

Objection – Revised Drainage Submission – DOC/2026/0057 (Discharge of Conditions 20 and 21 pursuant to SMD/2022/0532) – Land East of Sugar Street, Rushton Spencer

31st May 2026

Dear Sir/Madam,

I write to submit an objection in relation to the revised drainage details submitted under DOC/2026/0057 concerning Conditions 20 and 21 attached to planning permission SMD/2022/0532.

The revised submission confirms that the drainage strategy approved under DOC/2024/0027 did not reflect the infrastructure required under Environment Agency Permit EPR/NB3349KM.

The revised submission therefore represents a substantive alteration to the drainage strategy and raises additional issues which have not been properly assessed within the current submission.

The revised drainage information remains materially inaccurate, incomplete, and internally inconsistent for the following reasons:

1. Material Change to the Approved Drainage Strategy

The revised submission introduces infiltration infrastructure which was absent from the previously approved drainage drawings. The Environment Agency permit expressly requires discharge via a perforated pipe arrangement.

This alters the functional operation of the drainage system and introduces direct interaction with ground conditions and groundwater pathways. These are material considerations which were not assessed within the original approval of Conditions 20 and 21.

The revised submission therefore represents more than clarification or minor amendment to previously approved details and requires full technical reassessment and consultation and raises serious doubt as to whether a discharge of condition application provides an appropriate mechanism for determining the revised drainage proposals.

2. Failure to Properly Reflect the Requirements of EA Permit EPR/NB3349KM

The revised drawing appears to indicate only a short section (approximately 2m) of perforated pipe between the brake chamber and existing open chamber.

However, the Environment Agency permit states:

"The discharge must be made via a perforated pipe. Any section of that pipe which lies within 10 metres of the bank of any watercourse shall be perforated..."

The submitted details do not clearly demonstrate compliance with this requirement, nor do they explain how the revised arrangement aligns with the permitted discharge methodology.

The revised report also continues to describe discharge to an "open watercourse" despite acknowledging that the feature originates from the outfall of a 150mm culvert pipe and follows a heavily engineered and culverted drainage route.

If the stream commences from the outfall of the culvert, all pipe within a 10m radius will have to be perforated to comply with the EA condition.

3. No Assessment of Ground Conditions or Infiltration Feasibility

The applicant's own ground investigation identifies clay conditions and records that BRE365 soakaway testing produced no result due to clay subsoils.

Despite this, the revised scheme introduces infiltration infrastructure without providing:

- percolation testing at the perforated pipe location;
- infiltration assessment;
- groundwater interaction assessment;
- explanation as to how infiltration will function under the identified ground conditions.

The submission therefore fails to demonstrate that the proposed drainage arrangement is technically viable.

In addition, together with localised saturated conditions. Introducing infiltration infrastructure at higher ground has the potential to alter local groundwater pathways and may influence the location and timing of groundwater emergence at lower elevations where preferential pathways exist. No assessment has been provided regarding whether the proposed infiltration arrangement could alter existing groundwater movement, emergence points, or downstream flow behaviour.

4. Interaction Between Pumped Surface Water and Treated Effluent Not Assessed

The revised submission appears to propose that both treated effluent and attenuated surface water discharge via the same perforated pipe arrangement.

However, the submission does not explain or assess:

- how the combined system is intended to operate hydraulically;
- whether periodic pumped surface water flows could affect infiltration performance;
- whether pumped flows could reduce retention time within the perforated section;
- how the proposed arrangement would function during seasonal wet or dry conditions;

- whether the proposed infiltration section is intended to accommodate foul flows, surface water flows, or both.

No explanation is provided regarding the separation (or lack of separation) between surface water management and foul drainage infrastructure.

Furthermore, the relationship between the proposed perforated pipe and the receiving environment remains unclear. The submitted drawing appears to provide approximately 2m of perforated pipe only, whereas the Environment Agency permit requires perforation within 10 metres of the bank of the receiving watercourse.

The applicant's report states that the receiving watercourse commences at the outfall of a 150mm culvert. However, if the submitted arrangement relies upon an additional section of land between the perforated pipe and the commencement of this feature, no explanation has been provided regarding the hydraulic function of this intervening area.

It remains unclear whether this section represents infiltration ground, overland flow, saturated land, seepage pathways, or part of the receiving environment itself.

Clarification is therefore required regarding how the 10m perforation requirement has been interpreted and how the receiving environment has been defined.

In addition, the submitted information indicates that both pumped surface water and treated effluent may ultimately pass across the same section of land before entering the downstream ditch or culvert network. However, no explanation has been provided regarding the hydraulic function of this area or whether it forms part of the drainage system itself.

If this area is relied upon to convey pumped flows toward the downstream ditch or culvert network, it represents an active component of the drainage strategy rather than incidental land between the discharge point and receiving environment. No assessment has been provided regarding:

- saturation effects;
- overland flow behaviour;
- groundwater interaction;
- retention characteristics;
- the effects of periodically pumped flows on downstream hydraulic behaviour.

This omission is significant because the proposed arrangement appears to rely upon an undefined section of ground as part of the overall drainage system whilst providing no assessment of its function or performance.

5. Failure to Assess Downstream Receptors and Flow Path

The revised submission continues to omit proper assessment of the downgradient receptor, namely the Old Vicarage well.

The British Geological Survey record 185723 (SJ96SW53) identifies the Old Vicarage well as a spring-fed feature, indicating a groundwater-fed receptor rather than a simple surface drainage feature. Despite this, no assessment of potential interaction between the proposed infiltration arrangement and this receptor has been provided.

The drainage route description also remains materially incomplete.

The discharge pathway does not simply pass directly to Rushton Brook. Flows first appear to pass through saturated ground at the lower end of Billys Croft garden before emerging through a series of historic trough features (now overgrown) adjacent to Leek Old Road. Flow then enters a culvert beneath Leek Old Road before emerging within the Old Vicarage well. When the well reaches capacity, overflow enters a separate downstream culvert network.

The applicant's own hydrology report (sections 2.2 and 2.3) indicates that this downstream network ultimately interacts with highway drainage infrastructure before discharging to Rushton Brook approximately 170m to the south-west.

The approved drawings and drainage reports do not identify the Old Vicarage well as part of the receiving environment or downstream flow pathway. Consequently, no assessment appears to have been undertaken regarding interaction between the proposed discharge and this receptor.

Prior to 1 October 2024, green dye was observed within the Old Vicarage well. This observation was subsequently brought to the attention of the applicant and the well was physically shown to them on site. Whilst the point of introduction of the dye has not been independently verified, the observation indicates a potential hydraulic connection requiring assessment.

Despite this information having been drawn to the applicant's attention, the revised submission continues to omit the well from the receiving environment description.

The receiving watercourse is seasonal, with no flow for approximately three months each year, and the well flow is intermittent in spring and autumn.

During seasonal low-flow or dry conditions, it remains unclear whether the well may act as a temporary retention feature prior to onward overflow. During prolonged dry periods:

- the ditch / well functions as an infiltration feature, not a receiving stream;
- the Old Vicarage Well becomes the primary receptor; and
- any discharge reaching the well will be effectively 100% treated effluent, with no dilution.

No assessment has been provided regarding:

- water quality;
- retained flows (Stagnation Risk);
- residence times;
- receptor impacts.

No:

- receptor assessment;
- water quality assessment;
- baseline hydrological assessment;
- retained flow assessment

has been provided.

Without this information Conditions 20 and 21 cannot reasonably be discharged.

6. Groundwater Sensitivity and Proximity to Historic Borehole

The site lies within a designated Source Protection Zone, indicating sensitivity in relation to groundwater.

In addition, there are known historic borehole (BGS Ref SJ96SW2 / SJ96/23) and well features in close proximity to the proposed drainage and infiltration infrastructure.

The revised submission does not identify or assess these features, nor does it demonstrate how the proposed discharge arrangement (including the perforated infiltration element) has been considered in relation to groundwater protection.

In the absence of this information, it is not clear how potential interactions with nearby groundwater receptors have been assessed, particularly given the sensitivity of the location and the proposed introduction of infiltration to ground.

7. Surface Water Treatment Requirements Still Not Addressed

Condition 21 specifically requires treatment of runoff from gravel and permeable surfaced areas before discharge.

The applicant's previous correspondence referred to a surface water interceptor. However:

- no interceptor is shown;
- no treatment specification is provided;
- no maintenance details are included.

Accordingly the submission fails to demonstrate compliance with Condition 21.

8. Downstream Capacity Issues Not Assessed

The submission does not adequately assess:

- downstream culvert capacity;
- interaction with highway drainage infrastructure.

The applicant's own report (section 2.3) acknowledges that downstream flows ultimately interact with the same culvert network serving highway drainage infrastructure near Sugar Street, despite connection to the highway drainage network having previously been refused.

In addition, previous Environment Agency consultation identified potential downstream culvert capacity concerns beneath Old Leek Road. At periods of heavy rainfall, when the capacity of the culvert beneath Leek Old Road is exceeded, flows are understood to overtop and travel down Leek Old Road toward the highway gullies at the bottom of Sugar Street.

Internal EA correspondence dated 28 January 2025, obtained via a Freedom of Information (FOI) request, explicitly states:

“The culvert under Leek Old Road is probably too small and needs making bigger but that is of course a local authority issue.”

In addition, the revised submission appears to propose collection of attenuated surface water from the development site and its subsequent mechanical pumping, together with secondary treated effluent, toward an elevated receiving feature and associated downstream drainage pathway. The submission does not assess the implications of mechanically redistributing surface water and treated effluent in this manner, nor does it explain whether the receiving environment has capacity to accommodate these additional pumped flows.

Whilst attenuation may reduce peak discharge rates from the development site, attenuation does not remove water from the system. The attenuated volume must ultimately be discharged to the receiving environment. The submission does not assess whether the receiving drainage network has sufficient capacity to accommodate the cumulative effects of these delayed but additional discharges, particularly during prolonged storm events when downstream infrastructure may already be operating at or near capacity.

The submission also provides no assessment of pump operating regimes in relation to downstream hydraulic conditions. A pumped discharge system is capable of introducing flows into the receiving environment independently of natural runoff processes. Consequently, during periods of heavy rainfall, when downstream culverts, ditches and drainage infrastructure may already be approaching capacity, operation of the pumping station could continue to introduce additional flows into the system. No

assessment has been provided regarding the interaction between pump operation, attenuation storage levels, downstream capacity constraints or exceedance events.

Unlike natural runoff conditions, this arrangement appears to introduce additional flows into a hydraulic system at controlled discharge rates and at a different location from where runoff would naturally emerge. No assessment has been provided regarding:

- cumulative flow behaviour;
- interaction with existing groundwater emergence points;
- effects on downstream receptors (can the 170 year old well accommodate the additional intermittent flow rates, will this impact on the amenity of the Old Vicarage, the well is open to the garden) ;
- consequences for culvert capacity and exceedance flows;
- potential downstream effects arising from this altered drainage regime.

No downstream hydraulic assessment or exceedance flow assessment has been provided.

9. Unknown Source, Catchment, and Baseline Flow Rates

The applicant report states that the watercourse "*commences from the outfall of a 150mm diameter culvert located on higher ground to the east*" but ignores where that water originates stating "upstream route unknown".

Without knowing the upstream catchment area or what feeds that 150mm culvert, the applicant cannot accurately calculate the baseline flow of the stream during a storm. If a major storm hits, that existing 150 mm pipe might already be running at 100% capacity.

Adding a further pumped discharge of up to 4.0 l/s from the development into the same downstream system has the potential to alter flow characteristics and capacity requirements. Without identification of the upstream catchment, baseline flow regime, or available capacity within the receiving network, it is not possible to determine whether the proposed discharge represents a material increase in flows during storm conditions.

No assessment has been provided regarding:

- existing peak flows within the receiving system;
- the contributing catchment feeding the 150 mm culvert;
- available downstream capacity;
- cumulative effects of the proposed discharge during storm events.

Accordingly, the baseline receiving environment has not been adequately characterised.

10. Inconsistency in Drainage Routing and Receiving Environment Identification

Two Environment Agency permit submissions relating to the same receiving environment appear to depict materially different routes and characteristics:

- EA Permit Application Ref I/NPSWQD001444/001 (2008);
- EA Permit Ref EPR/NB3349KM (2025).

The earlier submission appears to show a route labelled Rushton Brook extending across land where:

- no clearly defined watercourse is visible;
- observed landform appears inconsistent with the route shown;
- no corresponding named watercourse appears on mapping.
- residents confirm no stream exists in the location suggested by the applicant.

The revised submission instead describes:

- discharge toward a feature originating from a 150mm culvert;
- routing through a ditch and culverted network;
- omission of the saturated area at Billyscroft and the Old Vicarage well.

These inconsistencies create uncertainty regarding:

- the identity of the receiving environment;
- downstream hydraulic continuity;
- groundwater interaction.

Clarification is therefore required.

The receiving environment appears to comprise a combination of culverts, ditches, spring emergence points and other heavily modified drainage features rather than a clearly defined natural watercourse. The revised submission assumes that this system is capable of receiving additional pumped discharges without providing evidence regarding its origin, capacity, hydraulic function or status.

Where a drainage strategy relies upon discharge into an engineered or modified drainage network, it is necessary to demonstrate that the receiving system has been correctly identified and that its capacity and behaviour have been properly assessed. The submitted information does not provide this evidence.

11. Topographical Constraints and Potential Tree Impacts Not Assessed

The revised submission provides no assessment of physical site constraints.

The applicant identifies the receiving feature at higher ground.

The Environment Agency permit requires perforated pipe within 10m of the watercourse bank.

The submitted drawing appears to show only approximately 2m.

The feasibility of achieving this arrangement remains unclear due to:

- site topography;
- elevated receiving location;
- pumped discharge requirements;
- mature tree constraints.

The applicant's arboricultural report identifies a large Tree T6 (Sycamore, Category A1) close to the proposed discharge location.

No assessment has been provided regarding:

- root protection areas;
- effects on installation;
- future maintenance access;
- interaction between roots and the proposed drainage field.

The submission provides no assessment of the potential effects of periodically discharging the site's foul and surface water flows across land within the root protection area of Tree T6, nor whether this could affect root health, future maintenance requirements, or long-term operation of the proposed drainage infrastructure.

12. Existing EA Discharges Are Not Shown on Plans and Cumulative Impact Has Not Been Assessed

Condition 22 of SMD/2022/0532 required submission of detailed information regarding the existing off-site private wastewater discharge from Alley House, including routing, discharge type and groundwater risk assessment.

Alley House holds an Environment Agency discharge permit (Ref: NW/016890332/001) authorising discharge at grid reference SJ94036238.

This location appears closely aligned with the location shown on the approved drainage drawing as the proposed pumping station.

The submission does not clearly demonstrate:

- whether the permitted discharge remains at its authorised location;
- whether it is intended to connect into the proposed foul network;
- how this arrangement aligns with the terms of the existing permit;
- whether cumulative discharge effects have been assessed.

Similarly, Environment Agency permit I/NPSWQD001444/001 for White Lodge authorises discharge close to the proposed perforated pipe location but is not shown on the revised drawing or discussed within the report.

The proximity of multiple permitted discharges within the same receiving environment necessitates cumulative assessment.

13. Suitability of the Condition Discharge Process

The revised submission appears to extend beyond the scope of a simple discharge of conditions application.

The original drainage details approved under DOC/2024/0027 did not include the infiltration infrastructure now proposed in response to Environment Agency Permit EPR/NB3349KM. The revised submission introduces:

- a new perforated discharge arrangement;
- direct interaction with groundwater pathways;
- revised downstream flow assumptions;
- potential interaction with additional receptors including the Old Vicarage well;
- changes affecting hydraulic operation of the wider drainage strategy.

These are not matters of detail alone but appear to alter the operation and environmental context of the approved drainage scheme.

Given the substantive nature of these changes, together with the introduction of new technical considerations and consultees, it is unclear whether a condition discharge application provides an appropriate mechanism for consideration of the revised proposals.

A more comprehensive planning process may be required to ensure that the impacts of the revised drainage strategy are properly assessed and consulted upon.

14. Consultation Deficiencies

Given the revised introduction of infiltration infrastructure and the outstanding issues identified above, consultation should include:

- Environment Agency;
- Local Flood Authority;
- Environmental Health;
- Ecology / Staffordshire Wildlife.
- Highway Authority;
- Tree / arboriculture officer

These consultees do not currently appear within the published consultation list (with the exception of the LLFA) despite the revised submission raising matters directly

relevant to groundwater protection, public health, drainage capacity and ecological impacts.

Additionally, the LLFA's latest comment on the application:

"The original application for this site was under SMD/2021/0784 (a variation was submitted under SMD/2022/0532).

The LLFA responded to original application to state that as non-statutory consultees, we would have no comments to make.

As such, the LLFA believes that Conditions 20 and 21 did not originate with ourselves and as a non-statutory application, we would not comment upon the discharge of the conditions proposed."

In summary the LLFA have never viewed or commented on the scheme due to statutory threshold. Given the scale of public concern, the fundamentally revised nature of the drainage proposals, and the explicit warning from the Environment Agency regarding local infrastructure capacity, a formal technical review informed by actual site conditions and the EA's feedback is essential before determination.

15. Enforceability and Land Control

The revised drainage arrangement appears to rely upon infrastructure located outside the applicant's ownership and beyond the application boundary.

No evidence has been provided demonstrating:

- ownership;
- maintenance rights;
- access rights;
- long-term maintenance arrangements.

As such, it is unclear how the proposed drainage strategy could be properly enforced or maintained, or whether the Local Planning Authority could reasonably secure future maintenance obligations.

Conclusion

The revised submission does not merely clarify previously approved details. It introduces substantive changes to the drainage strategy whilst continuing to omit critical information regarding infiltration, receptors, groundwater interaction, downstream impacts, maintenance, and compliance with Conditions 20 and 21.

The submission therefore fails to provide sufficient and reliable information to enable lawful discharge of the conditions and cannot reasonably be relied upon for the purposes of condition discharge.

Accordingly, the application should be refused unless and until a complete and technically coherent drainage strategy is submitted, accompanied by appropriate consultation with all relevant technical bodies.

Yours faithfully,

Steve Russell
On behalf of Mr and Mrs Russell
The Old Vicarage
Rushton Spencer

Attachments:

1. 01 - GWK drainage plan extended to show assumed relationship to the Old Vicarage well
 2. 02 - GWK drainage plan with our comments
 3. 03 - Route of stream appended by applicant to 2008 EA permit application (different location to 2024/5 application) with comments in red
 4. 04 - Historic street views of stream / spring on Leek Old Road (2011 and 2021)
 5. 05 - Historic street views of stream / spring on Leek Old Road (2011 and 2021) with additional photographs
 6. 06 LLFA LiDAR map with our comments
 7. BGS borehole log 185723 (SJ96SW53) – Old Vicarage spring-fed well/trough
- Examples of previously submitted public representations:
8. 291699 Public comment J Davies – drainage / flooding concerns
 9. 292124 Public Comment - Robin Foschtinski – drainage / flooding concerns
 10. 292906 Public comment P Russell – drainage / flooding concerns
 11. 292910 Public comment Sam Hughes – drainage / flooding concerns
 12. 292939 Public comment Graham Betton – drainage / flooding concerns
 13. 302304 Public comment Jo Davies – drainage / flooding concerns