

Havant Borough Council
Development Control
Civic Offices Civic Centre Road
Havant
Hampshire
PO9 2AX

Our ref: HA/2020/121974/07-L01
Your ref: APP/19/01226
Date: 11 October 2022

Dear Sir/Madam

AMENDED - CONSTRUCTION OF 44 DWELLINGS WITH ACCESS, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORK AND DIVERSION OF FOOTPATH NO. 71 TO THE WEST LAND WEST OF COLDHARBOUR FARM ROAD, EMSWORTH

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency position

Following the submission of the approved modelling and updated Flood Risk Assessment and other information we are satisfied that our previous concerns have resolved. We **remove our objection** to the proposed development and recommend that the following conditions are included on any planning permission granted.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning conditions are included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) ref "*MT-5314-FRA.5R*" dated September 2022 which includes the updated "*West Brook, Emsworth fluvial flood risk modelling report*" by JBA Consulting dated September 2022 and the following measures they detail but are not limited to:

From the FRA

- Finished Floor Levels (FFL's) – The Post Development Scenario 4 (PD4) modelling results show the 1 in 100-year (1% AEP) fluvial flood level climate change (25% calculated) level would be 5.5m AOD at the flood storage area. Therefore, the FFL's shall be set no lower than this level plus a minimum of 600mm of freeboard, a minimum level of 6.1m AOD. However, we expect to see

FFL's significantly higher than this due to the site's carriageway being set at over 6.91m AOD as stated in Section 2.25 seen below.

- Access road culvert crossing - Section 2.24 states: *With reference to drawing 5314/1001 rev. A, the access road will be set at a level of 6.1m AOD at the location of the culvert crossing.*
- Development roads - Section 2.25 states: *Along the eastern side of the developed area, the carriageway will be set at a level of between 6.91m AOD and 7.84m AOD.*
- Flood storage compensation size - Section 2.30 states: *The approximate area of the base of the proposed fluvial flood storage area is 1,800m². Assuming a maximum water depth of 0.65m, the volume of the proposed storage area will be circa 1,170m³.*
- Flood storage compensation levels – Section 2.23 states: *Scenarios PD2 and PD4 both include the fluvial flood storage area set at a level of 4.85m AOD. During the PD4 scenario, the water depth is predicted as being greater than 0.5m, albeit will not overtop the underground surface water attenuation area which is set at a level of 5.5m AOD. Therefore, the depth of water will not exceed 0.65m, as such the maximum depth (should say level) of water within the attenuation area will be 5.5m AOD.*
- Culvert size – Section 2.33 states: *In summary, the results of the post-development modelling undertaken by JBA demonstrate that an improved/widened culvert is not necessary. A widened culvert would marginally reduce flood depths downstream, however a greater reduction in flood depth is realised when utilising the existing culvert.*
- “Proposed Development Scenario 4” (PD4) consists of – *fluvial flood storage area present/ existing culvert retained*
 - *access road;*
 - *ground levels are applied above the cellular storage for private house and road drainage, and*
 - *a fluvial flood storage area located at the eastern side of the development site, with associated bank lowering and outlet pipe for drainage*
- Access and egress road layout and levels – see Appendix 7 – Drawing No. 5314 / 1001.
- Map of the Surface Water Drainage Strategy – see Appendix 7 – Drawing No. 5314 / 1002.

From the modelling report in Appendix 6

- Flood Storage compensation area design – Section 2.4.2 states: *Sloped sides down to the invert of the storage area are proposed, and the eastern side of the storage area would commence 8m beyond the bank of the West Brook watercourse, again with sloped sides to the invert of the storage area. The invert of the storage area would be set at 4.85mAOD. This is 0.15m above the 4.70mAOD indicated in earlier drawings. This higher invert level is required to enable a pipe (modelled as 0.15m diameter) to drain from the base of the storage area to the West Brook watercourse, which at the location of the proposed outlet has an invert level of 4.7mAOD. A flapped outfall is represented to prevent backflow of fluvial water from the watercourse into the storage area. Also see Figure 2-7 for layout.*
- Modelling results for PD4 scenario (approved) – Section 6.2.1 states: *maintaining the size of the existing culvert acts to encourage greater storage of flood water in the fluvial flood storage area, providing greater reductions in flood depths and extents downstream, including areas of existing development. For the two residual risk scenarios, there are increases in flood depths and extents upstream*

of the proposed access road, in areas of open space/parkland. Flood maps for the PD4 scenario can be found in Section H. They show the changes in flood depths and extents compared between the baseline and with PD4 elements in place.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To ensure access and egress to and from the site is safe for the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Advice to Applicant / LPA

Surface Water

Detailed surface water drainage proposals must be submitted to and approved in writing by the local planning authority. These details should include:

- Detailed engineering plans.
- Details of how the SUDS features and outfalls will be designed to be as natural as possible and maximise ecological benefit.
- Materials plans.
- Cross sections for all attenuation ponds, swales, headwalls, underground attenuation (cellular storage) and outfalls into a main river.
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface waters.
- A scheme to treat and remove suspended solids from surface water run-off during construction works.
- 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 urban drainage scheme throughout its lifetime.

Environmental Permit

Planning permission does not remove the requirement for an Environmental Permit. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

Some of the proposed activities in this development are located within 8 metres of a main river designated by the Environment Agency. Under the terms of the Environmental Permitting (England and Wales) Regulations 2016, the proposed works will require the prior written permission of the Environment Agency in the form of a Flood Risk Activity Permit (FRAP).

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Ordinary Watercourse Consent

The prior written consent of the relevant Lead Local Flood Authority is required for the erection of any flow control structures, culverting or diversion of ordinary watercourses, including streams, land drains and ditches.

Please be aware that the Lead Local Flood Authority has up to two months to determine applications for consent made under Section 23 of the Land Drainage Act 1991 and you are therefore advised to contact Hampshire County Council as soon as possible to discuss making an application.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully

Mrs Sophie Brown
Sustainable Places Planning Advisor

Direct dial 0203 0257 250

Direct e-mail planningSSD@environment-agency.gov.uk