

Site Address: Primrose Place, Brockford Road, Wetheringsett cum Brockford,
Suffolk, IP14 5NR

Applicants: Mr G Harbour and Ms Z Harbour

Date: 08 May 2022

**Condition 5 of Planning Consents APP/W520/C/3238600 and
3238601**

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Applicants: Mr G Harbour and Ms Z Harbour

Condition 5 of Planning Consents APP/W520/C/3238600 and 3238601

1. On 14 April 2022 the Secretary of State awarded a temporary conditional planning consent for the change of use of agricultural land for the stationing of caravans for residential occupation; laying of hardstanding, erection or building and formation of new vehicular access off Brockford Road. A copy of the consent is shown at TAB 1.

2. Condition 5 of the consent states:

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 and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

(i) *Within 1 month of the date of this decision a Flood Evacuation Plan (the Plan) for the site shall have been submitted for the written approval of the local planning authority and shall include a timetable for its implementation.*

- (ii) *If within 6 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 Plan shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the Plan the use of the site will accord with it at all times. 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.*

3. Condition 5 appears to have been introduced as the Environment Agency produced updated information at the hearing of the consents. The updated information included the River Waveney and Tributeries and Hydrology Report (2021), Waveney Report – Hydraulic Modelling Report (2021) and Draft Model outlines for Brockford Road, Mendlesham. A copy of the draft Environment Agency Model outlines for Brockford Road, Mendlesham are shown at **TAB 2**.

4. The Environment Agency Flood & Risk Enforcement Officer identified that he was of the view that there was no evidence that the river Dove had been deliberately dammed, and that there were frequent reports of the land flooding. The new

modelling suggest that Flood Zone 3 is as close as 10m to the road in some parts along this section of the river Dove. The Inspector was required to accept the assertions of the Environment Agency Flood & Risk Enforcement Officer.

5. There have been ongoing discussions with the Environment Agency since October 2021. The Environment Agency is unable to identify why it is supporting development in Flood Zone 3 based on its 2021 modelling in other areas of the river Waveney, and why a number of LPAs are seeking development of these areas in their local plans.
6. The end result of these discussions with the Environment Agency is that an application is to be made to 'virtually' culvert an area of the river Dove to determine if it would overtop based on the Environment Agency modelling data. The Environment Agency is also being requested to cause the closure / upgrade of the Mendlesham sewerage plant to prevent it releasing water into the river Dove – particularly as this could lead to damage to the aquifer.
7. The area of land where the occupiers of Primrose Place have located residential caravans and /or wish to station residential caravans all falls outside of land that the Environment Agency have identified is likely to be flooded in their draft Model outlines for Brockford Road, Mendlesham, 2021.
8. There will be a lack of dry access to the site based on the draft 2021 Model outlines for Brockford Road, Mendlesham.
9. There is a belief that false information about surface water flood risk was introduced into the Environment Agency datasets

in about 2015 by Local Planning Authorities, and that has caused difficulties.

10. The Environment Agency has not as yet adopted its River Waveney and Tributaries and Hydrology Report (2021), Waveney Report – Hydraulic Modelling Report (2021) and Draft Model outlines for Brockford Road, Mendlesham (or elsewhere). This is shown as **TAB 3**.

11. It will be determined through the application to culvert the river Dove if a very large number of planning applications need to be revoked by Mid Suffolk District Council, and that if the documents produced by the Environment Agency in 2021 are correct.

THE PLAN

TASK	TIMETABLE
Adopt Government Guidance (TAB 4), taking account of Local Guidance (TAB 5, TAB 6)	Immediate
Monitor award of Planning Consents to Properties identified as being in Flood Zone 3 in 2021 by the Environment Agency, and requirement for evacuation plan.	Ongoing (Year 0 – Year 3). Produce report for Mid Suffolk District Council.
Continue Discussions with Environment Agency	Years 0 – Year 3)
Apply for Consent from the Environment Agency to Culvert River Dove	Month 6
Request Environment Agency to shut Mendlesham Sewerage Plant and/or provide a timetable with its occupiers for its upgrade to meet environmental legislation	Month 6

John H. [Signature]
08 May 2022



The Planning Inspectorate

3b
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5270
Customer Services:
0303 444 5000

Email:
teame1@planninginspectorate.gov.uk

www.gov.uk/planning-inspectorate

Mr Stuart Carruthers
32 Northgate
Beccles
Suffolk
NR34 9AS

Your Ref: Primrose Place
Our Ref: APP/W3520/C/19/3238600
Further appeal references at foot of letter

14 April 2022

Dear Mr Carruthers,

Town and Country Planning Act 1990
Appeals by Mr G Harbour, Ms Z Harbour
Site Address: Land and premises known as Primrose Place, Brockford Road, Wetheringsett cum Brockford, Suffolk, IP14 5NR

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Corrina Clements

Corrina Clements

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>

Linked cases: APP/W3520/C/19/3238601



Appeal Decisions

Hearing Held on 12 & 13 October 2021

Site visit made on 13 October 2021

by **R J Perrins MA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 April 2022

Appeal Refs: APP/W3570/C/3238600/601

Primrose Place, Brockford Road, Wetheringsett cum Brockford Suffolk

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr G Harbour, Ms Z Harbour against an enforcement notice issued by Mid Suffolk District Council.
 - The enforcement notice was issued on 6 September 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of agricultural land for the stationing of caravans for residential occupation; laying of hardstanding; erection of building and formation of new vehicular access off Brockford Road.
 - The requirements of the notice are:
 1. Cease the use of the land for the stationing of caravans; remove all caravans and associated materials and domestic paraphernalia from the land edged red on the attached plan.
 2. Remove the hardstanding and resultant material from the land edged red on the attached plan.
 3. Remove the building and resultant debris from the land edged red on the attached plan.
 4. Permanently 'stop up' the vehicular access on the land edged red on the attached plan by removing the fence, gates and lights from the land and planting a native hedgerow comprising a mixture of hawthorn, hazel, blackthorn and field maple in a double staggered row at a minimum distance of 60mm between the rows; and a maximum of 450mm between the plants; and protected with a spiral guard; supported with a bamboo cane; and planted through a mulch mat.
 - The period for compliance with the requirements is 3 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decisions

1. It is directed that the enforcement notice be corrected; by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice; and by the addition of the words "for residential use" after the words "stationing of caravans" in requirement 1 of the notice. Subject to these corrections the appeals are allowed, and the enforcement notice is quashed.
2. Planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the change of use of agricultural land for the stationing of caravans for residential occupation; laying of hardstanding; erection of building and formation of new vehicular access off Brockford Road, on the land shown

edged red on the plan annexed to this decision, and subject to the conditions set out in Annex A to this decision.

3. No further action is required in respect of the appeals on grounds (f) and (g).

Preliminary & Procedural Matters

4. Primrose Place is one of a several Gypsy and Traveller sites along this section of Brockford Road near the village of Mendlesham. The Council have served eight enforcement notices which have resulted in numerous appeals¹ concerning eight adjoining plots where occupants and owners are either related or are well known to one another and, save for one appellant, have employed and retained the same planning agent. With agreement of the parties, all the appeals were heard at the same time with generic issues being dealt with together.
5. I visited all of the sites on the second day with the parties. I also took the opportunity to view the site from the public domain prior to the Hearings and following the Hearings during the hours of darkness. Separate appeal decisions will be issued for each site. Nevertheless, these preliminary matters apply to all the appeals save for where I have set out any particular issues relating to individual plots. Subsequent to the Hearings, the appeal that was not heard along with the others, was withdrawn.
6. Initially appeals were being advanced on all grounds of appeal for all of the sites (save for where particular circumstances are highlighted in the respective decisions). However, it was agreed at the Hearings that the appeals on grounds (b), (c), (d) and (e) were generally founded on the growing of grass. That matter had arisen largely because of previous, and now withdrawn, enforcement notices that were served on the same plots and referred to the growing of grass.
7. Although, save for two of the notices, the reference to growing of grass has been removed. The parties agreed, in respect of Two Oaks and the plot known as One Acre Stables, where reference to removal of grass in the requirements subsists, that if I were to amend the notices to delete the reference to growing of grass no prejudice would occur. I saw no reason to disagree with that view and informed the Hearings that I would proceed on that basis. In that light all of the appeals on grounds (b), (c), (d) and (e) were withdrawn.
8. In addition, given the time that has passed since the enforcement notices were served, it was agreed that the plans attached to the notices were generally inaccurate. Given the lack of mapping data available for the plots, erection of fences and movements of boundaries between plots over time, the lack of accuracy cannot be criticised. It is nevertheless incumbent upon me to ensure the notices are right. The parties agreed that new plans were required, and the Council submitted an agreed new plan for each plot. I am satisfied that correcting the notices by replacing the plans would also not lead to any prejudice. In the interest of accuracy, I shall also add reference to the residential use of the caravans in requirement 1 of the notice, to reflect the use alleged.

¹APP/W3520/C/19/3238574/575/576/577/578/579/580/581/582/589/590/591/593/594/595/596/597/ 598/600 & 601

9. The appellant has expressed concerns regarding the Council's Scheme of Delegation and the service of the previous notice. However, as set out in my first pre-hearing note, the appeals before me are in respect of the September 2019 notices, not those withdrawn. Moreover, and in any event, the judgment in *Britannia Assets (UK) Ltd v SSCLG* [2011] EWHC 1980 (Admin) sets out that the proper course to challenge the issue of an enforcement notice is by judicial review. It is not a matter for my deliberations.
10. The definition of gypsies and travellers² is set out in the glossary to Planning Policy for Traveller Sites (PPTS). There is no dispute, and from all that I have seen and heard, I am satisfied that the appellants fall within the PPTS definition of gypsy and traveller at the present time. I have determined the appeals on this basis. The starting point is therefore whether the sites are suitable, in principle, as a gypsy and traveller site.

The appeal on ground (a)

Main issues

- The effect of the development on the character and appearance of the countryside location.
- Whether the development would comply with planning policy which seeks to steer new development away from areas at the highest risk of flooding.
- Whether the appeal site is situated within a sustainable location.
- whether there are any other considerations to outweigh any harm identified.

Reasons

Character and appearance

11. The site is within open countryside to the east of Brockford Road a rural but busy road leading to the A140 from the nearby village of Mendlesham to the south-west. To the north is an existing caravan park, farm and a small number of individually styled large, detached dwellings in generous plots. Further dwellings can be found to the south-west along with the Grade II listed building Mendlesham Manor.
12. The road frontage is predominantly open countryside, hedgerows and mature trees providing an attractive green corridor. A public right of way leads from the southern end of Brockford Road, near to Mendlesham Manor, to the village. The right of way is accessed near to the junction of Brockford Road with an unnamed road which bridges over the River Dove and leads east to the A140.
13. This is the northernmost plot of those being enforced against and is the biggest site. The rear boundary of the plot is defined by the River Dove and an adjoining plot shares the southern boundary defined by a close barded fence. To the north is agricultural land viewed through an open fence. The front of the plot has close boarded fencing and a gated entrance. At the time of my visit to the site, there were two mobile homes and two caravans. Various sheds, animal pens, and domestic paraphernalia including trampoline and swimming

² 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

pool could be seen. Large areas were fenced off to contain livestock and poultry.

14. I was introduced to the appellant's son who I was told was responsible for the livestock and animals on the site. He was clearly enthusiastic, and I have no reason to doubt his desire to pursue a career in agriculture. It is clear that he is putting this ambition to good practice on the site. The fencing and pens are testament to that, the use of pallets and various bits of recycled materials to form a pig sty are a further demonstration of his ability. As was the presence of 2 breeding sows and 17 piglets. Although the ramshackle nature of the structures used to house the livestock does little to reduce their impact on the local landscape.
15. Policy H7 of the Mid Suffolk Local Plan 1998 (LP) and Policies CS 1 and CS 2 of the Mid Suffolk LDF Core Strategy 2008 (CS) set out a settlement hierarchy and seek to protect the landscape quality and character of the countryside for its own sake, by restricting development in the countryside to that which is essential to the efficient operation of agriculture, forestry and appropriate recreation. Policy CS 5 sets out that all development will maintain and enhance the environment and local distinctiveness of the area.
16. The caravans, sheds, domestic paraphernalia, car parking, extensive fencing, livestock pens and close boarded fencing are at odds with the countryside location and wider rural landscape. The change of use has harmfully impacted the visual amenity in the locality, introducing development where none existed. Views are readily available from the public domain where the site is a stark contrast to the surrounding countryside, leading the viewer to question how it came to be.
17. To that end PPTS Paragraph 26(d) encourages not enclosing a site with so much hard landscaping, high walls or fences that the impression is given that the site and its occupants are deliberately isolated from the rest of the community. This implies that sites should not be completely hidden and some degree of visibility is to be expected. The fencing and gates are at odds with that, giving the impression that the site (along with the other unauthorised plots) is isolated from the nearby community.
18. Whilst I recognise landscaping could, in time, screen the close board fencing, it would remain an unnatural form in this rural setting. I also accept the site could be reconfigured, as set out below, but that would not overcome the harm I have identified; incongruous development would still prevail in a location where there was no development previously. I accept that landscaping secured by way of condition may reduce that harm, however, there is nothing before me to suggest such landscaping could be accommodated within the site and outside of the flood plain (as discussed below) in any event.
19. Alongside that, and notwithstanding the arguments advanced on site, I am not convinced, given the lack of any accurate drawings, that there would not be significant tree and hedgerow removal as a result of instigating the sight lines required to ensure long-term highway safety. Such removal would compound the harm to the character of the rural lane.
20. For these reasons, I find the development has resulted in unacceptable harm to the character and appearance of the countryside location. That is at odds with the aforementioned policies of the LP and CS along with the National Planning

Policy Framework (the Framework) which seeks to avoid isolated homes in the countryside. In addition, the PPTS is clear in that sites enclosed by landscaping and fences should not be given weight in consideration of applications.

21. In addition to the effect during the day, at night the site contributes to light pollution in a location, which I saw from my night-time visit, should be intrinsically dark. It is particularly noticeable when views are taken from the unnamed road to the south. That is also at odds with the Framework which seeks to limit the impact of light pollution from artificial light on intrinsically dark landscapes. Whilst I recognise there are lights from nearby dwellings and other property that does not justify further light pollution. I am also not convinced a planning condition for a lighting scheme, given the amount of development that needs to be lit, for safety alone, would reduce the harm by any significant amount.
22. These matters in combination weigh significantly against the change of use. I come to that view recognising that Policy CS 2 of the CS also refers to a rural exception housing and includes sites for Gypsies and Travellers and travelling showpeople. Nevertheless, it is clear from the CS that such exceptions would only be permitted in exceptional circumstances and where development cannot be met in a more sustainable location. Moreover, there is nothing before me to suggest the site has been identified as such as part of the development strategy.

Flood Risk

23. Policy CS4 of the CS sets out that the Council will support development proposals that avoid areas of current and future flood risk. That is reflected in the Framework which sets out that inappropriate development in areas at risk of flooding should be avoided and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
24. There was some dispute regarding where the flood zones are in relation to the site. To that end the Council accept that the wrong plans were used initially. However, the Environment Agency (the Agency) appeared at the Hearing with an updated position founded upon updated information including the River Waveney and Tributaries Hydrology Report (2021), Waveney Report - Hydraulic Modelling Report (2021) and Draft Model outlines for Brockford Road, Mendlesham.
25. Before I address that updated position, I recognise that there has been some confusion over various drawings and plans used to determine the flood zones. It has been acknowledged that maps dated 11 April 2019 were incorrect. However, I see no reason to disagree with the Agency's view that the only difference between their flood maps, and that of the Council's, is that the latter includes the factor of climate change. That precautionary approach follows the requirements of the Framework, when looking at the sequential test, to take into account all sources of flood risk including the current and future impacts of climate change. In that light the Council's maps use the Agency's modelled flood outlines, including climate change, and are a representation of future flood risk.
26. Furthermore, as set out by the Agency, when providing consultation advice to the application, the Agency only commented on present day flood risk.

However, the Council are correct to consider the climate change flood outlines when determining the future flood risk to the site and applying the Sequential Test to applications for development.

27. Against that background the appellant has produced calculations for flow rates and their own flood data based upon a drone topographical survey which, in the appellant's view, suggests that the land would not be subject to fluvial flood risk and banks are sufficiently high such that there would be no overtopping. I accept the levels shown on the topographical plan submitted for the site show higher datum points nearer to the river.
28. I have also considered the drawings submitted by the appellant which would move part of the existing development to what they consider to be Flood Zone 1. That is to say within an area of land 35m from the road. However, the Agency evidence contradicts that, along with submitted photographs of flooding. Whilst it's suggested that the flooding shown was as a result of the Dove being dammed further downstream, the appellant accepted that there was flooding on lower parts of the land. In addition, the incident report concerning the conifer trees is inconclusive and does not suggest that the conifers caused damming of the Dove as suggested. There is no corroborating evidence that they were causing any issue with flow. Also, what I saw on site with regards to the lie of the land, and differences in vegetation growth on a number of the adjacent sites, point to the flood zone being much closer to the road.
29. Furthermore, whilst I recognise the appellant's agent has experience and background in modelling in the Telecoms industry and such knowledge is transferable, the evidence submitted by the appellant has not been tested with any rigour. Whilst the same could be said for the Agency's evidence, there is some inevitability, given the very nature of the Agency, the professional standing of their officers and experience in such matters, that I place greater weight upon it.
30. I have no reason to doubt the Agency's witness who confirmed that the modelling used for their reports and updated position is based upon the best available information they have, including new LIDAR data. Whilst not site specific, the reporting is a valid and adopted approach. Any level of uncertainty is modelled, and reports are to industry standards and recognised by insurers and all involved in managing flood risk.
31. Overall, therefore, whilst the Agency's position has changed from that when consulted on the planning application made in 2019 (ref:DC/19/02974), the Agency's evidence can now be summed up in the statement made at the Hearing. Namely, had an application been made for the development as built, the Agency would have recommended refusal because of the risk of flooding. I see nothing of any weight to bring me to a different view. I say that given the draft Waveney Model Outlines for Brockford Road which show the majority of the land in the 5% (1 in 20) annual probability flood outline, and therefore Flood Zone 3b Functional Floodplain.
32. To corroborate that, I also heard from the Agency's Flood & Risk Enforcement Officer who was of the view that there was no evidence that the river had been deliberately dammed and that there were frequent reports of the land flooding. He was confident that was a regular occurrence. The new modelling suggests that flood Zone 3 is as close as 10m to the road in some parts along this

section of the River Dove. Indeed, the Environment Agency originally considered, when responding to the appellant's 35m assertion, that flood zones came to within 19m of the road and predominantly within 25m prior to the newer data becoming available. In addition, he pointed out that much of what had been constructed within 8 metres of the river including re-profiling of the land, fencing and buildings, had been done without a permit and had led to environmental harm, that was unchallenged.

33. All of these factors lead me to the view that a large part of the site is in Flood Zone 3. The Planning Practice Guidance (the Guidance) also sets out that that caravans, mobile homes and park homes intended for permanent residential use are classified as being highly vulnerable in terms of flood risk. In addition, that a Sequential Test should be carried out in order to steer development away from the areas at high risk of flooding. A Sequential Test not been carried out and I am unable to consider flood risk any further in respect of the change of use.
34. Therefore, I must find, the development is at odds with Policy CS4 of the CS and the Framework which is clear in that inappropriate development should be avoided by directing development away from areas at highest risk. This is a matter that weighs very significantly against the development.
35. In coming to that view, I have considered the alternative layout put forward by the appellant which would relocate all of the development within 35m of the road. Whilst I am not convinced, as set out above, that Flood Zone 1 extends to such a distance into the site, even if I were to accept that on its face, and the development was all relocated into that area, such a scheme would not overcome the other harm I have found to character and appearance and highway safety. Furthermore, I am not satisfied, given the limited space, that such a scheme would be able to accommodate all the needs of those on site without leading to such cramped conditions that the living conditions of those occupying the site would be unacceptably harmed.

Sustainable location

36. There is no dispute that the site is within 2kms of nearby services in a location away from any settlements. Whilst 2kms is within walking distance for many, the route to the village is not easily accessible by foot because of the lack of footpaths and street lighting along the road. That also applies to the access to the garage and general store to the north. There is nothing before me to suggest that readily accessible public transport is an option either. Occupiers are therefore likely to be reliant on the car as the main mode of transport.
37. The appellant points to some 20 planning applications made to the Council over recent years. It is clear from that list and the appended application details that new dwellings have been given planning permission and access to nearby services given as a reason to approve the application. For example, in 2018 permission was given for *a change of use of the land and siting of up to 10 residential caravans; erection of fencing at The Caravans Brockford Road*. The officer report for that site, to the north of the appeal site, refer to the location as part of the considerations regarding sustainable development.
38. Planning application ref: DC/18/02002 at The Laurels Brockford Road for *use of land for the stationing of mobile home, creation of gravel drive and shared vehicular access* was given planning permission in 2018 without reference, it

seems, to the locations being sustainable or not. The officer report of a 2016 permission at Latin Hall, Brockford Road ref:3084/16 for *erection of 2 no. dwellings including associated works* refers to the location (south of the appeal site) and states: ‘..the distance necessary to traverse without benefit of the defined pavement is relatively minor to that extent it would not be a justifiable reason for a refusal of planning permission’. That same report also refers, at that time, to an inability to demonstrate a 5-year land supply of housing.

39. The other sites also have various reasons as to why they were granted planning permission. Looking at the three I have highlighted I note that two of the sites were closer to the village than the appeal site and The Caravans had an extensive planning history. Whilst I can understand the appellant may be frustrated by what appears to be contrary decisions, all of the planning decisions flagged will have taken into account any number of considerations that may, or may not, be similar to the deliberations for this appeal. It seems to me that the much-rehearsed planning adage that each case must be decided upon its own merits applies once again in this case.
40. Furthermore, the appellant has not set out in any detail the number of vehicles that would use the site, the frequency of trips which, given the number of occupiers on site, would be a good number of trips over and above that associated with a nomadic lifestyle. At the Hearing I heard that an average number for all of the sites subject of the current appeals generate on average six vehicular trips per day but there is nothing before me to corroborate that figure.
41. The PPTS anticipates the likelihood of rural sites in the countryside and the Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas. However, there will inevitably be an increase in vehicular movements which is at odds with Policy CS10 of the CS which seeks appropriately located sites and Policy H7 of the LP which places strict control over proposals outside of the settlement boundary. It would also be at odds with the core principles of the Framework that seek to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
42. I have also considered Policy CS 2 of the CS which refers to development in the countryside and amongst other things that rural exception housing including sites for Gypsies and Travellers and travelling show people. However, there is nothing before me to corroborate the view that the site falls to be considered as an exception site as set out in the development plan.

Other matters

43. The appellant has referred to a number of matters centred on the reasons for refusal of the planning permission that was sought and refused (ref:DC/19/02974) and which preceded the issuing of the enforcement notice. Those matters included the design and layout of the plots and there being insufficient information to demonstrate acceptable living conditions for occupiers or if there would be sufficient space for landscaping and amenity space.
44. Whilst I recognise the revised drawings submitted seek to address those points, with particular regards to the amount of land available outside of Flood Zone 1, these matters did not form part of the reasons for issuing of the

enforcement notice or the Council's subsequent appeal submissions. I have not therefore considered those design aspects further. I have in any event covered the amount of land potentially available with regards to flood risk above.

45. The Council raise no particular concerns regarding highway safety. Further, I have no reason to doubt the views of those who occupy some of the caravans along this section of road, that the presence of those occupying the caravans, has added to the personal safety of those children using the highway. Furthermore, the traffic count supplied by the appellant was undisputed and whilst it is unclear what the speed limit is over the entire length of the road I accept that the Highway Authority is satisfied that there would be no harm to highway safety, provided sightlines were agreed and implemented by way of planning condition.
46. However, with regard to highway safety, the matter of sightlines was discussed on site which raised some concerns. Namely, without any accurate plans depicting vegetation, it seems that the consideration of sightlines has not taken into account, in any detail, the trees and shrubs on the road frontage. The officer report, to the original planning application, refers to roadside vegetation and from what I saw on site, there seems to be some inevitability that such sightlines would require the removal of shrubs and mature trees. That would lead to further unacceptable harm to the character and appearance of the locality and adds further weight against the change of use.
47. I have considered all of the large number of documents, plans, drawings, references to judgements and extracts from various documents submitted by the appellant but find nothing to alter my findings on the main issues.

Other considerations

Need

48. At the Hearing there was some discussion around the issue of need for gypsy and traveller sites within the district. The *Gypsy, Traveller, Travelling Showpeople and Boat Dwellers Accommodation Needs Assessment (ANA) for Babergh, Ipswich, Mid Suffolk, Suffolk Coastal and Waveney* (GTAA) was commissioned by the Council and published in 2017 to provide evidence to support the need for permanent and transit sites and moorings for the period 2016-2036. The data therein was gathered through interviews with available site occupiers.
49. The GTAA identified that Mid Suffolk needed 9 extra pitches up to 2036. The *Babergh and Mid Suffolk Joint Annual Monitoring Report 2019-2020* identified 88 pitches in the district. Taken on its face that report indicates the need has been met. However, the appellant maintains the GTAA is not a true reflection. The agent has submitted extensive evidence as presented to the examination of the Mid Suffolk Joint Local Plan. In brief that sets out that the GTAA was flawed and is now out of date. Furthermore, numerous applications have been made to the Council for sites which demonstrates an unmet need.
50. I do not doubt the appellant's agent, who has represented a number of gypsy and travellers at appeals. I also heard first-hand from many of those occupying the unauthorised plots in Brockford Road who told me they would have nowhere to go save for the roadside. That was undisputed. Furthermore, I

heard anomalies regarding a number of sites. For example, DunRoamin, a site on Brockford Road, being identified for 21 static caravans whereas in reality, on the ground, that was more like 15 to 18. In addition, the Council did not disagree that there were 17 pitches in Brockford and elsewhere that were not taken into account.

51. In face of the evidence heard, and presented, I also gave the opportunity for the Council (who put forward no policy witness) to provide an updated policy position at the Hearing but none was forthcoming. In fact to that end the Council sought to rely on the policy position "which is to be taken on its face". There is some inevitability therefore, that I find a lack of confidence in the GTAA figures being an accurate reflection of the current need.
52. In coming to that view, I note the Council's submission that whether or not there are sufficient sites should not matter and the officer's view that a lack of sites does not justify occupation of high-risk sites as is the case here. However, that does not exclude the Council from considering such matters outside of a policy vacuum, as they inevitably must form part of the overall balance.
53. Thus, I find the need for additional pitches in the district to be a matter that attracts significant weight.

Alternative Sites

54. The Council have no control over sites in the District as they are all privately owned. However, the Council is reviewing its landholding with potential opportunities for a short-term transit site although no timescales or potential outcomes are put forward. Alongside that I am informed that many of the existing sites are contaminated sites on contaminated land and no sites are available. That view was corroborated by one of the current occupiers at Brockford Road who set out, in some detail, how over a period of two years he had sought a site in the locality to be close to the hospital but to no avail. That was undisputed by the Council who identified no alternative sites save to say that Council housing would be available if required.
55. Furthermore, the suggestion that the appellants had moved from a caravan on a driveway (as there was nowhere else to go) to the site was also unchallenged. I also heard from a Parish Councillor who set out that the Parish Council valued their relationship with the Gypsy and Traveller community. Whilst there was nothing specific within the Mendlesham Neighbourhood Plan regarding the provision of an exception site, the Parish Council recognise that the plan, which was due to be reviewed, may change in respect of provision. Although any modifications could take up to 18 months.
56. Furthermore, I was informed that the County Council were resurrecting their review of gypsy and traveller sites and sites could come forward in the future. Although, this was very much at discussion stage with no timescales. Whilst both of these matters indicate potential for more sites coming forward inevitably, without any specific evidence or timeframes, they carry little weight.
57. Overall, there is nothing before me, or from what I heard, that places any certainty on how the immediate needs of those requiring a gypsy and traveller site are going to be met or any timetable for addressing a longer-term solution.
58. This lack of suitable available alternative sites also carries great weight.

Personal Circumstances

59. I recognise the appellants and their family feel part of the community and sell flowers from the site to local people. In addition, it was confirmed that the current site is occupied by the appellants and their four children one at pre-school, one at the local high school and two adult children. I recognise that the families need a registered address for school and health care and to live close by to access those services. The alternative of roadside living would not be appropriate. Although, as discussed above using the land to pursue a passion for agriculture must carry no weight given such practices are not reliant upon this specific site.
60. Case law³ establishes that the best interests of the children are a primary consideration, and a settled base rather than a predominantly road-side existence is clearly in the best interests of the children. There is a strong need for the children to have a stable base and settled upbringing. I consider that in particular the educational needs of the children are important along with access to medical facilities for the individual circumstances of the family. I therefore attach considerable weight to the personal circumstances of the appellant and family.

Balancing exercise

61. I have found the development has resulted in unacceptable harm to the character and appearance of the countryside location. That is at odds with the policies of the LP and CS, along with the Framework and PPTS. Given the extensive nature of that harm, including the effect at night, it must carry significant weight. The same applies with regards to flood risk which also weighs significantly against the development. The matter of the location of the site and reliance upon the car also weighs, albeit less than significantly, against the use for residential occupation.
62. Matters weighing in favour include the need for the site both generally and personally. That is in the face of a lack of supply and uncertainty around the future supply of sites. I also recognise the unmet need is not certain to be met in the immediate future. These matters in combination carry considerable weight. However, overall, in relation to permanent planning permission, the harms identified are not outweighed by the other considerations raised.
63. However, the considerations in favour of the appeal are sufficient to outweigh the harm on a time-limited basis. Taking account of the site occupiers' personal need for a site, and the lack of any available alternative sites, it is necessary to allow occupation of the site to continue for a sufficient time to allow alternative sites to be considered, as suggested, through the Council's Joint Local Plan Consultation, the Neighbourhood Plan review and the potential for the County Council to review their sites.
64. This conclusion is in accordance with traveller site policy and personal circumstances. Therefore, it follows that permission should be granted subject to a temporary and 'personal' condition, so that it is only for the benefit of the appellant and their resident dependents.
65. The occupiers of the appeal site would lose their homes if the appeal were to be dismissed. They would also lose their homes at some point if permission is

³ Including *AZ v SSCLG & South Gloucestershire DC* [2012] EWHC 3660 (Admin)

granted on a time-limited basis. I recognise that would represent a serious interference in their human rights. However, having taken into consideration the supply of sites and that I am not satisfied in the short term that there will be sites available, it is likely that the occupiers would have to resort to a roadside existence with poor consequences, particularly for the children.

66. In addition, the public sector equality duty (PSED) contained in the Equality Act 2010 concerns the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the site occupiers are Gypsy and Travellers, they have a protected characteristic for the purposes of the PSED. A refusal of permission for the development on a temporary and personal basis, even with the harm I have identified, would not help foster good relations between the appellant and the settled community. Therefore, the PSED adds weight to my conclusion to allow the appeal, but only for a short period because of the harm caused.
67. Thus, granting a temporary and personal permission is in accordance with the law and pursues legitimate aims of protecting the environment and is proportionate to the situation. I shall therefore allow the appeal on ground (a) to the extent that I shall grant a temporary and personal planning permission with conditions limiting occupation to the site occupiers and to three years and requiring restoration of the site similar to that of the enforcement notice requirements. These are necessary in the interests of environmental protection.
68. Given the temporary nature of the permission it would not be reasonable to impose conditions requiring further landscaping or sightlines. However, it would be reasonable and necessary, to protect the character and appearance of the countryside, to limit the number of caravans on the site, prevent commercial activities, limit external lighting, and the erection of further fences, gates and walls. Given the risk of flooding, and even though this a temporary permission, a condition to secure suitable foul and surface water drainage is necessary along with a flood evacuation plan. Conditions to ensure sufficient areas for turning vehicles and bin storage are also necessary. These will both safeguard the environment and the living conditions of those living on site.
69. I recognise the appellant was seeking, in the alternative, a temporary permission of five years but given the likelihood of policy matters regarding the provision of sites being considered in a shorter term I see no justification for any more than three years. That, in my view, would give sufficient time for alternative sites or accommodation to be found.

Overall conclusion on the ground (a) appeal

70. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal on ground (a) and the application for deemed planning permission should succeed for the material change of use, subject to conditions.
71. On this basis there is no need to consider the ground (f) and (g) appeals.

R J Perrins

Inspector

APPEARANCES

FOR THE APPELLANT:	
Stuart H Carruthers	Agent
Zoe Harbour	Appellant

FOR THE LOCAL PLANNING AUTHORITY:	
John Pateman Gee	Area Planning Manager
Simon Bailey	Enforcement Officer
Steven Bell	Solicitor

INTERESTED PERSONS:	
Liam Robson	Planning Advisor - Environment Agency
Sarah Palmer	Flood Risk Management Advisor - Environment Agency
Ali Moseley	Flood & Coastal Risk EO - Environment Agency
Andrew Stringer	District Councillor
Michael Exley	Parish Councillor

DOCUMENTS

- 1 Index Bundle to Statement of Stuart H Carruthers
- 2 Highways Consultation Letter dated 1 July 2019 ref:DC/19/02973
- 3 Refusal of Certificate of lawful Use or Development Ref: DC/21/03571
- 4 PDU4 Waveney Report Hydraulic Modelling Report July 2021
- 5 PDU4 River Waveney & Tributaries Hydrology Report August 2021
- 6 Drawing showing Draft Waveney 2021 Model Outlines for Brockford Road
- 7 A3 Drawing showing 'river to confluence' and 'river to headwater'
- 8 Email from Liam Robson to Stuart Carruthers dated 31 August 2021 regarding draft flood outlines plus attachments
- 9 Schedule of Draft conditions
- 10 Revised enforcement notice site plan

19

ANNEX A

1. The use hereby permitted shall be carried on only by Mr G Harbour and Ms Z Harbour and their resident dependants and shall be for a limited period being the period of three (3) years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
2. When the premises cease to be occupied by those named in condition 1. above, or at the end of three (3) years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment (including hardcore and hardstanding) brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
3. No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed on the site at any one time, comprising no more than two static and two touring caravans.
4. 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 and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site 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 6 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 site development scheme specified in this condition, that scheme shall thereafter be retained. 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.
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 and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) Within 1 month of the date of this decision a Flood Evacuation Plan (the Plan) for the site shall have been submitted for the written approval of the local planning authority and shall include a timetable for its implementation.
 - (ii) If within 6 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 Plan shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the Plan the use of the site will accord with it at all times. 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 and the land restored to its condition before the development took place within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of the date of this decision a scheme setting out: external lighting; areas for refuse/recycling bins storage; and areas for parking, loading, unloading and manoeuvring of vehicles, is to be submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (ii) If within 6 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 site development scheme specified in this condition, that scheme shall thereafter be retained. 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. No external lighting other than that approved under Condition 6 shall be provided without the prior written permission of the Local Planning Authority.

8. No commercial activities shall take place on any part of the site, including the storage of materials.
9. No fences, gates or walls other than those expressly authorised by this permission shall be constructed.

-END-



Plan

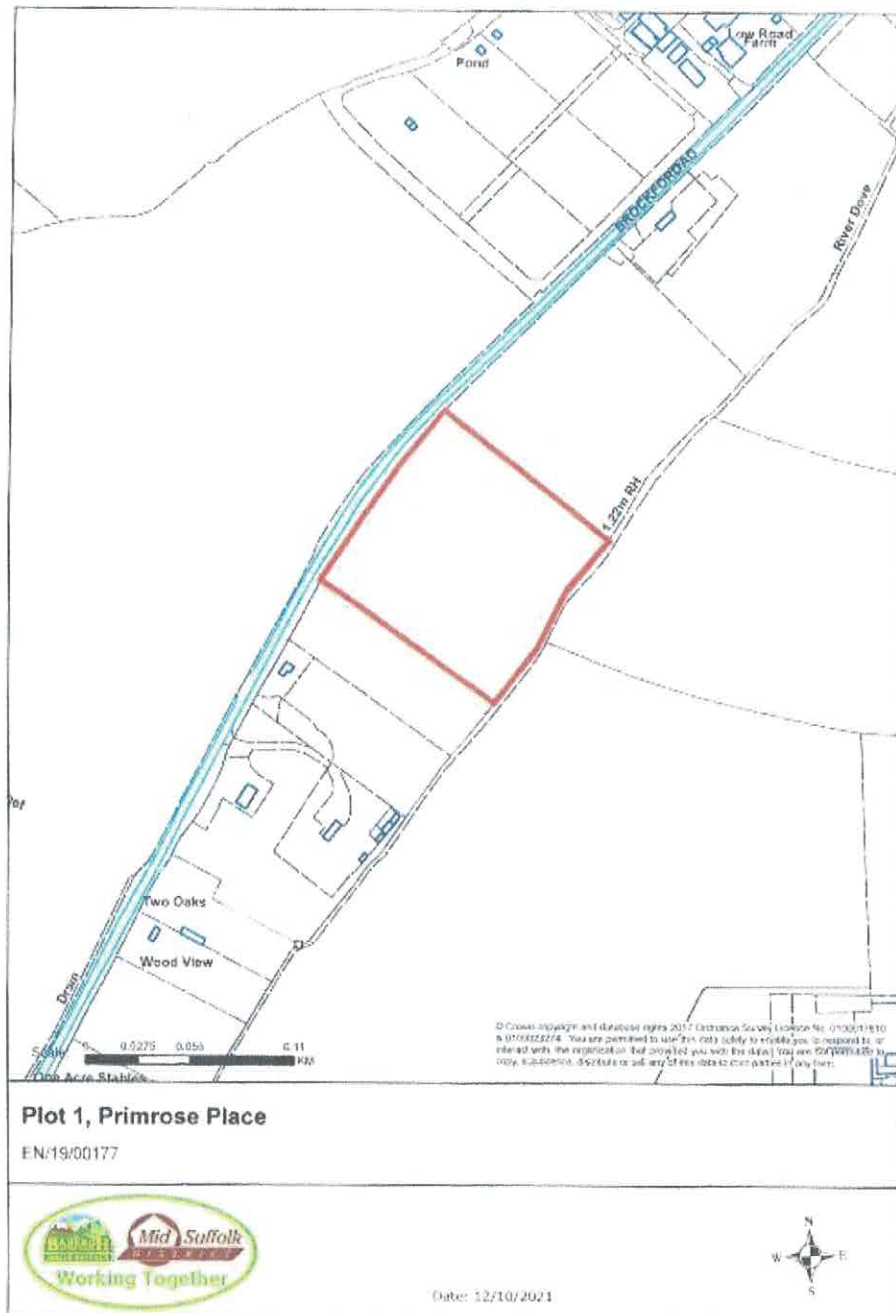
This is the plan referred to in my decision dated: 14 April 2022

by R J Perrins MA

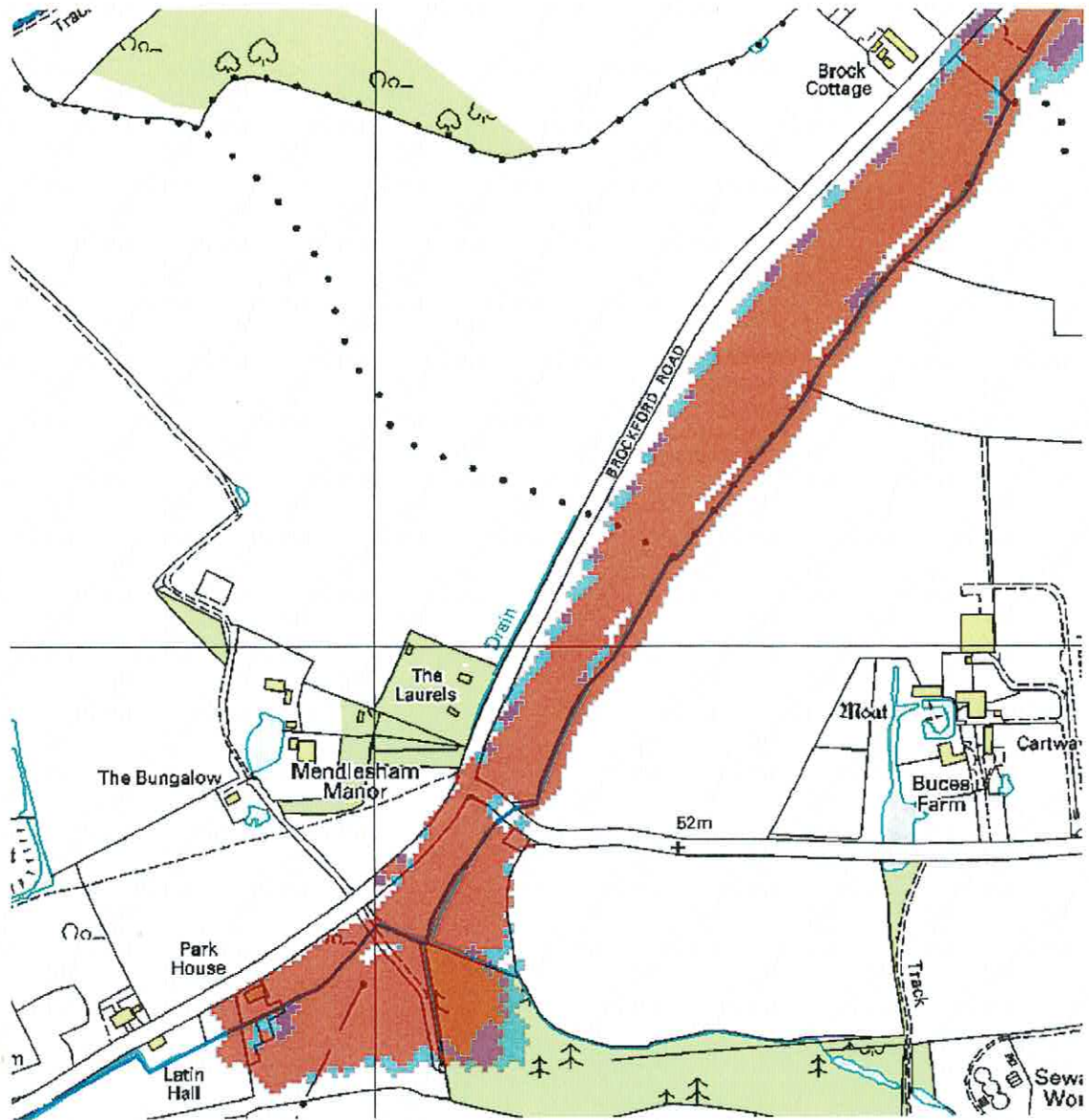
Land at: **Primrose Place, Brockford Road, Mendlesham Suffolk**

References: **APP/W3570/C/3238600/601**

Scale: Not to Scale






DRAFT WAVENEY 2021 MODEL OUTLINES – for Brockford Road, Mendlesham



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KEY

-  5% (1 in 20) Annual Exceedance Probability outline (Flood Zone 3b)
-  1% (1 in 100) Annual Exceedance Probability outline (Flood Zone 3a)
-  0.1% (1 in 1000) Annual Exceedance Probability outline (Flood Zone 2)

Flood map for planning

Your reference
Brockford Roa

Location (easting/northing)
611390/266276

Created
8 May 2022 13:13

Your selected location is in flood zone 3, an area with a high probability of flooding.

This means:

- you must complete a flood risk assessment for development in this area
- you should follow the Environment Agency's standing advice for carrying out a flood risk assessment (see www.gov.uk/guidance/flood-risk-assessment-standing-advice)

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

Flood risk data is covered by the Open Government Licence which sets out the terms and conditions for using government data. <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>









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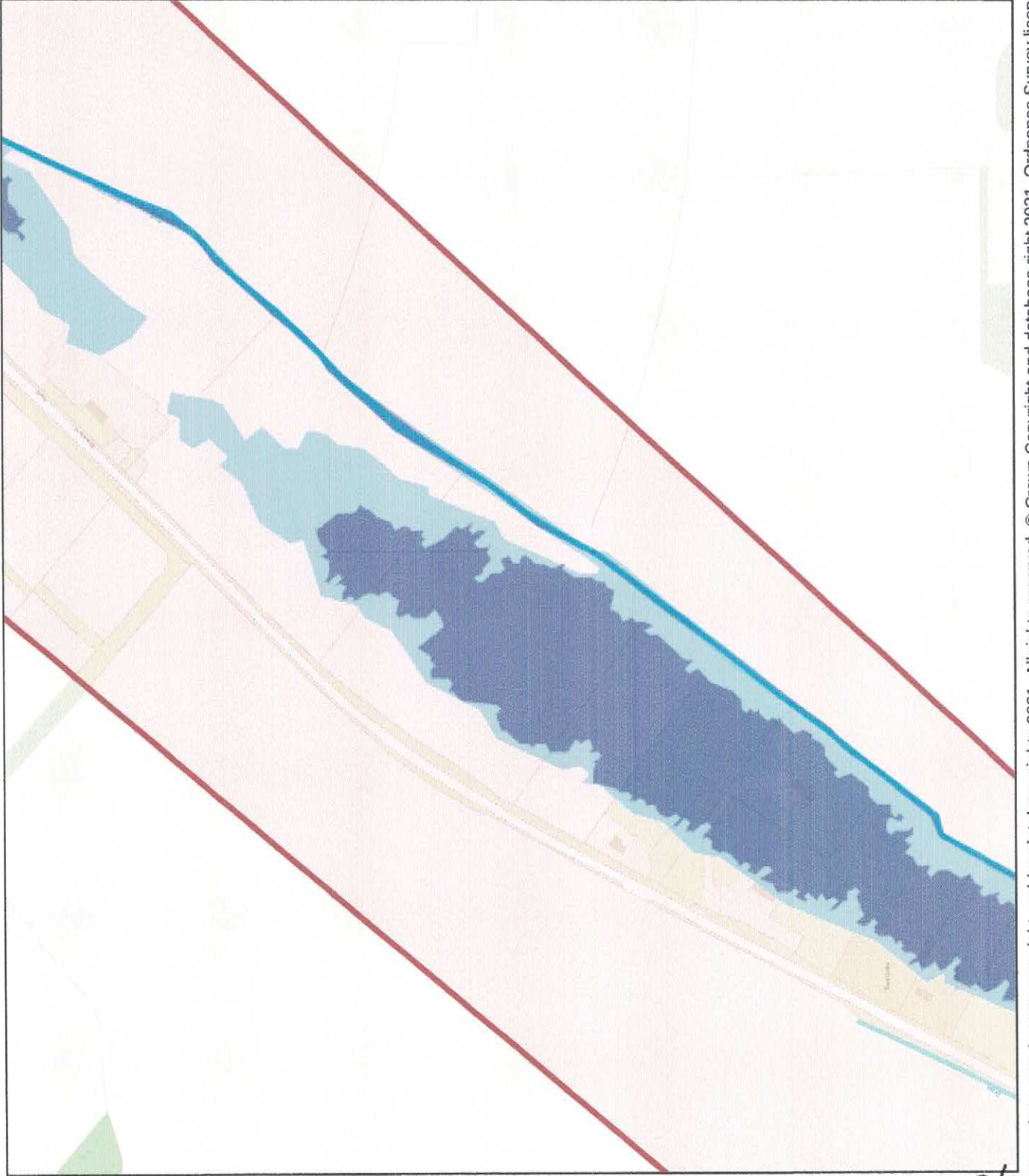


Flood map for planning

Your reference
Brockford Roa
Location (easting/northing)
611390/266276

Scale
1:2500
Created
8 May 2022 13:13

-  Selected area
 -  Flood zone 3
 -  Flood zone 3: areas benefiting from flood defences
 -  Flood zone 2
 -  Flood zone 1
 -  Flood defence
 -  Main river
 -  Water storage area
- 0 20 40 60m



Would you know what to do in a flood?



**FLOOD
ALERT**

PREPARE

- Prepare a bag that includes medicines and insurance documents
- Visit www.gov.uk/check-flooding



**FLOOD
WARNING**

ACT

- Turn off gas, water and electricity
- Move things upstairs or to safety
- Move family, pets and car to safety



**SEVERE
FLOOD
WARNING**

SURVIVE

- Call 999 if in immediate danger
- Follow advice from emergency services
- Keep yourself and your family safe

Visit check-for-flooding.service.gov.uk/plan-ahead-for-flooding

#PrepareActSurvive

Personal flood plan

What can I do NOW?



Put important documents out of flood risk and protect in polythene
 Look at the best way of stopping floodwater entering your property
 Find out where you can get sandbags
 Identify what you would need to take with you if you had to leave your home

Check your insurance covers you for flooding
 Make a flood plan and prepare a flood kit
 Identify who can help you/who you can help
 Understand the flood warning codes

What can you do if a flood is expected in your area?

Actions	Location
Home <ul style="list-style-type: none"> ● Move furniture and electrical items to safety ● Put flood boards, polythene and sandbags in place ● Make a list now of what you can move away from the risk ● Turn off electricity, water and gas supplies ● Roll up carpets and rugs ● Unless you have time to remove them hang curtains over rods ● Move sentimental items to safety ● Put important documents in polythene bags and move to safety 	
Garden and outside <ul style="list-style-type: none"> ● Move your car out of the flood risk area ● Move any large or loose items or weigh them down 	
Business <ul style="list-style-type: none"> ● Move important documents, computers and stock ● Alert staff and request their help ● Farmers move animals and livestock to safety 	
Evacuation - Prepare a flood kit in advance <ul style="list-style-type: none"> ● Inform your family or friends that you may need to leave your home ● Get your flood kit together and include a torch, warm and waterproof clothing, water, food, medication, toys for children and pets, rubber gloves and wellingtons 	

There are a range of flood protection products on the market to help you protect your property from flood damage. A directory of these is available from the

National Flood Forum at www.bluepages.org.uk

Be prepared for flooding. Act now

Personal flood plan

Name



Are you signed up to receive flood warnings?

If not call Floodline on 0345 988 1188 to see if your area receives free flood warnings.

Let us know when you've completed your flood plan by calling Floodline on **0345 988 1188**. This will help us learn more about how people are preparing for flooding.

General contact list	Company name	Contact name	Telephone
Floodline	Environment Agency		0345 988 1188
Electricity provider			
Gas provider			
Water company			
Telephone provider			
Insurance company and policy number			
Local council			
Local radio station			
Travel/weather info			

Key locations

Service cut-off	Description of location
Electricity	
Gas	
Water	

Who can help/who can you help?

Relationship	Name	Contact details	How can they/you help?
Relative			
Friend or neighbour			

Be prepared for flooding. Act now



Suffolk Flood Plan

Author:	SRF Working on Wednesday Group on behalf of SRF
Date of Implementation:	April 2018
Review:	April 2021
Version	Issue 7.1

FREEDOM OF INFORMATION ACT 2000

This document will be made publicly available through the SRF website. Where content has been redacted under the freedom of Information Act 2000 (FOI) in the publically available version, the paragraph number will be highlighted to show there has been a redaction and the relevant section of FOI referenced.

ENVIRONMENTAL INFORMATION REGULATIONS 2004

This plan presumes disclosure of all environmental information, such as likely radiation emissions, under Environment Information Regulations. Where exemptions are claimed under Environment Information Regulation 12 (5)a, this will only be where one of the responder agencies has judged that the information may adversely affect either international relations, defence, national security or public safety. Where such content has been identified, the paragraph number will be highlighted and the paragraph text removed from public versions of the plan.

PROTECTIVE MARKING

This plan uses the national protective marking system to ensure that any information within this document is protected according to its degree of sensitivity.

DATA PROTECTION ACT 1998

This plan does not include personal data that has been shared under the Data Protection Act 1998. It does include data relevant to achieve planning arrangements and identifies how more specific personal data will be used during any emergency.

STATEMENT OF COPYRIGHT

This document is subject to copyright legislation and no part or parts thereof shall be copied by any means without the approval of the Head of Emergency Planning, Suffolk Joint Emergency Planning Unit, Endeavour House, 8 Russell Road, Ipswich IP1 2BX.

REVIEW

This plan will be reviewed by the Suffolk Resilience Forum at least every 3 years. Earlier reviews will take place if there is a change in legislation or if learning from other emergencies and exercises identify the necessity for any amendments.

AMENDMENTS

Minor amendments to this plan will be issued by way of replacement page(s). Should significant changes be required, a complete re-issue of the plan will take place. Any queries about this document or suggested amendments should be sent to:

Suffolk Resilience Forum
Partnership Manager
Suffolk Joint Emergency Planning Unit
Endeavour House (GFB3)
8 Russell Road
Ipswich
IP1 2BX

Telephone: 01473 265321

Email: emergency.planning@suffolk.gov.uk

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BT
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Magnox Ltd
NHS England
USAFE (UK)
JRLO HQ 7th Infantry Brigade
RAFLO
Animal and Plant Health Agency
Anglian Water
Essex & Suffolk Water
Greater Anglia
Public Health England
East of England Ambulance Service NHS Trust
Environment Agency
Suffolk Constabulary
Suffolk Fire & Rescue Service
Suffolk CCGs
Suffolk Local Authorities
ABP Ipswich
ABP Lowestoft
Hutchison Ports Felixstowe
Harwich Haven Authority
Norfolk Resilience Forum
Essex Resilience Forum
Cambridgeshire Resilience Forum

AMENDMENT RECORD

Amend No.	Date	Carried out by	Amendments made
7.1	19 Feb 19	LANGFORD	Various changes to Annex H.

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1 INTRODUCTION

1.1 Background

This plan summarises the Suffolk response to major flood events to allow co-ordinated contingency planning to take place between individual agencies. This plan accords with national policies on flood and coastal erosion risk owned by Department for Environment, Food and Rural Affairs (DEFRA), the [National Flood Emergency Framework for England](#) which covers the development, maintenance, testing and, where necessary, implementation of operational response arrangements and the [flood information services](#) managed by the Environment Agency (EA). The plan also links with the Government Coastal Flood Group: Response and Recovery Guide and the East Coast Flood Emergency Framework.

This multi-agency flood plan is supported by the detailed plans of each agency involved to deliver the roles and responsibilities mentioned later. This plan does not cover the provision of coastal defences that are covered separately in works programmes agreed between DEFRA and local authorities as part of the strategy, '[Making Space for Water](#)'.

1.2 Major flooding incident

A major flooding incident is one involving, or threatening to involve, any of the following:

- The flooding of a significant number of properties.
- A risk to the safety and/or welfare of the public.
- Disruption to critical infrastructure.

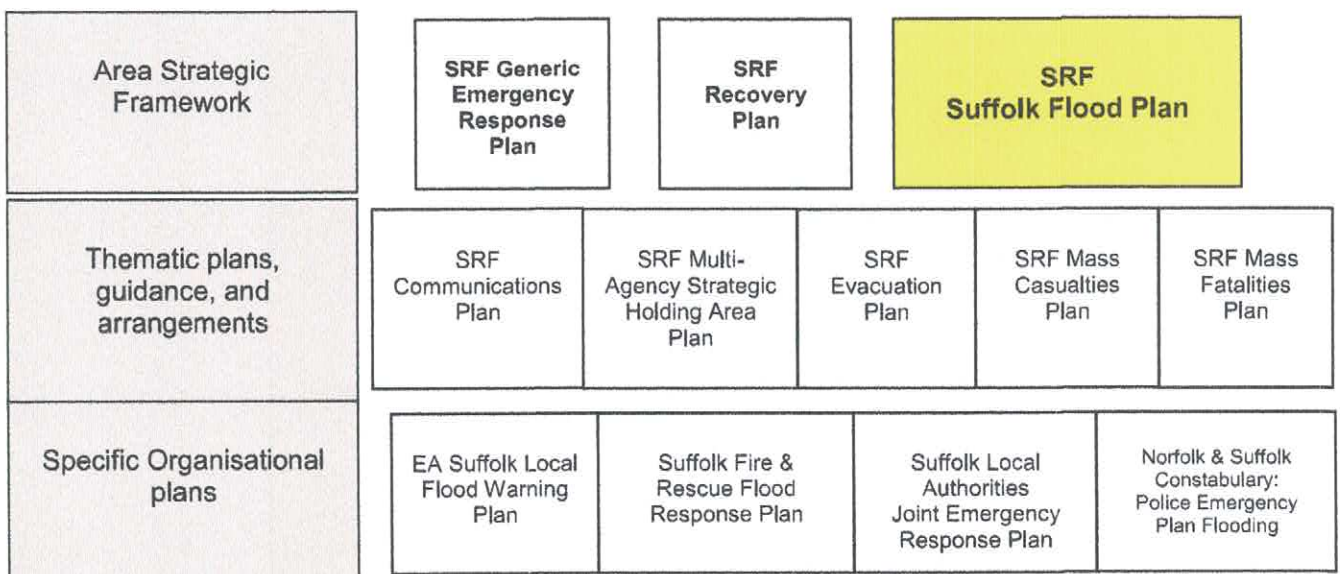
The emergency response encompasses the direct effects of flooding (e.g. rescuing individuals, ensuring the welfare of evacuees) and the indirect effects (e.g. economic disruption, media interest). Depending on the scale of flooding, the response / recovery effort may last for weeks.

This plan does not cover flood risks from:

- Foul sewage
- Burst water main
- Private lakes.

1.3 Related/inter-dependant plans

The diagram below details how this plan links with other SRF and partner agency response emergency plans:



2 AIM AND OBJECTIVES

2.1 Aim

The aim of this plan is to provide a multi-agency framework to coordinate the response plan to a large-scale flood event in Suffolk.

2.2 Objectives

The objectives of the plan are to:

- Identify the types and nature of the flood risk in Suffolk.
- Prepare key parts of the community susceptible to flooding through the provision of advice and information.
- Outline the activation procedures for the multi-agency emergency response.
- Agree areas of responsibility between organisations.
- Manage the wider impact on Suffolk of flooding events to reduce disruption to the countryside, utilities, infrastructure, or communities.
- Outline the actions needed for successful recovery.
- Link to national and neighbouring local Flood Response Plans.

3 RISK

3.1 Risk

The Suffolk Community Risk Register identifies the overall threat of flooding as **MEDIUM**. Therefore, procedures have been developed to reduce or eliminate the risk, and that mitigation exists in the form of multi-agency planning. Flood risk is identified and analysed in three stages:

- Establishing the source of a potential flood hazard, e.g. river, drainage system, or tidal or coastal waters.
- Identifying the paths (pathway) that the source would take during times of flood, and at different levels of flooding. For example, whether the source would run into and fill natural areas like flood plain, be stored in man-made flood areas, or spread into a residential area.
- Evaluating what the impact would be the on the people, property and the environment (the receptors) affected by flooding. This includes physical, emotional, social or economic harm.

Risk Description	Risk Level
Flooding: Major coastal flooding	MEDIUM
Local / urban flooding (pluvial or surface water run-off)	MEDIUM
Local tidal flooding	MEDIUM
Local fluvial flooding	LOW

In total, approximately 14,935 properties in Suffolk are at risk of flooding of which 11,736 are at risk on the coast. In addition, many more people who either work in, visit or travel through potentially vulnerable areas, could be unfamiliar with the risk.

As a result of climate change, both the chances and consequences of flooding are likely to increase. Sea level rises, more frequent and higher storm surges, wetter winters and more intense summer rainfall will add to the existing risk and it may not prove possible to improve fixed defences sufficiently to maintain or raise protection standards.

An assessment of the risk of flooding in Suffolk is available on the [SRF Community Risk Register](http://www.suffolkresilience.com/community-risk-register) (www.suffolkresilience.com/community-risk-register).

3.2 Types of Flooding

Sources and types of flood risk in Suffolk include:

- Fluvial flooding (rivers)
- Coastal flooding
- Surface water flooding/pluvial flooding (excessive run-off)
- Groundwater flooding (high water table)
- Reservoir flooding/dam inundation.

In some areas it is difficult to establish the underlying cause of flooding. Increased infiltration and a rise in the water table may result in failure of drainage systems such as sewers; these cease to function properly when experiencing excess groundwater flow. Failure of the drainage system may cause surface water flooding which can increase the level of watercourses and the likelihood of them breaking their banks.

The command and control response structure described in this plan will be used regardless of the type of flooding experienced.

3.3 Fluvial Flooding

River (fluvial) flooding occurs as a result of water overflowing from river channels. The two key factors in fluvial flooding are: the volume of rainfall; and the capacity of the ground and rivers to absorb and transport the water. The 5 main rivers in Suffolk are below:

- The River Stour forms the main part of Suffolk's southern border with Essex and is the longest River in the County. Predominantly rural, there are three main urban centres: Haverhill in the upper catchment, Sudbury on the mid-Stour and Hadleigh on the River Brett, a tributary of the Stour.
- The River Waveney forms the majority of the northern border with Norfolk. The second longest river is again predominantly rural; the main urban centres are Diss, Norfolk at the top of the catchment, Bungay and Beccles at the tidal limit where it becomes one of the Broadland rivers and Lowestoft on the coast.
- The River Lark flows northwards through Bury St Edmunds, into the River Ouse in Cambridgeshire.
- The River Gipping rises above Stowmarket and flows southeast into Ipswich at its' tidal limit where it becomes the River Orwell which flows into the sea at Felixstowe.
- The River Deben rises above Debenham is mostly rural, apart from Woodbridge near the tidal limit.

The east of the county comprises numerous, mostly rural rivers: the Blyth, the Walpole, the Thorpeness Hundred River and the rivers Alde, Ore, Minsmere and Fromus.

3.4 Coastal Flooding

The primary factors for coastal flooding in Suffolk are the low-lying nature of the land, the length of the coastline and the proximity of the population to that coastline. The Suffolk coastline, including the numerous estuaries, is 223 miles long with both defended and undefended floodplains. The defences are owned and maintained by the Environment Agency or Local District Council depending on the stretch of coast. The standard of coastal defences varies from area to area, for more details see the Suffolk Local Flood Warning Plan, owned by the Environment Agency.

Flooding from the sea is most likely during a North Sea Surge event when an area of low pressure, moves eastwards across the Atlantic towards the British Isles, it can raise the level of seawater beneath it by up to a third of a metre. If this 'plateau' of sea water passes north of Scotland and then down into the shallow basin of the North Sea, perhaps further heightened by strong winds from the north, it can cause excessively high surge tides into the Southern North Sea of up to 2 metres. When a surge tide coincides with a spring tide, which occurs twice monthly, flooding would be a serious possibility.

Dependent on weather conditions a storm surge can also create an increased risk of subsequent cliff collapse when strong onshore winds and higher tides erode cliff edges. Management of large sections of the cliff edge rests with Coastal Partnership East, part of East Suffolk Council. They are responsible for promulgating information and warnings through the winter and after significant coastal tide surges.

3.5 Tidal flooding

Suffolk is also affected by tidal flooding. This is where the high water affects the ability of fresh water to drain to the sea, or salt water is forced deeper into fluvial systems. This can cause flooding in some parts of Suffolk:

- Tidal parts of the River Waveney which is part of the larger Norfolk Broads system which can only drain out into the North Sea at Great Yarmouth.
- Rivers Alde and Ore.
- River Deben.

3.6 Surface water flooding

The critical factors for surface water flooding, also known as pluvial flooding, are: the volume of rainfall; where it falls; and its' intensity. In urban areas, sudden and intense rainfall cannot drain away as quickly as it can in rural areas where the soil is exposed. It can also occur where no watercourse exists. Due to its' nature, surface water flooding is hard to predict and the scope for providing warnings is limited.

3.7 Groundwater flooding

In some parts of west Suffolk, due to underlying geology, very high groundwater levels can see ephemeral springs develop or groundwater levels to be such that basement cellars can occasionally be inundated. This tends to occur after much longer periods of sustained rainfall. Higher rainfall means more water will infiltrate the ground, thus causing the water table to rise above normal levels. The main risk area is in the west of the county. When properties suffer from groundwater flooding there is very little that can be done to prevent the water rising. It also takes longer to disperse because groundwater dissipates more slowly than surface water.

3.8 Reservoir flooding / dam inundation

The 'Reservoirs Act 1975' provides a legal framework to ensure the safety of reservoirs. This only applies to reservoirs which hold a certain threshold of water above natural ground level. Under the Flood and Water Management Act 2010, upper tier Local Authorities are required to

prepare specific off-site plans for any reservoirs within their geographical area that have been assessed as being of 'high priority'. There are a number of high risk reservoirs within Suffolk. The Reservoir Emergency Off-site Plans which provides information and instructions for reservoir inundation emergencies within Suffolk are at Annex A.

IF YOU ARE RESPONDING TO A RESERVOIR EMERGENCY, TURN IMMEDIATELY TO ANNEX A FOR ACTIVATION, NOTIFICATION & IMMEDIATE TASKS.

A complete list of reservoirs and relevant contact details are available on the Environment Agency's website available at:

<http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=reservoir#x=357683&y=355134&scale=2>

The maps which have been produced for emergency planning purposes depict the maximum area that could be flooded in the event of a worst-case reservoir failure scenario if the dams completely failed. They are based on a simplified modelling approach. Actual reservoir failure may give rise to conditions (flooded areas, flood depth, extent, velocity, hazard, and timing) which vary significantly from those indicated. The maps show the consequences of reservoir flooding, not the likelihood of the risk of flooding.

3.9 Flooding of property

Flooding can impinge on properties in a variety of ways. The definitions below may help to distinguish between these effects:

- 'Flooded' properties are those in which floodwater has entered the main interior of the home/business. This includes flooding of basements or sub-floors.
- 'Affected' properties are those which have had their exterior damaged by floodwater. Sheds, garages, outbuildings, gardens and walls are included in this category.
- 'Impacted' properties are those where floodwater has caused no actual damage to the interior or exterior, but has had other consequences for the owner (e.g. difficulty in access/egress due to the highway being flooded).

For a map of the Flood risk areas for Suffolk and a list of Environment Agency Flood Alert and Flood Warning Areas, see Annex B.

4 ALERTING PROCEDURES

4.1 Environment Agency Flood Information Services

The Environment Agency provide a continuous flood information service to the public, media, businesses and partner organisations. This service includes:
Monitoring river levels, weather and tidal conditions using Met Office warnings, radar, gauge stations and rainfall levels.

Utilising scientific models to forecast the likelihood of flooding.

The Environment Agency can only provide a flood information service for main-river (fluvial) and coastal (tidal) flooding. They cannot provide a flood warning service for surface water flooding or sewer flooding. The Environment Agency's warnings are disseminated through a variety of mediums e.g. broadcast medium and automated messages. If the usual mediums are unavailable then alerts can be disseminated to the public via alternative means: social media, loud hailer, door-to-door communications, local Community Emergency Teams and telephone operators.

The 'Environment Agency Local Flood Warning Plan' includes information about each of the flood warning catchments areas. Each section contains a map and information about:
Areas affected:

- The number of properties affected
- The probability of flooding
- The communication of flood warnings
- The history of flooding
- The location of flood defences
- The Environment Agency's operational response
- Contingency warning arrangements.

The Environment Agency provides individual warnings to communities in danger of flooding. It is important to note that communities within the county may be issued with different warnings dependent upon the conditions within the individual area.

For more information about the Environment Agency's flood information service (including a list of which organisations receive flood warnings) refer to the 'Environment Agency Local Flood Warning Plan'.

4.2 Flood Warning Codes

"Flood Warning Codes" is the name given to the three stages that the Environment Agency uses to warn the public of impending flooding. They are sent to the media for dissemination and also to resilience partners for information or action. The 'Flood Alert' and 'Flood Warning' warnings used are based on likelihood and timing of different levels of flooding within a community / catchment area. Severe Flood Warnings are based on likelihood and/or impact. They do not relate to the personal impact on individual members of the public. More detail information on the Flood Alert and Warning Codes is at Annexes B and C.

4.3 Targeted Flood warnings

The EA provide a Targeted Flood Warning Service (TFWS) which is a web-based flood warning service to provide organisations with a more targeted and efficient service for a number of registered assets and locations. This service provides email notifications and displays flood warnings relating to relevant assets stored within the system being affected by flood warnings as a stand-by / preparedness notification as well as a stand-down once the risks have receded.

4.4 Environment Agency gauges & river level information

The Environment Agency use gauges on watercourses to monitor river levels. Gauges are strategically located throughout Suffolk. When river levels reach a pre-identified threshold the Environment Agency may issue a flood warning for the relevant area. On-site observation and other factors (e.g. weather conditions) may also be considered before issuing a flood warning. Current river level information can be accessed via the Environment Agency website: www.environment-agency.gov.uk/riverlevels.

4.5 Severe Weather Warnings

The Met Office warns relevant organisations, the media and the public of severe weather through the National Severe Weather Warning Service (NSWWS) - www.metoffice.gov.uk/public/weather/warnings. Severe Weather Warnings are issued when the following types of weather are forecasted:

- Severe gales
- Storms

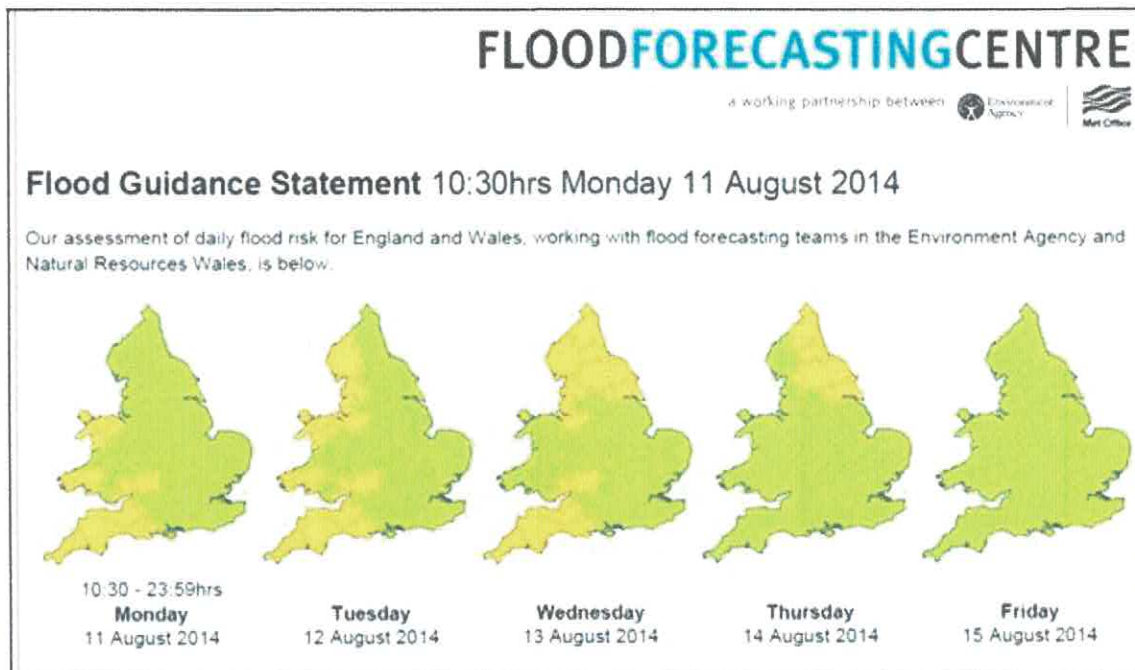
- Heavy snow
- Blizzard
- Heavy rain
- Fog
- Widespread icy roads, glazed frost, freezing rain.

These weather conditions can increase the likelihood of flooding and/or have a detrimental effect on any emergency response. Met Office Advisors (Civil Contingencies) can make media statements regarding the weather.

4.6 Flood Guidance Statements

'Flood Guidance Statements' are issued by the Flood Forecasting Centre (FFC). This service, run jointly by the Met Office and the Environment Agency, aims to provide more accurate forecasts all types of natural flooding - river, coastal, groundwater and surface water flooding. Flood Guidance Statements (see example below) provide:

- An overview of the flood risk across England and Wales over a five-day period
- A summary of any Flood Warnings and Severe Weather Warnings in force
- A description of the current situation and how it may develop.



If the assessment is YELLOW, the EA will issue a narrative e-mail to key SRF partners giving more local information and the likely progress of the situation. If the assessment is AMBER, this will be supplemented by a Flood Advisory Service teleconference (see below), convened by the EA, to ensure a common picture and understanding of developing flood risk is available. This will enable SRF partners to assess and share flood risk information, coordinate any multi-agency preparatory activity and possibly to consider the need to activate the Strategic and Tactical Co-ordination Centres.

The public can view a version of the FGS for 3 days ahead via Gov.uk - <https://flood-warning-information.service.gov.uk/5-day-flood-risk>.

4.7 Flood Advisory Service

The Environment Agency Flood Advisory Service (FAS) is designed to provide more co-ordinated and consistent information for partners on developing flood risk, to enable them to make more comprehensive decisions on whether to activate flood plans. The service involves a joint teleconference chaired by a local Environment Agency representative, with the assistance of the Met Office Advisor (Civil Contingencies) where possible.

The Environment Agency will decide when to initiate a teleconference based on forecasts in the Flood Guidance Statement e.g. when Suffolk is indicated as a medium (AMBER) risk of flooding, or upon receiving other significant information (See Annex D).

4.8 Met Office Hazard Manager

During a flooding incident, Met Office Hazard Manager may prove a useful tool for responders. Hazard Manager is a web portal providing a one-stop information source for the emergency response community, allowing access to all services in one location. The services currently available on Hazard Manager are:

- Flood Forecasting Centre with extreme Rainfall Alert updates in England and Wales
- Interactive Map Viewer with weather information
- National Severe Weather Warning Service
- Natural Hazards Partnership Daily Weather Assessment
- Emergency Support – this service provides two types of information: up-to-date observations and forecast information and emergency event-specific contents
- FireMet and CHEMET services (approved subscribers only).

When appropriate, the Met Office Advisors (Civil Contingencies) will also send an e-mail to local partners informing them of weather-related risks. In response, the JEPU will consider whether to convene a multi-agency teleconference on behalf of SRF partners to plan and identify any requirement for a multi-agency response.

5 ACTIVATION

5.1 Alerting

Any incident attended to by the Emergency Services has the potential to expand into an emergency or major incident situation. The Emergency Services control rooms have agreed to routinely share incident information with Suffolk Local Authorities (through the JEPU) when a certain level of routine response is reached to provide warning of the potential for a major incident situation and to initiate emergency preparedness arrangements.

Additionally, any Category 1 or 2 responder can also request the convening a formal or informal meeting (known as a GOLD-lite meeting) through the Joint Emergency Planning Unit Duty Officer (EPDO), if they consider that a potential flood incident has been identified, formally or informally, that is likely to necessitate a multi-agency response. This should include all SRF partners (Cat 1 & 2) likely to play a role in a full multi-agency preparedness and response (SCG Checklist).

The Major Incident declaration at paragraph 5.3 below recognises that an early decision by the SCG (full or lite) enables responders to resource and manage the incident. In a 'Rising Tide' event this may entail the formation of the TCG to conduct planning and coordinate the implementation of plans (evacuation or deployment of temporary defences) ahead of predicted events. The SCG is able to provide oversight without having convened at the StratCC as laid

out in paragraph 2.2 of the SRF Generic Response Plan - <http://www.suffolkresilience.com/emergency-plans/generic-emergency-response-plan/>.

5.2 Activation criteria

The triggers that may lead to the activation of this plan are:

- Met Office National Severe Weather Warning
- Environment Agency Flood Warnings (more than one warning forecast or actual Flood Warning in place in SRF area)
- Flood Guidance Statement (YELLOW, AMBER or RED)
- Decision made by organisations participating in a Flood Advisory Service (FAS) teleconference, based on forecast information provided. (See Annex D)
- Higher than average river levels
- Breach of a reservoir affecting SRF area
- Reports of flooding problems within SRF area from other organisations
- High numbers of calls from the public reporting flooding.

This plan may also be activated if flooding affects/or is likely to affect Suffolk in any of the following ways:

- Requiring resources or services not normally/immediately available to the emergency services
- Threatening the health and safety of the public
- Threatening critical infrastructure, such as power and water supplies.