

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

Our ref: HA/2022/123954/01-L01
Your ref: APP/22/00014
Date: 18 February 2022

Dear Sir/Madam

**CONSTRUCTION OF NEW STEEL FRAMED AND PROFILED METAL CLAD
MAINTENANCE WORKSHOP BUILDING, WITH ANCILLARY OFFICE AND WC.
ELECTRICITY SUB STATION STORAGE COMPOUND, HARTS FARM WAY,
HAVANT, PO9 1HS**

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

We **object** to this application as it potentially involves building over or extremely close to a culverted watercourse. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reason

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 foundations of the proposed development are 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.

Overcoming our objection

The applicant should amend their site layout to avoid placing development over or close to the culvert. Further work should be undertaken to identify the precise line of the culvert to inform these plans, including:

- A plan and cross sections showing the accurate juxtaposition of development and the culvert, showing actual dimensions and levels, and taking into account

the full size of the culvert structure and building foundations. All levels to be to Ordnance Survey datum.

- A structural survey of the culvert within the site undertaken by an incorporated or chartered civil or structural engineer.

Advice to LPA and Applicant

A culverted section of the Harts Farm Way Stream runs under the western edge of the site. The assumed location of this culvert is shown on the submitted plans, however the precise location of the culvert is not known and the proposed building could be located over it.

It is important that not only is development not built over the culvert, but also that development is not placed so close to the culvert that it damages the culvert or interferes with its maintenance. The term “maintenance” includes the possibility of replacing the culvert within the lifetime of the development. It should be noted that the riparian owner of the culvert, normally the owner of the land over the culvert, not the Environment Agency, is responsible for such maintenance.

The proposed development could therefore potentially damage this culvert which would increase the risk of flooding to the development and neighbouring properties. This is contrary to the policy aims of the NPPF and Policy CS15 of the Havant Borough Core Strategy (and Policy E19 of the submission version of the Havant Borough Local Plan).

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-notify us 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.

We will always support and substantiate our objections to major development proposals at appeal wherever a refusal is lodged in line with our advice. If you are minded to grant permission against our advice, please contact the Sustainable Places Advisor named below before making a formal decision to discuss the conditions and advice that we would wish to apply to this proposal.

In accordance with the Planning Practice Guidance (Ref. ID: 20150415), 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.

Comments on the Flood Risk Assessment

Different climate change allowances have been used to assess future flood risk than those advised in '[Flood risk assessments: climate change allowances](#)', without adequate justification. The FRA should be updated to include the latest climate change allowances.

Section 4.7 of the FRA states that the watercourse adjacent to the site and a faulty flap valve are owned by the Environment Agency – for clarity these aren't owned by the Environment Agency and are under the ownership of the landowner.

The FRA notes that the site access may be flooded but doesn't include a flood evacuation plan – the FRA should be amended to include assessment of the potential depths of flooding, and include an appropriate evacuation plan.

Please note we do 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](#) (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a [design flood](#) and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

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 refer to '[Flood risk emergency plans for new development](#)' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

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
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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. The application as proposed would be unlikely to gain a permit.

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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