

Ecological Owlthorpe
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For the attention of Emma Howard Boyd
Chair Environment Agency and
Sir James Bevan Chief Executive Environment Agency
PO Box 544 Rotherham S60 1BY
United Kingdom

Date: 16th October 2021

Dear Chair, Chief Executive & Mick Dugher Area Director Yorkshire

Thank you for your response dated 13th October 2021. I am happy to hear that you still support upstream nature-based solutions to combat downstream flooding.

As listed below, I still have many concerns that I wish you to investigate along with my formal complaint to the Parliamentary Ombudsman.

I recently attended the launch of the book “Flood” The stories of a village underwater, produced by the residents of Fishlake. There are many harrowing accounts of the villagers individual experiences. The book also explains the facts and reasons why Fishlake flooded. Copies can be obtained here: <https://fishlakefloodbook.co.uk> . I am sure that the book will be well received and read amongst visitors to the COP26 UN Climate Change Conference.

Quoting from Page 13 of the book Flood: **Paul Hudson BBC explains**, “The floods at Fishlake in the autumn 2019 where the culmination of a period of extreme rainfall which affected parts of Yorkshire. In particular, the rainfall and consequent flooding impact on the River Don catchment across the South Yorkshire Pennines. At the end of the main incident, the nearest meteorological observation site at Sheffield’s Weston Park Museum recorded their wettest autumn on record. Even more worryingly, in records which stretch back to 1882 the three wettest autumns in the region have now all occurred since the year 2000. There can be little doubt that climate change is playing a real part in exacerbating extreme rainfall events. This impact is making flood defences and the management of land all the more important if repeated floods and their catastrophic effects are to be avoided in the future.”

Quoting from Page 14 of the book Flood: “**IT RAINED A LOT** Events on the night of Friday 8th November 2019 changed the village of Fishlake. Meteorological Office records show that in the weeks leading up to that evening South Yorkshire had experienced record-breaking levels of rainfall, meaning that the River Don was unable to remain within its usual river bed and floodplains. The volume of water it was carrying was immense. Environment Agency reported later confirmed that the water passing through their gauging stations between 7 and 14th November 2019 was equivalent to a six-meter depth of water over an area the size of Lake Windermere. From the end of October 2019, the increased river levels had caused bridge closures and travel disruption for villagers. The overspill near the bridge at Stainforth had flooded and fields along the Fishlake lngs. Regular alerts were sent out by Environment Agency advising everyone to ‘be prepared’, but it’s fair to say that nobody was prepared for what actually happened that evening.”

Extract from page 28 of the book Flood: **THE LONGEST NIGHT OF MY LIFE** By flood warden John Deeney. “The river levees weren’t full and the fields alongside The Neb weren’t either. Perhaps we would endure. The following day would be critical. **The rainfall in Sheffield was in the river and heading our way.** I was flitting about checking the river levels by eye and reading the online telemetry readings, and still I was optimistic. It wasn’t raining. **The high tide had come and gone,** and The Neb even though it was under water, was only the same as it was in 2007, and we’d survived then. We might just be alright. We still had the barrier bank to save us. My main worry was water passing into the Taining Drain and filling the old riverbed which, in turn, would threaten the houses near The Old Anchor Inn. I’d have to check that on my rounds.” The full report by flood warden John Deeney can be read on page 28 and 29 of the book Flood.

Floating Flooring I HAD NEVER SEEN ANYTHING LIKE IT. This is an account of the events by Catherine Copon resident of Fishlake. “I work in an office in Sheffield City Centre. I was walking to my car on the evening of Thursday 7th November 2019 when I first realised that something unusual was happening with the weather. The rain had been pouring down for days, but I don’t recall ever seeing rain like this: streams flowing down the roads, shoes and clothing soaked through even from a short walk. While in the office the next day, I remember feeling a little anxious about getting home to Fishlake whilst trying to remain optimistic: asking colleagues if they had a boat to loan so that I could get home. Jubilee Bridge was still closed (ongoing roadworks) and I had seen notices on social media that Stainforth Bridge was also closed, so I knew that there was only one way back into the village for me. I know the route, so I was quietly confident all would be fine when I got home. My safe place. My sanctuary. The one place that had truly felt like home after half a dozen moves over the last decade. Significantly, moving to Fishlake was returning ‘home’ for me after several years in the south of England.” Catherine’s full account can be seen on Pages 54 and 55 of the Flood book.

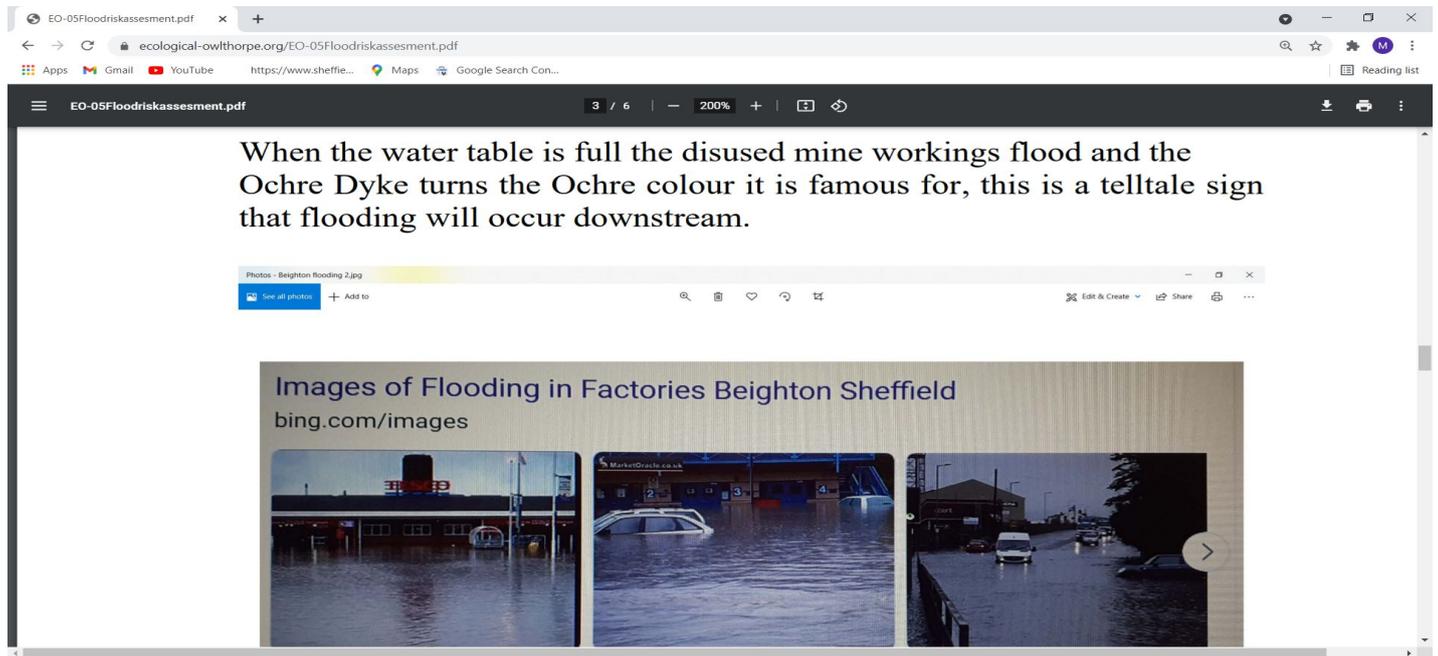
On page 120 to page 131 describes: “**How did we flood?** On page 122 there is an excellent graphic which shows the River Don Catchment’s. There is also on page 123 an explanation regarding Tidal Flows on the River Don which ebbs and flows twice a day. The river can rise by approximately 5ft. But as flood warden John Deeney explained earlier. **The rainfall in Sheffield was in the river and heading our way. The high tide had come and gone.**” (It was not the sea that caused the flooding in Fishlake.)

On page 125 comparisons between: “The two biggest recorded floods in recent years in the Don catchment have occurred in June 2007 and November 2019. Analysis has shown that the events were remarkably similar. The impacts of the two floods were different, however in 2007, over 1000 properties and businesses in Sheffield were flooded and, sadly, there were two fatalities, in the intervening period significant investment in new flood defences has been made which proved successful in protecting large areas of Sheffield from flooding in 2019.” All villagers of Fishlake are aware of this fact as they have all received their own copies of the book “Flood.”

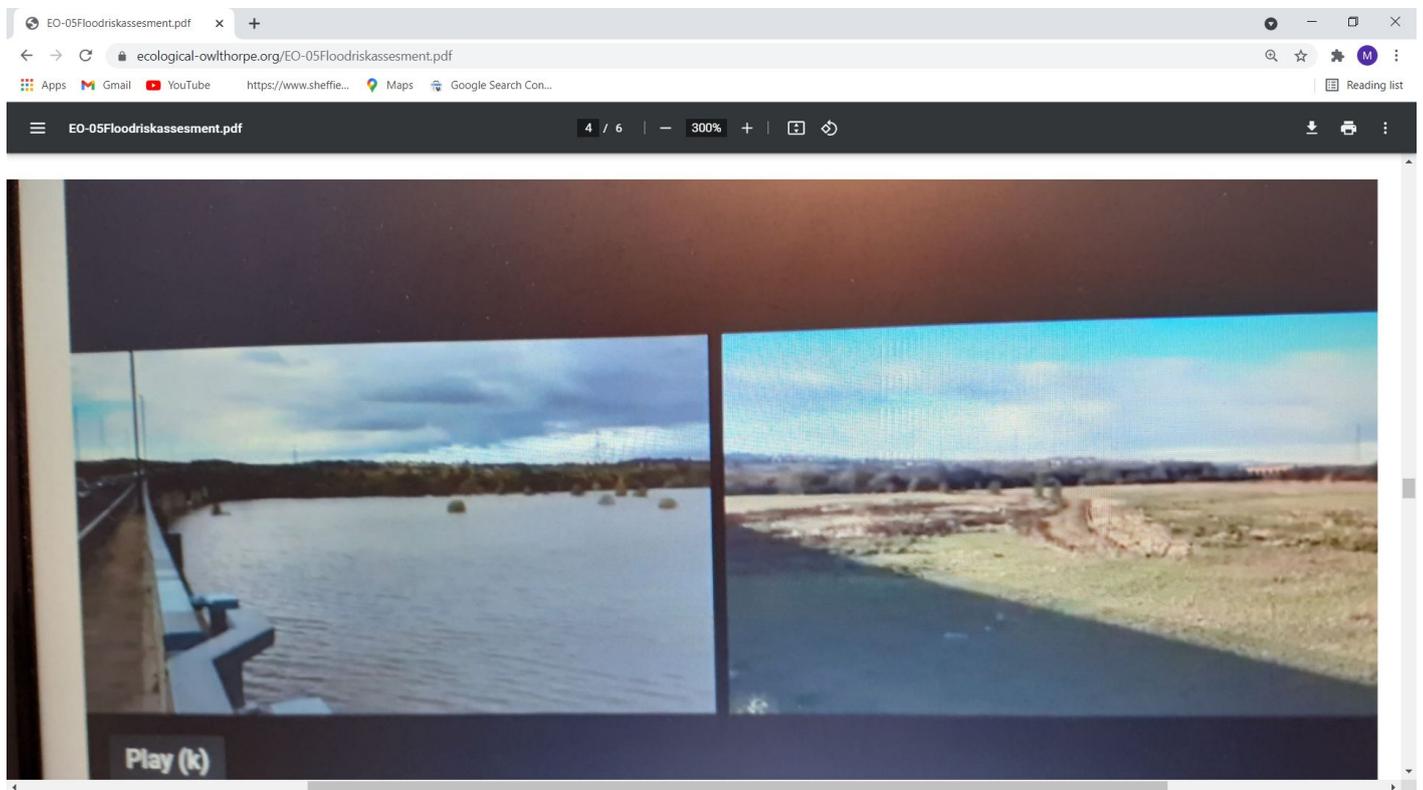


The above photo shows the flood defence that protects large areas of Sheffield. This concrete defence held in the floods of 2019 but it did move vast quantities of water downstream. My wife's cousin was flooded out in Rotherham near the confluence of the Rivers Rother and Don. Water was not contained upstream within the banks of the River Rother or the River Don.

The screen shot below shows flooding in Factories Beighton Sheffield. This flooding event happened upstream in 2019 in the same flooding event that flooded Rotherham, Staniforth and Fishlake.



The screen shot below show flooding in Farmland Beighton Sheffield. This flooding event happened upstream in 2019 in the same flooding event that flooded Rotherham, Staniforth and Fishlake.



After the flood waters receded from the farmer's fields he noticed that there were some sludgy deposits on the land. These deposits were of Ochre, which were also found downstream. They came from the Ochre Dyke. <https://www.ecological-owlthorpe.org/Ochredyke2.mp4> This video shows the colour of the water

flooding out of the disused Mines which run under Owlthorpe. This flooding event happened upstream in 2019 in the same flooding event that flooded Rotherham, Staniforth and Fishlake. The water is usually crystal clear but when the water table is full Ochre floods out of the old mines. When the mines were in use they were constantly pumped out to allow miners to work safely. After the mines were closed it is assumed that the flooded mines are allowed to pour into the drainage system.

Flooding: <https://www.ecological-owlthorpe.org/EO-01OriginalObjection21stFeb2020.pdf> I have based my objections to building in Ecological Owlthorpe predominantly about flooding. Unless you have been involved in a flood situation it is hard to understand the feelings and emotions you go through. My wife Gill and I were caught up in the floods of 2007. London Road, where we both worked, had started to flood so we decided to leave early. You may be aware Sheffield is very hilly and as we started to climb up the roads that had turned into rivers, I noticed that water was shooting 5ft into the air out of the drains which were being overwhelmed with the force of the water. We came to a hollow in the road where a double decker bus had broken down. I noticed a higher piece of grass verge to the right side of the bus so I went off road, the traffic behind had following me. As we passed the bus, the lower deck was flooding and passengers were desperately clambering onto the upper deck. We negotiated a few more problems but eventually got home safely. I was not surprised to hear the next day that 2 people lost their lives, to be honest I thought the death toll would be much higher. So, I identify with the emotions that the villagers of Fishlake are going through. In the book "Flood" Professor Rotherham explains the catchment area of the river Don and suggests that part of the solution to flooding is to retain and enhance upstream nature-based solutions to mitigate this problem.

I am totally aware of the problems of tidal flooding. My niece lives in a new complex in east London. London has suffered a number of flash floods this year and driving through them has been troublesome. I am well aware that it is speculated that if the sea level is too high and flash floods happen at the same time as the Thames Barrier is raised that the Houses of Parliament would probably be 6ft under water.

In your answer to my Question 2 you explain that Sheffield City Council is responsible for the Ochre that floods out of the disused mines. I had thought it was the Coal authority that is responsible and I have exchanged a number of correspondences with them which can be seen here: <https://www.ecological-owlthorpe.org/letters.htm>. The Ochre which I now understand Sheffield City Council is responsible for flooded into the River Rother and Flooded Farmers fields. Doesn't Farm land come under the jurisdiction of DEFRA which is overseen by the Environment Agency?

Scientists around the world explain that sea levels are rising as the glaciers melt. The main causes of this are carbon emissions and deforestation. Both carbon emissions and deforestation are present in the destruction of Ecological Owlthorpe.

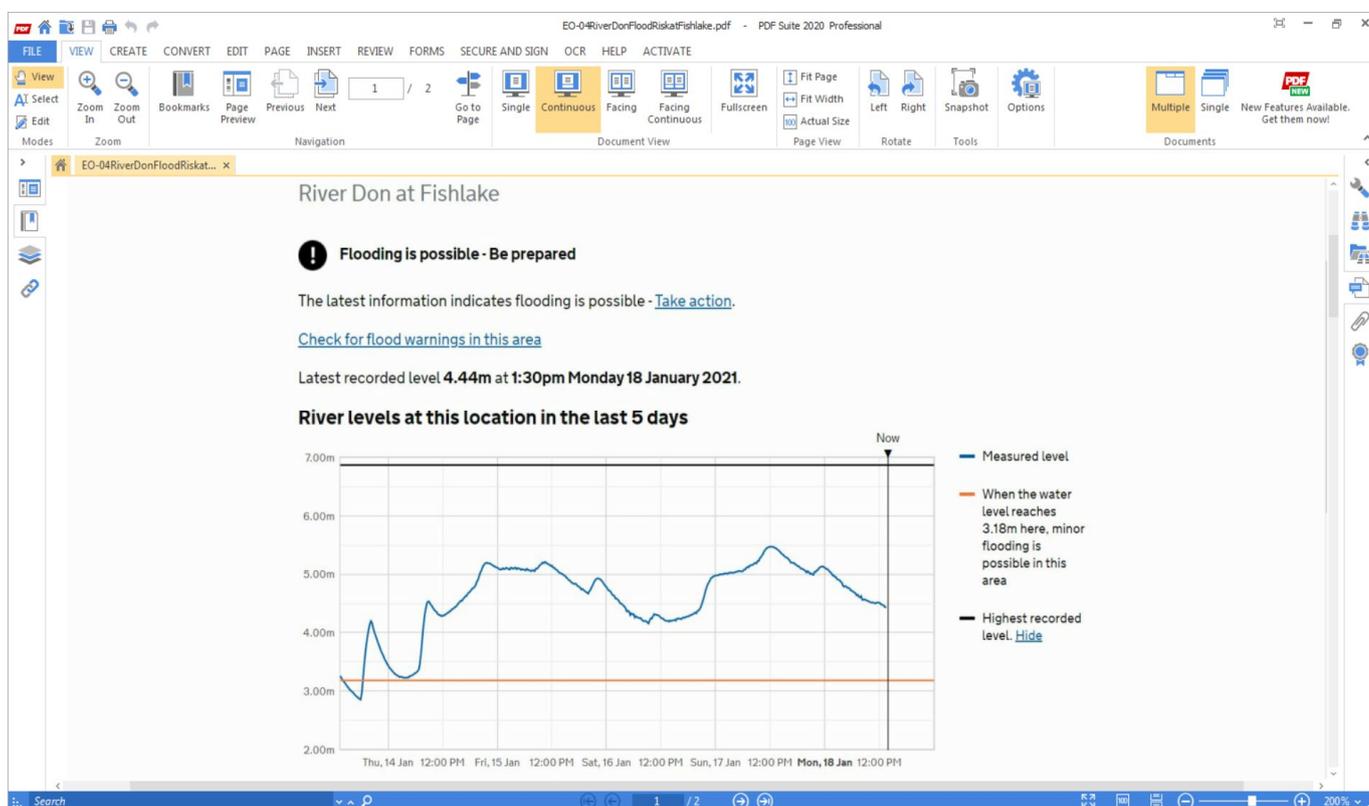


The photo shows deforestation that has just taken place in Ecological Owlthorpe to make way for more new housing to be built in the middle of our oasis. Deforestation in Ecological Owlthorpe is not the way to help with Climate Change. This will lead to more flooding downstream in Beighton and Fishlake.

Please read our editorial: <https://www.ecological-owlthorpe.org/Workingwithnature.pdf> Working with nature: Sheffield campaign calls for protection of upstream environments.

The 'rural oasis', as it has been termed, of Owlthorpe, which sits between Mosborough and Hackenthorpe, includes the award-winning Owlthorpe Heritage and Nature Trail, the Moorhole Lane Trail and other environmental and educational improvements which spread from Moor Valley down to Moss Way. Constructed with the help of some 795 local schoolchildren, the oasis was opened on 16 March 2012 by local MP Clive Betts. This is the area we wish to preserve as an upstream nature-based solution to protect the environment. The <https://www.ecological-owlthorpe.org/EO-12InterpretationBoardEntrance.pdf> on our website show details of the extent of the work carried out under the management of Natural England under their higher level stewardship scheme, for example the creation of a wild orchard. Detailed invertebrate surveys <https://www.ecological-owlthorpe.org/ecologicalsurveys.html> carried out show the diversity of species living in Owlthorpe, and the natural ecology of the area. Some of the identified invertebrate species are dependent on the rare vegetation growing on Owlthorpe Fields in Ecological Owlthorpe. These in turn are vital to the continued support of the area's birds, and thus perpetuate the habitat naturally found in the area. During this past summer, it has been a pleasure to watch swifts darting after insects and buzzards hovering as they hunted for prey. The year 2020 has particularly highlighted the crucial need for green spaces such as this to be protected, for our own health and wellbeing and that of future generations. A further improvement to Ecological Owlthorpe's capacity to control downstream flooding would be the planting of more trees, not the destruction of mature trees already there. It is very much to be hoped that Sheffield local planning authority (LPA) will tap into the national tree strategy and that this will lead to the planting of trees upstream on all of Sheffield's rivers.

This video shows the extent of water which is held upstream in Ecological Owlthorpe which acts as a sponge gently releasing water into the Ochre Dyke helping slow the flow of water preventing downstream flooding <https://www.ecological-owlthorpe.org/Water.mp4>.



<https://www.ecological-owlthorpe.org/EO-04RiverDonFloodRiskatFishlake.pdf>

Evidence I provided to the Planning Inspector shows, Flooding is possible: River Don at Fishlake Monday 18th January 2021. The flood-warning-information.service.gov.uk/station/8259 shows the last 5 days river levels up to 18th January 2021 have been above the 3.18m water level: Flooding is possible.

I have written to Natural England 10th September and 6th October 2021 but to date I have not received answers to my questions made under the Freedom of information ACT 2000. I will now request that the Parliamentary Ombudsman ask the same questions on my behalf. <https://www.ecological-owlthorpe.org/NaturalEngland.pdf>

Question 5. Thank you for reviewing the video footage of the flooding in Fishlake January 2021.

Just after the public enquiry had finished Fishlake flooded again as you can see in this video <https://www.youtube.com/watch?v=P6ABoXGUgR4> there is extensive flooding in the fields around Fishlake but about 9mins into this video, it shows the erosion to the tow path at the side of the River Don. This is a frightening prospect. If we do nothing there will be fatalities down stream from the Rivers of Sheffield. This is a very dangerous situation? I was unaware that the tow path belongs to the Canals & Rivers Trust until I received your reply. The residents of Fishlake are extremely grateful for all the work carried out by the Environment Agency. (Learn about the origins of the book by listening to our pod cast on You Tube <https://fishlakefloodbook.co.uk>).

In you answer to question 3 you explain that Sheffield City Council provided their Flood Risk Assessment for our review through the planning process. My question is: did they include the devastating flooding that took place in Beighton in 2019 into their Flood Risk Assessment as I have previously described?

The difference between the floods of 2007 and the floods of 2019 is Sheffield suffered extensive flooding in 2007 effectively becoming an upstream flood plane. Sheffield Wednesdays ground was 6^{ft} underwater and in many places to was 10ft deep. Consequently, Fishlake did not flood in 2007. As previously described, the concrete defence held in the floods of 2019 but it did move vast quantities of water downstream.

Page 192 of the book “Flood” covers **Insurance Issues:** By Peter Trimmingham. “After the November 2019 floods in Fishlake I talked to numerous residents in my role as Neighbourhood Watch Coordinator, as a member of the Parish Council and a Flood Warden. It quickly became obvious that we were facing a second disaster – **insurance**.

Page 193 of the book “Flood” **Pam Webb explains her experiences of Insurance Issues:** I was on the back of a trailer taking one of the media crews through the village to show them the extent of the devastation when I got a phone call from my insurance company to inform me that I was not insured for flood damage. There had been a clause added to the policy the year before, which I had missed. A very costly mistake. I was absolutely heart-broken by the news. I soon learned that I was not alone other people had flood exemption clauses they had not been aware of. I started to hear that even people with Rolls Royce insurance policies were having difficulties.”

In the first paragraph of my objection to building in Owlthorpe: **“Flooding”** “My heart goes out when I see the faces of the victims of flooding as the emergency services work to evacuate them. Many lives have been lost due to flooding. When survivors return to their homes they find a scene of complete devastation. Many find it is hard to claim compensation. We all face increases in insurance premiums as insurance companies are overwhelmed with claims. We all need to do more to prevent flooding.”

<https://www.ecological-owlthorpe.org/EO-01OriginalObjection21stFeb2020.pdf>

6. I look forward to reading The South Yorkshire Catchment plan, which is currently being developed collaboratively with all four Local Authorities. The Catchment Plan has four themes: climate emergency response; smart, evidence-driven investment; technical and operational management; and **community engagement and resilience**. The problem with the plan intended to be published in January 2022 is I cannot

see where the **community engagement and resilience** of citizens living upstream in Owlthorpe or any where else in the upper Don catchment area of Sheffield has taken place.

7. There are a number of issues regarding civil servants in Sheffield City Planning Department:

Sheffield (LPA) has a poor record when it comes to the environment they have previously been in trouble with the Ombudsman for unnecessary felling of trees:

<https://www.bbc.co.uk/news/topics/cngj2xr3klmt/sheffield-tree-protests>

Reported by Lloyd Bent in the Sheffield Star, 2nd June 2021: “Sheffield cabinet member under investigation ‘stepped aside’ from duties, these accusations include meeting with developers without other officers present and repeated delay and last-minute cancellation of public consultations, at the cost of tens of thousands to the taxpayer.”

The link below is how Miriam Cates, MP for Penistone and Stocksbridge made her case on behalf of her constituents regarding a similar building development at Hollin Busk in North Sheffield. She highlights the need for Sheffield Planning Authority to commit to the five-year planning policy, without which Planning Inspectors approve developments on valuable green space instead of Brownfield sites which incur extra costs to the developers. This is the hub of building on Greenfield. <https://www.miriamcates.org.uk/news/hollin-busk-planning-inquiry>

I have written to Michael Johnson the Head of Planning, Sheffield City Council to inform him of my communication with the Ombudsman, hear is his reply: “Dear Mr Meredith, I am writing to thank you for sending the below correspondence and to confirm we will respond fully with any Ombudsman enquiry that is forthcoming. Kind regards Michael”

There are a number of questions that I request that the Parliamentary Ombudsman to ask Michael Johnson Head of Planning Sheffield City Council.

1. Sheffield (LPA) has a poor record when it comes to the environment they have previously been in trouble with the Ombudsman for unnecessary felling of trees: <https://www.bbc.co.uk/news/topics/cngj2xr3klmt/sheffield-tree-protests> Could the Ombudsman ask what provisions have Sheffield (LPA) put into practice to stop unnecessary felling of trees?
2. 21st February 2020: I submitted by Letter to Howard Baxter Sheffield (LPA) **Titled Flooding;** <https://www.ecological-owlthorpe.org/EO-01OriginalObjection21stFeb2020.pdf> Could Michael Johnson explain to the Ombudsman why Howard Baxter completely ignored my complaint?
3. Could Michael Johnson explain why Howard Baxter (LPA) sent two different versions of the refusal document? The one sent to local residents is two pages long and suggests that Sheffield (LPA) support local residents. But the one sent to the appellant and used by the inspector at the planning enquiry is five pages long. <http://www.dlplanningappeals.co.uk/Docs/CD2.37%20-%20Decision%20notice%20June%202020.pdf> On page four it states: “NOTES Appeals to the Secretary of State: If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, **then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act, 1990.**” Howard Baxter Sheffield (LPA) encouraged Avant Homes to ignore decision made by democratically elected Councillors sitting in meeting of Sheffield (LPA). Could Michael Johnson explain why Howard Baxter deliberately misled local residents and ignored decisions made by democratically elected Councillors who act on behalf of their constituents? Democracy is in danger of being ignored by unelected civil servants.

4. I request that the Ombudsman ask Michael Johnson to review the video footage of Sheffield City Council Planning & Highways Committee meeting Dated: 2nd June 2020. I have copies which can be made available: <https://www.ecological-owlthorpe.org/EO-18ReviewofPlanningMeeting.pdf>
Extracts from the meeting: “A number of local residents voiced their concerns along with other specialists. Cllr Jack Clarkson explained that the site is a wildlife site and would be a massive loss of green space if developed, used by dog walkers etc. Cllr Andrew Sanger asked the question: Why were the sites not sold as one? It seems in deliberation that the council (LPA) did not want an Ecology Impact Assessment. By selling them off separately they could avoid this type of assessment. Cllr Peter Garbutt said “All three sites should be taken as one site” and asked the question: Does there need to be an Environmental Impact Assessment if they are? He also had concerns about traffic problems. Cllr Chris Rosling-Josephs explained that traffic in the area is horrendous, especially around Crystal Peaks shopping complex and the surrounding area and that a full independent traffic assessment needs to be taken before the council considers any more developments in the area. The main point I am making: The Sheffield Planning Solicitor, Kate, explained procedure and votes were taken with many of the committee sitting traffic impact as the reason for rejecting the application. The result was 10 against with 2 abstentions. After the vote was taken Colin Walker Interim Head said **“I think there is a significant risk if you throw Highway’s impact into this as a reason for refusal and that risk is that you effectively neutralise the site in residential terms.”** Highways impact was removed from the legal document. I would like to know why.” It seems to me that unelected civil servants in the planning department are ignoring decisions made by elected City Councillors who represent their constituents. For democracy to work, this behaviour needs to stop. I do not think this development should have been brought before the Planning Inspectorate, what is Michael Johnson’s opinion?
5. Are civil servants in his department deliberately not making a 5-year housing supply policy in the full knowledge that as the Law stands: (LPA) without a 5 year housing supply policy the Planning Inspector has no alternative but to grant permission to the Appellant? This problem is happening in many areas upstream in Sheffield, which will increase flooding downstream. We do need new houses to be built in Sheffield but in places that will not cause an increase in flood risk to others in Lower Don Valley (LDV) and Fishlake.

There are a number of questions that I request that the Parliamentary Ombudsman ask O S Woodward and the Planning inspectorate.

1. National Planning Policy Framework February 2019: Ministry of Housing, Communities and Local Government: **2. Achieving sustainable development: 8C** “an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”. **Extract from my report on the round table event regarding housing supply:** <https://www.ecological-owlthorpe.org/EO-20roundtableeventregardinghousingsupply.pdf> I suggested to the Inspector that Avant Homes should move their project to the disused Aerodrome at Norton, which is a Brownfield site by definition boasting many derelict buildings in need of redevelopment. I explained that the MOD may be responsible for removing asbestos from the site. Reported in Sheffield Star March 29th 2021 “Demolition finally gets underway at former air base.” Buildings have now been removed, so there is no reason why Avant Homes cannot remove their project to the Aerodrome at Norton. I thought this would be a win win situation for all concerned and would conform with the statement announced by the Secretary of State: **“Brownfield sites developed before Greenfield sites”**. When I requested that the Inspector should suggest this to the Secretary of State he suggested that “speaking to the Secretary of State is above his pay grade.” This is very concerning as the Inspector is supposed to be appointed by the Secretary of State. Guy Williams Barrister acting for Sheffield City Council thanked me for trying to obtain funding from two separate government funds. Evidence of this exchange can be viewed on You Tube. If the evidence has been

taken down copies of the event have been taken and can be supplied. My first question is why did Inspector O S Woodward dismiss my suggestion which is in line with government directive and statement by secretary of state for housing?

2. There is video evidence of Guy Williams, Barrister for Sheffield City Council explaining to the Inspector that the screen sharing had been allowed for the Appellant yet denied for Mr Woods of (OAG) and Dr Rivers from the wild life trust. Guy Williams wanted to make sure that screen sharing was available for Sheffield City Council members that wanted to use it. I observed the Inspector turn on screen sharing for Sheffield City Council members. Again, this evidence shows how biased Inspector O S Woodward was in favour of the Appellant and Sheffield City Council. Could the Ombudsman ask Inspector O S Woodward why he was so biased in favour of the Appellant?
3. This is my report regarding Site visit which is referenced in “Appeal Decision Inquiry Held on 12-15, 19, and 21 January 2021 **Site visit made on 20 January 2021** by O S Woodward BA(Hons.) MA MRTPI an Inspector appointed by the Secretary of State Decision date: 2 March 2021”. <https://www.ecological-owlthorpe.org/EO-19SitevisitWednesday20thJanuary2021.pdf> there are many facts that are not addressed in O S Woodward's appeal decision could the Ombudsman ask the inspector why he thinks local knowledge described in the site visit is not relevant to his decision?

I request that the decision made by inspector O S Woodward be set aside whilst a full investigation by the Parliamentary Ombudsman takes place.

In conclusion: When I requested that MP George Eustace Secretary of State for the Environment call in the application made by Avant Homes, I thought that the Environment Agency had the authority to over rule the planning applications. The point I am making is that we are dealing with the lives and livelihoods of citizens of the United Kingdom. Rogue civil servants in the planning department are ignoring decisions made by democratically elected councilors and Members of Parliament, and encouraging their friends in the building industry to ignore decision and take their grievances to the Secretary of State for the Environment

Citizens of South Yorkshire the United Kingdom are grateful for all the hard work that the Environment Agency is undertaking to protect the health and wellbeing and creating a better place for people and wildlife. I am sure that much of the work the Environment Agency is undertaking will be discussed at the COP26 Climate Change conference in Scotland.

Kind Regards

Michael Meredith