

Drainage Technical Note

Introduction

- 1.1 This technical note has been prepared by Mayer Brown Ltd to support the appeal lodged by Miller Homes (the Appellant) against the decision made by Mid Sussex District Council (MSDC) to refuse the planning application reference DM/25/0445 at committee.
- 1.2 This technical note supplements the written rebuttal provided by Julian Forbes-Laird, on behalf of the Appellant, and relates to the Proof of Evidence (PoE) provided by Benjamin Carpenter, specifically paragraph 3.2.48 and the comment regarding the surface water outfall to the existing ditch network to the south via the woodland.

Surface Water Outfall

- 1.3 The surface water drainage strategy submitted as part of the planning application proposes a hybrid system with partial infiltration to the ground and an overflow to the surrounding ditch network. This is as a result of an assessment of the existing site conditions, which demonstrated that whilst a level of infiltration is possible, it is not suitable as the sole means of discharge. The proposed drainage strategy therefore proposes to mimic the existing arrangement by utilising infiltration where possible, and discharging to the downstream ditch network at pre-development greenfield rates when infiltration alone is insufficient.
- 1.4 The basin is designed to discharge surface water via infiltration for the majority of rainfall events however an overflow is proposed 0.8m above the invert level of the basin to allow excess surface water to discharge overland at greenfield run-off rates, via a flow control. This mimics the existing situation as in instances where the infiltration capacity of the underlying soils is insufficient, the soils become saturated and runoff would flow overland to the downstream ditch network.
- 1.5 When this overflow is required, surface water will be released through the flow control, at greenfield run-off rates, and into a shallow depression. Water would then build up in the depression and spill out along its length and flow overland into the existing ditch network to the south via the woodland.
- 1.6 This method of surface water disposal via the shallow depression to the surrounding ditch network has been specifically chosen to minimise the impact on the woodland. By providing a shallow depression which allows water to build up and spill out along its length, this mimics more closely the way the current site drains when compared to a point source discharge, where all water discharges in the same place. This method also avoids the need for new

drainage infrastructure within the woodland with all pipes and the shallow depression proposed to be located outside of the designated Root Protection Areas (RPAs).

- 1.7 West Sussex County Council (WSCC), as Lead Local Flood Authority (LLFA), were consulted on this drainage strategy and raised no objection to in their consultation response to MSDC in March 2025 (Appendix A).
- 1.8 The surface water drainage strategy has been proposed to match the existing situation in both outfall location and rates. Water from the site currently flows overland into the existing ditch network via the woodland at greenfield run-off rates. As outlined above surface water from the majority of rainfall events would be discharged to the ground infiltration.
- 1.9 The surface water undergoes suitable treatment prior to out falling to the environment either via infiltration or to the downstream ditch network. This is provided by the permeable paving and basin proposed in the SuDS scheme, and is in line with Tables 26.2 and 26.3 of the CIRIA SuDS Manual C573, which is industry best practice guidance. The surface water will therefore be sufficiently treated before entering the woodland.

Conclusion

- 1.10 To conclude, this technical note sets out how the surface water will discharge via the shallow depression and into the existing ditch network via the woodland. It demonstrates that the proposed surface water outfall via the woodland will match the existing situation in terms of discharge rates and location and has been designed sensitively to minimise the impact on the woodland.

Prepared By: Caroline Gower

Reviewed By: Steven Lecocq

Date: 27th July 2026

**APPENDIX A: West Sussex County Council Lead Local Flood Authority Consultation
Response**

Ground Floor
Northleigh
County Hall
Chichester
West Sussex
PO19 1RH

Planning Officer
Development Control
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Lead Local Flood Authority

Date 05 March 2025

Dear Planning Officer,

RE: DM/25/0445 – Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex

Thank you for your consultation on the above site, received on 26 February 2025. We have reviewed the application as submitted and wish to make the following comments.

The applicant has provided a Flood Risk Assessment and Surface Water Drainage Strategy to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and Mid Sussex local planning policy.

We have **no objection subject to conditions being attached to any consent** if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning and we would object until such time that the details below are submitted for review.

Condition 1

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy **SL/MHHAYWARDSHEATH.23** by Mayer Brown, February 2025, 3rd Issue detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- I. Additional detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed attenuation basin.

If infiltration is proven to be unfavourable then greenfield runoff rates will be attenuated and discharged at Qbar (10 l/s) as stated within section 5.20 of the FRA and Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations using up to date parameters and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraph 173 and 175 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason:

To ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected.

Condition 3

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

Condition 4

Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

Please note if the LPA decide to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

Yours sincerely,

Mat Jackson
Flood Risk Management Team

FloodRiskManagement@westsussex.gov.uk