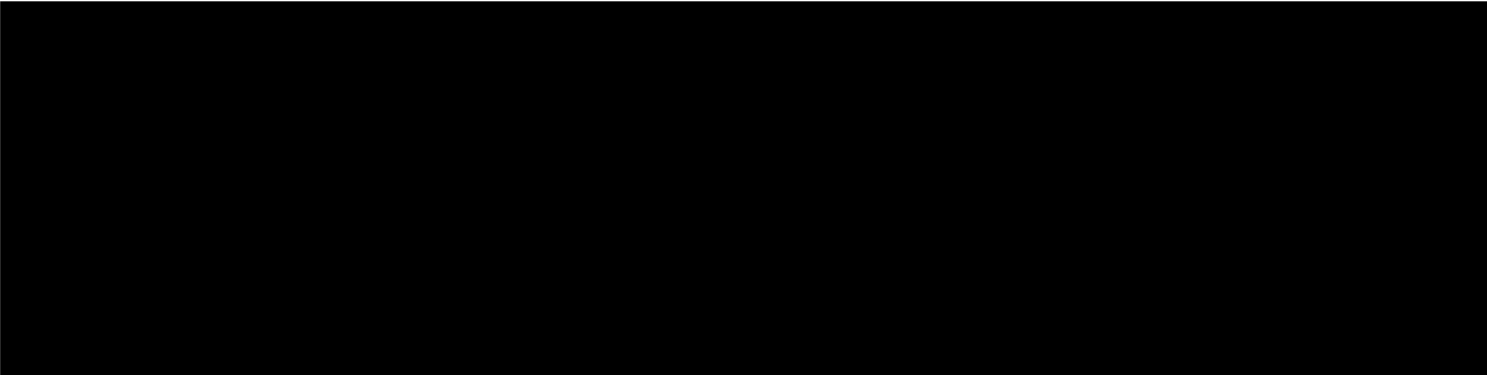




From: Lax, Laura [REDACTED]
Sent: 11 May 2017 15:47
To: David Easton
Cc: Planning.Responses
Subject: EA Response to amended FRA for Brook Lane, Angmering

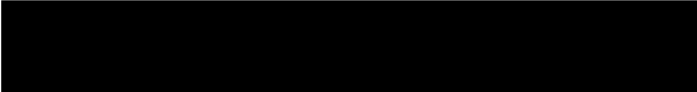
Hi David

Following our phone conversation earlier in the week please find attached our response to the amended flood risk assessment for the above site. Please note this is now an objection as having reviewed and compared the flood risk assessments it is clear that the proposed floor levels for the development have been significantly reduced. We now feel that this leads to an unacceptable risk for the development.

If you have queries regarding the letter please do not hesitate to contact me.

Kind regards
Laura

Laura Lax
Sustainable Places
Solent and South Downs



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Arun District Council
Development Control
1, Arun Civic Centre Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Our ref: HA/2017/119261/02-L01
Your ref: A/44/17/OUT
Date: 09 May 2017

Dear Sir/Madam

OUTLINE APPLICATION (WITH ALL MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS ON SITE AND THE ERECTION OF A MIXED USE DEVELOPMENT COMPRISING 90NO. RESIDENTIAL UNITS AND A CARE HOME (USE CLASS C2 AND C3) & ANCILLARY FACILITIES, INCLUDING RAILWAY CROSSING, TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING & LANDSCAPING.

LAND WEST OF BROOK LANE AND SOUTH OF A259, ANGMERING, BN16 3JL

Thank you for consulting the Environment Agency on the revised flood risk assessment for the above proposal dated April 2017.

Having reviewed the document we have the following comments to make;

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to take the impacts of climate change into account, in accordance with the new guidance on climate change allowances published in February 2016, and available at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Our previous response to the original flood risk assessment (March 2017) asked for a

Environment Agency
Canal Walk, ROMSEY, Hampshire, SO51 7LP.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

condition stating that the finished floor levels for the development would be set no lower than 0.3m above the 1 in 1000 year flood (1.85m AOD + 0.3m = 2.15m AOD). The amended flood risk assessment that now accompanies this application dated April 2017 acknowledges that this level has changed as "raising the ground levels so significantly has been considered but deemed to be impractical". Within this amended FRA the floor levels appear to be below 2.15m AOD and we are therefore concerned that this development will be at unacceptable risk of flooding when taking account of climate change.

Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

We ask to be re-consulted with the results of the revised FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

Advice to applicant

In addition to any other permission(s) that the applicant may have already obtained, e.g. planning permission, the applicant may need an Environmental Permit for Flood Risk Activities (formerly known as Flood Defence Consent prior to 06 April 2016) as the applicant wants to carry out work in, under, over or near a main river and in the flood plain of a main river.

There are a number of elements of work which will require an Environmental Permit, such as the proposed new bridges, upgrading of existing bridges, resurfacing of existing right of way, proposed trees/planting and any other permanent or temporary works in under, over or within 8m of a Main River. For further information please visit: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. For any further advice, please contact your local Environment Agency PSO Team at PSOWestSussex@environment-agency.gov.uk

Advice to LPA

Our response to this planning application is on the understanding that Arun District Council is satisfied that the Sequential Test has been adequately demonstrated to the requirements set out in the National Planning Policy Framework (NPPF) Paragraph 101 and Section 5, Paragraph 019 of the NPPF Planning Practice Guidance.

This means that before proceeding to a determination, Arun District Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in a lower flood risk zone.

Our comments in relation to elements of the Exception Test do not negate the requirement to first undertake the Sequential Test. The NPPF Planning Practice Guidance makes it clear that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users

covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

The Environment Agency will always support and substantiate its objections to major development proposals at appeal wherever a refusal is lodged in line with its advice. If you are minded to grant permission against the Environment Agency's advice, please contact us before making a formal decision to discuss the conditions and informatives that the Environment Agency would wish to apply to this proposal.

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify the Environment Agency to explain why material considerations outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included on any subsequent approval.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you have any queries regarding the above please do not hesitate to contact us using the details below.

Yours faithfully

Mrs Laura Lax
Senior Planning Advisor

