

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

Our ref: HA/2022/124103/01-L01
Your ref: APP/22/00232
Date: 22 April 2022

Dear Sir/Madam

**DEVELOPMENT OF A MOBILE CATERING UNIT TO BE ERECTED ON THE
HARDSTANDING BETWEEN DOLPHIN HOUSE AND NO. 2 DOLPHIN QUAY.
LAND BETWEEN DOLPHIN HOUSE AND NO. 2 DOLPHIN QUAY, DOLPHIN QUAY,
QUEEN STREET,
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

In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- consider how people will be kept safe from the identified flood hazards
- take the impacts of climate change into account
 - The applicant should consider climate change using the central allowance for peak river flow, and the higher central for sea level rise '[Flood risk assessments: climate change allowances](#)'
 - Consider flood risk mitigation measures to ensure the development will be safe from future flood risk for its lifetime through:
 - Raised finished floor levels

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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- Resistance and resilience measures
 - involves building on a watercourse. As submitted, it is **unlikely that we** would grant a flood risk activity permit for this application.
- The proposed development would restrict essential maintenance and emergency access to the watercourse. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/or improvement works.
- The proposed development is likely to adversely affect the construction and stability of the culvert which will compromise its function. The proposal will therefore increase the risk of flooding to the local community.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Climate Change

Paragraph 161 of the National Planning Policy Framework (NPPF) states:

“All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property”

Since the applicant has not included an appropriate allowance for climate change within the submitted flood risk assessment, it is unclear whether the development will be safe from flooding for the whole of its expected lifespan. Consequently, the application does not meet the requirements of the NPPF.

The applicant has referred to a 2016 FRA using now outdated climate change allowances. As a non-major development, the FRA requires updating to include an appropriate allowance to the 'design flood' levels (i.e. 0.5% annual probability) to account for potential climate change impacts over the lifetime of the development. For commercial development we would expect this to be a 60-year lifespan. Any mitigation measures to reduce residual risk should be based on this flood level, including an appropriate [freeboard](#).

Building on a Culvert

Paragraph 159 of the National Planning Policy Framework (NPPF) states:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”

The application is proposing building on top of a culvert. Without an engineer's report, it is unclear whether the proposed development will damage or impair the functioning of the culvert. This would result in an increase in flood risk for the local area. Therefore, the application does not meet the requirements of the NPPF.

We require access to the culvert in order to perform maintenance or emergency repairs. Whilst the applicant has suggested a method of gaining access, we do not consider this

adequate, particularly when it is unclear where the culvert is located. Therefore, a CCTV survey should be considered so that the FRA can appropriately consider access options.

Advice to LPA

If the applicant cannot overcome our objections to the development over a culvert, we are likely to object in principle to this proposal.

Advice to Applicant

Guidance to assess future flood risk

Planning practice guidance provides advice on what is considered to be the lifetime of the development in the context of flood risk and coastal change (see ref ID: 7-026-20140306).

The Environment Agency guidance '[Flood risk assessments: climate change allowances](#)' provides allowances for future sea level rise, wave height and wind speed to help planners, developers and their advisors to understand likely impact of climate change on coastal flood risk. It also provides peak river flow and peak rainfall intensity allowances to help planners understand likely impact of climate change on river and surface water flood risk.

Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 culverted main river (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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (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.

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 02030 257250

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