

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

**Our ref:** HA/2016/118151/01-L01  
**Your ref:** APP/16/00319  
**Date:** 10 May 2016

Dear Sir/Madam

## **OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT**

### **LAND ADJACENT TO, VICTORIA ROAD, HAYLING ISLAND**

Thank you for consulting the Environment Agency on the above planning application which we received on 20 April 2016.

#### **Environment Agency Position**

The Environment Agency **OBJECTS** to this application as submitted, for the following reason(s):

The application has failed to meet the requirements of the second part of the flood risk Exception Test as set out in paragraph 102 of the National Planning Policy Framework (NPPF). In particular, the information submitted in support of the application does not adequately demonstrate that an appropriate package of mitigation measures, agreed with Havant Borough Council, will reduce the significant risk of flooding to an acceptable level.

#### **Overcoming our objection**

We object to the proposed development until the Local Planning Authority (LPA) are able to confirm that they are happy with a reliance upon refuge in the absence of safe access and egress during the design event, as this issue does not lie within our direct remit or expertise.

#### Advice to Local Planning Authority

#### Policy requirement

The Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal requires the Exception Test to be applied in the circumstances shown in tables 1 and 3. Paragraph 102 of the NPPF makes clear that both elements of the Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the

development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

### Level of flood risk

The application site lies in within Flood Zone 3 defined by the NPPF as having a high probability of flooding. The application site also lies within a high hazard area according to the Partnership for Urban South Hampshire (PUSH) Strategic Flood Risk Assessment (SFRA). We welcome the amendments made to the building design to incorporate flood resilience measures on the ground floor. However, the potential flood depths still present a significant risk to people and property.

At 2.7 – 3.0mAOD, ground levels at the site are below the design tide level for present day of 3.1mAOD. Predicted design tide levels for the site in 2115 are 4.4mAOD. As the ground floor slab of the proposed development is 3.3mAOD, over its lifetime the proposed development could be facing internal flood depths of up to 1.1m. It is not clear what the proposed level of any access roads will be, but on the assumption that they will be similar to existing ground levels, access roads could be facing flood depths of up to 1.7m over the lifetime of the development. The Environment Agency/Defra R&D Technical Report FD2320/TR2, specifies that flood depths of this magnitude would present a danger for most, including the emergency services. Rescue would therefore be extremely hazardous.

The submitted documents state that the proposed development site is protected by defences which have crest levels ranging from 3.8 – 4.2mAOD. Therefore, whilst the defences may offer some protection against design tide levels for the present day, the defence it is still some 0.6m lower than predicted design tide levels for the site in 2115. Environment Agency data suggests a lower standard of protection compared to that quoted in the Flood Risk Assessment.

### Proposed method of risk management

As a result of the above, the safety of occupants will be entirely reliant upon a strategy of prior warning and evacuation, or refuge within the dwelling. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures or accompanying development proposals, (including structural considerations where there is a reliance on refuge within buildings) 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.

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.

We would recommend that the following issues need to be considered by the LPA, in consultation with relevant experts, when coming to a decision on this application:

1. Whether or not the principle of relying on flood response planning (prior warning and evacuation or refuge) is acceptable given the potential flood risk (depths and hazard) outlined above, then
2. Whether or not the proposed refuge will enable people to remain safe, taking into account:

- a. The resilience and recoverability of essential services during and after a flood
- b. The ability of the buildings to remain structurally stable during a flood
- c. The likely duration of flooding to the proposed development

### Sequential Test

Our response to this planning application is on the understanding that 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 – Flood Risk and Coastal Change.

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<sup>[1]</sup>.

### Surface Water Drainage Systems

Please be aware that following a change to the Development Management Procedure Order in 2015, the Environment Agency are no longer statutory consultees for matters relating to surface water drainage systems. This role has been taken on by the Lead Local Flood Authority who you may wish to consult.

Yours faithfully

**Mr Jon Maskell**  
**Planning Advisor, Environment Agency**

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<sup>[1]</sup> NPPF Planning Practice Guidance, Section 23 paragraph 059 '*Flood resilience and flood resistance*'.  
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