Our ref:	HA/2022/124038/02-L01
Your ref:	APP/22/00172
Date:	24 May 2022

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

Dear Sir/Madam

AMENDED FRA SUBMITTED - OUTLINE PLANNING APPLICATION FOR PHASED DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF NEW FLEXIBLE USE EMPLOYMENT FLOORSPACE (USE CLASSES E(G)(I)-(III)/B2/B8) AND ANCILLARY USES (USE CLASSES E(B), E(D) AND E(F)); AND ASSOCIATED WORKS. ALL MATTERS RESERVED EXCEPT ACCESS. LANGSTONE TECHNOLOGY PARK, 2B LANGSTONE ROAD, HAVANT, PO9 1SA

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.

Reason

This is a major development and most of the site is currently in Flood Zone 1 apart from the footpaths/cycleways along the eastern boundary. Havant Borough Council's Strategic Flood Risk Assessment has identified that by 2055 significant portions of the site may be located in Flood Zone 3 for both tidal and fluvial flooding.

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:

- Assess future flood risk using both the higher central allowance for sea level rise and the central allowance for peak river flow (https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances)

- Consider measures to ensure the development will be safe from future tidal and fluvial flood risk for its lifetime through:
    - Resistance and resilience
    - Finished floor levels including freeboard
    - Flood storage compensation
- Assess the impact of changes to footpaths/cycleways within Flood Zone 3

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.

The applicant has used modelling from the 'Partnership for South Hampshire's Strategic Flood Risk Assessment' which uses now outdated climate change allowances. As a major development, we expect climate change to be considered in detail; this may include hydraulic modelling. Please contact the Environment Agency to determine if our modelling contains the latest climate change allowances. A suitable freeboard should then be included on top of the design flood level: Accounting for residual uncertainty: an update to the fluvial freeboard guide - GOV.UK (www.gov.uk)

The applicant is proposing the widening of footpaths within present day Flood Zone 3. A loss of the floodplain could lead to an increase in flood risk elsewhere, and consequently the application does not meet the requirements of the NPPF.

Advice to LPA/Applicant

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 correctly included climate change within the 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.

If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2021.

This statutory instrument prevents you from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Flood resistance and resilience

Cont/d..

We recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient construction
https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

FRA sources of information

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please contact SSDEnquiries@environment-agency.gov.uk. The types of information are found here https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#get-information-to-complete-an-assessment.

Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all.

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.

Signing up for flood warning

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.

To get help during a flood, visit https://www.gov.uk/help-during-flood.

For advice on what do after a flood, visit https://www.gov.uk/after-flood.

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

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