

7. The private foul and storm water drainage shall be subject to inspections by the local building control officer. The contractor shall liaise with the building inspector with regard to making inspections at the appropriate stages of the work.

8. Unless stated otherwise, all private foul water sewers shall be 100/110mm dia Wavin Osma PVC Pipe (or similar) and shall be laid at a gradient no flatter than:

- 1 in 40 where pipe work is located beneath residential dwellings.
- 1 in 40 where pipe work does not receive a discharge from at least 1No. WC.
- 1 in 80 for all other pipework unless stated otherwise.

11. Unless stated otherwise, all private storm water sewers shall be 100/110mm dia Wavin Osma PVC Pipe (or similar) and shall be laid at a gradient no flatter than 1 in 100 unless stated otherwise.

12. All proprietary materials shall be installed in accordance with the manufacturer's instructions and recommendations.

13. No trees, hedges or shrubs shall be taken up or otherwise damaged unless noted to the contrary on the drawings, or express permission is first obtained from the employer.

14. For details of landscaping and planting please refer to the landscaping drawing prepared by others.

15. For precise positions and details of domestic paths, sheds, bin stores, washing lines etc please refer to the architects drawings.

16. The main contractor is responsible for achieving and maintaining the stability of earthworks and any existing structures on the site and adjoining sites, taking all necessary precautions to safeguard this stability. Adequate shoring is to be inserted during the works to ensure stability and such shoring is to be adequately founded and braced. Unless indicated on the drawings, the temporary works are not to impose reactions on the permanent structure without prior written consent from BLI Consulting Engineers Ltd.

PROTECTION TO PRIVATE SEWERS:-

17. Type S bedding to be used in non-trafficed areas.

18. Type S bedding to be used in trafficked areas where the cover to the crown of the sewer is greater than or equal to 1200mm.

19. Type Z1 bedding to be used in trafficked areas where the cover to the crown of the sewer is less than 1200mm.

LEGEND

- 3.00 PROPOSED SITE LEVEL
- FALL LINE
- PERIMETER DITCH NETWORK

© Copyright BLI Consulting Engineers Ltd.

Rev.	Date	Description	Drawn	Chk'd
P1	19/09/24	First Issue	RSM	RSM

client: MR JOHN ROONEY

project: THE ORCHARDS, BLAZEGATE, GEDNEY, SPALDING, LINCOLNSHIRE

dwg title: **SITE LEVEL DESIGN (SHHET 1 OF 2)**

discipline	drawn	chk'd	date:	scale @ A1
CIVIL ENGINEERING	RSM	RSM	SEP 2024	1:200

project no.	dwg no.	rev.	status.
BLI.2024.65	PL 01	P1	COMMENT & APPROVAL

BLI Consulting Engineers Ltd

7 Melton Drive
Norwich
Norfolk
NR8 6TT

T: 07918 725 983
richard.martin@bli-consulting.co.uk

DESIGN NOTES

1. Refer to BLI Consulting Engineers Ltd Drawing No. BLI.2024.65-PL-01 for full construction notes.

© Copyright BLI Consulting Engineers Ltd.

Rev.	Date	Description	Drawn	Chk'd
P1	19/09/24	First Issue	RSM	RSM

client: MR JOHN ROONEY

project: THE ORCHARDS, BLAZEGATE, GEDNEY, SPALDING, LINCOLNSHIRE

dwg title: **SITE LEVEL DESIGN (SHHET 2 OF 2)**

discipline	drawn	chk'd	date:	scale @ A1
CIVIL ENGINEERING	RSM	RSM	SEP 2024	1:200

project no.	dwg no.	rev.	status.
BLI.2024.65	**PL 02**	P1	COMMENT & APPROVAL

BLI Consulting Engineers Ltd

7 Melton Drive
Norwich
Norfolk
NR8 6TT

T: 07918 725 983
richard.martin@bli-consulting.co.uk