

Mrs Hannah Blackburn  
City of York Council  
West Offices  
Station Rise  
York YO1 6GA

19<sup>th</sup> March 2015

Dear Hannah,

**Re: AOD/14/00419 | Details required by Condition 23 (Foul and Surface Water Drainage) and Condition 25 (compensatory flood storage works) (01/01315/OUT)**

Fulford Parish Council has reviewed the further information provided and the various clarifications provided for which we are grateful. We set out our remaining serious concerns below.

**Condition 23 – drainage**

1. Documentation indicates that during non-flooding conditions, the drainage system will operate satisfactorily and meet the 1 in 30 and 1 in 100 year conditions at 1.4 l/s/ha. What is not clear is whether this will work during conditions of flood when the outlets would be submerged. This happens several times per year. We seek assurances on this point.

**Condition 25 (compensatory flood storage works)**

2. We previously commented that in several instances, the new road surface is below the 10.06 m climate change level and not protected from flooding (for example sections 20 – 26, 32 – 36 and 41 – 42). We consider it highly unsatisfactory and contrary to national and local planning guidance to allow any part of an access road to be constructed below the level of the 1:100 year flood. Whilst condition 32 stipulates that the road shall not be lower than 9.81AOD, the condition was always intended to protect the road consistent with climate change levels at the time. In circumstances where the level has changed, it should be designed to comply with the new levels over the lifetime of the development.
3. We appreciate the clarification provided that the new road will form the northern edge to any floodwater for land between the A19 and Fordlands Road and we note that the revised drainage strategy plan for the spine road now indicates a drainage pipe with flap valve rather than a flood relief pipe. We ask however, for confirmation that the consequent loss of flood storage volumes resulting from the change has been taken into account within the storage calculations. Section plans 16-20 indicate that compensation has not been provided for this area.

**Flood defence works at the A19.** Plan 1164/5007 – 361 Rev B, 'Works to be undertaken by Highway Authority to Complete Flood Defence to A19'.

4. It has now been clarified that the flood wall to the west side of the A19 and the re-alignment of Landing Lane will be undertaken by third parties and do not form part of Persimmon's works to raise the A19 and construct the new junction. We therefore request assurances that this drawing will not be approved as part of this application and that full planning permission will be sought for the additional defences.
5. It must also be noted that the third element of the full defence scheme is for a flood-wall south of Germany Beck to the east of the A19 on Fulford Parish Council land to stop floodwater flowing onto the A19. This wall is not shown on the submitted plans and no compensatory storage is proposed. Furthermore, the parish council has not been consulted about these proposals.
6. However, unless and until these additional flood defences are built, the new junction that provides the single access to the development will be subject to closure during flood events because the A19 will continue to flood both to the north and south of the junction. Furthermore, the raising of the junction without additional defences is likely to increase the flood risk to nearby residential properties along Main Street, for example by altering the direction and rate of flow of surface water run-off when storm conditions coincide with raised river levels.
7. In these circumstances, the condition 25 details should not be approved until it has been demonstrated how the junction and spine road (without additional defences) will function in the short term and in the event that the full defence scheme is not completed for any reason.
8. We note that compensatory storage has been provided within this application for the loss of storage arising from the alterations to Landing Lane but not for the remaining areas of the A19 that will ultimately be protected from flooding when the additional defences are constructed. This is inconsistent. When the full defence scheme is finally brought forward, compensatory storage should be provided for any areas not accounted for in the current calculations. The scheme should then be evaluated through a FRA and a full assessment of the visual, ecological and environmental impact, taking into account the fact that the area is now contained within a conservation area.

#### **Tunnel Dyke**

9. Plan 1164/5007/1-150 Rev B Principle Drainage Strategy at Outfall No.3.  
On this drawing, the central dyke (Tunnel Dyke) is seen to be culverted along the majority of its length and indeed running underneath buildings. This steep-sided ditch with hedgerow drains surface water from the area to the north and directly connects the pond within the school nature reserve southwards to Germany Beck. We have previously expressed objections to the culverting of this watercourse and consider it to be a needless loss of a visually important landscape feature that will be detrimental to the ecology and hydrology of the site.

We note that the Environment Agency normally objects to culverting of watercourses and we ask whether the EA (and the IDB) have responded in full knowledge of this proposal, ie, have they been told?

### **EIA Regulations:**

10. We maintain our view that the information comprises substantive new environmental information that should properly be submitted as an update to the 2012 ES with a Non-Technical Summary. The developer does not accept this point but it is obvious to any impartial observer that the provision of full drainage details over such a large area (which includes a large underground storage tank, new outfalls into the banks of Germany Beck, weir structures and drainage pipes within the archaeological zone) plus details of storage proposals that will affect hydrology, ecology and heritage are substantive enough to require an update to the 2012 ES.
11. It is especially important to update the ES if previously assessed proposals have changed or been discarded. The changes within this application include:
- Increased storage volumes: The storage volume currently proposed is 26,172 cubic metres, whereas in the 2012 ES it was assessed to be 19,227 cubic metres. As a result, the scale of the mounding has increased from that previously illustrated in the UDPR section drawings and other inquiry drawings. We question how the developer can state: *“The volume of storage has not increased and neither has the scale of excavations or the mounding as suggested”*.
  - Raised land levels: The developer denies that land levels within the housing site will be raised despite the fact that land-raising is clearly demonstrated on all section plans between nos 79 – 105.
  - Finished floor levels in low-lying areas are higher than those approved through reserved matters.
  - Pumping stations: Both foul and surface-water pumping stations have been deleted from the scheme without any impact assessment in a new FRA or in the updated ES of 2012.
  - Defence walling: The height of the additional flood defence walling on the A19 west has been raised from *“approximately 675mm”* to more than 1 metre above the footpath level. The developer states that this is not relevant to this application because they are the responsibility of the Highways Authority. If that is the case, the section plans should show only the details for which approval is sought. In any event, the consequences of increasing the height of flood defences must be assessed before the development commences.
  - The combined sewer running through the site is now to be diverted, again with no information or impact assessment on the new route or how stand-off distances from dwellings will be achieved. In addition, the diversion of the sewer could have implications for archaeological deposits on the site, especially within the SW Meadow.

We do not consider that such changes are acceptable for an EIA development without a further environmental assessment to evaluate the impacts on flood risk, visual amenity, ecology, archaeology and public rights of way.

It also remains our opinion that, as an EIA application, site notices should have been erected in order to inform residents of its existence. This is crucial when the new information relates to residential properties that will be directly affected by the proposals (for example no 142 and 151 Main Street).

Fulford Parish Council trusts that you will take these concerns into account.

Yours sincerely,

J M Fletcher

Jeanne Fletcher  
Clerk to Fulford Parish Council.