

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

Our ref: HA/2016/118668/01-L01

Your ref: APP/16/00921

Date: 13 October 2016

Dear Sir/Madam

DEMOLITION OF THE SINGLE STOREY SHOP, TWO-STOREY OFFICE BUILDING AND ASSOCIATED OUTBUILDINGS. ERECTION OF 4NO. HOUSES (3X 3NO. BEDROOMS AND 1X 2NO. BEDROOMS) FRONTING ONTO QUEEN STREET AND ASSOCIATED PARKING AND ERECTION OF 2NO. DETACHED DWELLINGS (4NO. BEDROOMS) FRONTING ONTO TO THE MILL POND WITH ASSOCIATED PARKING AND ACCESS FROM QUEEN STREET

DOLPHIN QUAY, QUEEN STREET, EMSWORTH

Thank you for consulting the Environment Agency on the above planning application which we received on 23 September 2016.

Environment Agency Position

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

Planning Condition(s):

Condition 1 – Implementation of Flood Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by OPUS International Consultants (UK) Ltd, dated 11 May 2014 and the following mitigation measures detailed within the FRA:

1. No habitable use of the development to occur below 4.8mAOD

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:

To ensure that the proposed development and its occupants remain safe over its

lifetime.

This condition is in line with Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Council Core Strategy 2011 and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Advice to the Local Planning Authority / Applicant:

Sequential Test

Our response to this planning application is on the understanding that t Havant Borough Council is satisfied that the Sequential Test has been adequately demonstrated to the 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, Havant Borough 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].

Flood Risk

The local planning authority (LPA) must be aware that the ground floor levels of the proposed development could be exposed to internal flood depths of up to 0.9m and must be satisfied that buildings will be able to withstand this.

The development is at risk of flooding from the river and sea. The Environment Agency shows that the site is:

- at risk of flooding from the sea during a flood event with a 0.5% (1 in 200) chance of happening in any year;
- at risk of flooding from the river and the sea during a flood event with a 0.1% (1 in 1000) chance of happening in any year

The proposed development is located between 2 culverted channels of the River Ems, a designated main river.

During extreme tidal flood events, during which safe access and egress may not be possible, the applicant is proposing to rely on a flood warning and escape plan. 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.

Planning Policy Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development

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

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.

The applicant proposes to construct defences initially to the 2054 flood levels that have the capacity to be adapted to 2115 flood levels. Whilst we welcome the proposed improvement it is not clear when the wall will be raised, or where the responsibility for this will sit.

The applicant has stated that they will contribute to, and facilitate as far as he is reasonably able to, the construction and delivery of the offsite elements of the Queen Street coastal defence scheme. Therefore, the proposed development offers a valuable opportunity to facilitate delivery of a flood defence scheme that would reduce tidal flood risk to an existing community that may not receive sufficient central government funding to meet its full cost.

The LPA should be aware that whilst this intended contribution is welcomed, detailed discussions are still required to confirm this and no legal agreements are currently in place. At this stage there is still a risk that despite the potential contribution it is not possible to unlock sufficient central government funding to guarantee the implementation of the wider flood defence scheme.

Flood Risk Activities Permit

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for:

- any proposed works or structures, in, under, over or within eight metres of the top of the bank of the river Ems, designated a 'main river'. This was formerly called a Flood Defence Consent.
- Any proposed works or structures within sixteen metres of a tidal main river or the base of a sea defence. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Please be aware that any permit application will need to demonstrate the nearby culverts are able to withstand any additional loading from the proposed development and that any excavation works are safe with regards to flood risk, relative to the depth of the culvert.

Yours faithfully

Mr Jon Maskell
Planning Advisor, Environment Agency
Direct e-mail PlanningSSD@environment-agency.gov.uk

