

Bronte Welham

From: Amanda Scholes on behalf of Planning.Responses
Sent: 31 May 2017 08:43
To: Planning Scanning
Subject: FW: Environment Agency Response to: A/44/17/OUT
Attachments: PlanningLetter.rtf; PlanningProposal.rtf

-----Original Message-----

From: David Easton
Sent: 30 May 2017 17:13
To: Planning.Responses
Subject: FW: Environment Agency Response to: A/44/17/OUT

Please upload as a consultation response from Environment Agency

-----Original Message-----

Sent: 30 May 2017 17:01
To: David Easton
Subject: Environment Agency Response to: A/44/17/OUT

The proposal has been reviewed and I enclose the Environment Agency's comments on:
Land west of Brook Lane and South of A259 Angmering
BN16 3JL

LPA ref: A/44/17/OUT

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

Our ref: HA/2017/119261/03-L01

Your ref:

Date: 30 May 2017

Dear Mr Easton

**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**

The Environment Agency has recently been consulted by the Local Authority regarding the above development proposal. Please find enclosed a copy of our comments for your information.

This response represents our advice as a statutory consultee on environmental issues associated with the proposed development. The reply should not be confused with the Council's decision notice, which will be issued by the Local Authority following determination of the application. Please contact the Local Authority if you wish to discuss the final decision to be made on this application.

If you have any queries about the Agency's response, please don't hesitate to contact me.

Yours sincerely

Mr Jon Maskell

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

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

Our ref: HA/2017/119261/03-L01
Your ref: A/44/17/OUT
Date: 30 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 above planning application which we received on 16 May 2017.

Environment Agency Position

Following confirmation that the Flood Risk Assessment March 2017 is being used to support this application the EA is satisfied to remove our previous objection (HA/20118/119261/02 dated 09May 2017). However, we request that the following planning condition(s) be attached to any planning permission granted in order to make the development acceptable. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Planning Condition(s):

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (March 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition – Implementation of Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2017) and the following mitigation measures detailed within the FRA:

- **Provision of compensatory flood storage as detailed in Section 4.2.14 and Appendix E of the FRA.**

Environment Agency
Canal Walk, ROMSEY, Hampshire, SO51 7LP.

www.gov.uk/environment-agency

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- Finished floor levels are set no lower than 0.3m above the 1 in 1000 year flood (1.85m AOD 0.3m = 2.15m AOD).
- Provision of flood resilience measures as detailed in Section 4.2.18 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

Ensure reasons are site specific and related to planning policy. This can be provided as free text or based on the following prompts.

- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- To reduce the risk of flooding to the proposed development and future occupants.

This condition is in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Advice to Applicant

As mentioned in the submitted Flood Risk Assessment (FRA) (March 2017) the proposed development site is partially situated in fluvial Flood Zone 2 (medium risk) and 3 (high risk). According to our latest modelling information and in absence of the design flood level (which for fluvial flood risk is the 1 in 100 year flood) taking into account the new allowances for climate change (45% increase in river flow) we are satisfied that you use the 1 in 1000 year flood, which for this site is 1.85m above Ordnance Datum (AOD).

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 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:



Advice to Local Planning Authority

Sequential Test

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

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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^[1].

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).

Surface Water Drainage

Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. We are no longer a statutory consultee for 'Major development with Surface Water Drainage'. We will therefore not be commenting on the surface water aspects of this proposal.

Yours faithfully

Mrs Laura Lax
Planning Advisor, Environment Agency



^[1] NPPF Planning Practice Guidance, Section 23 paragraph 059 '*Flood resilience and flood resistance*'.