

Ribble Valley Borough Council
Development Control
Council Offices Church Walk
Clitheroe
Lancashire
BB7 2RA

Our ref: NO/2019/111421/01-L01
Your ref: 3/2018/1081
Date: 25 January 2019

Dear Sir/Madam

DEMOLISH AND REBUILD MAIN FARM HOUSE. CHANGE OF USE TO ONE LIVE/WORK UNIT. CHANGE OF USE FOR A MONO PITCH BUILDING TO GARAGE UNIT FOR LIVE/WORK UNIT. DEMOLISH EXISTING FARM BUILDINGS

STARTIFANTS FARM, GOOSE LANE, CHIPPING, PRESTON, PR3 2QB

Thank you for consulting us on the above application.

Environment Agency position – flood risk assessment (FRA)

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

Reasons

The application site is located within Flood Zone 3 on the Environment Agency Flood Map for Planning. In the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF), Flood Zone 3 is defined as having high probability of flooding. In accordance with the NPPF, development proposed in Flood Zone 3 or 2 should be accompanied by a Flood Risk Assessment (FRA) appropriate to the nature and scale of the proposed development.

The proposal is for a replacement dwelling and a barn conversion to a live/work unit, which are classed as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG: Flood Risk and Coastal Change.

We have reviewed the submitted FRA, prepared by Paul Wait Associates, referenced 18073/CR/01 (dated October 2018), and it does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk

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and Coastal Change section of the PPG. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In the absence of Environment Agency modelled fluvial flood levels, the FRA is based on a Hydraulic Modelling Report for Chipping WwTW undertaken by Jacobs in January 2016, which is not specific to this proposal.

The applicant has not appended the full model report to the FRA or submitted it separately to the LPA. In order to establish the full extent of the flooding on site during the design flood including an allowance for climate change (i.e. 1 in 100 year flood and 1 in 100 year flood plus 35% climate change) the model report and data it is based on is required for us to verify it before it can be considered fit for purpose.

The above fundamentally affects the validity of the FRA. However, to assist the LPA in their decision, we have reviewed the FRA on face value, and the current proposals pose an unacceptable risk to life and property from flooding up to and including the 1 in 100 year flood including climate change.

There are a number of errors, discrepancies and missing information within the submitted FRA and plans:

- The FRA and actual proposals differ, such as the barn conversion in the FRA is for two dwellings, but the plans are for a single live/work unit.
- Figure 3.2, Development Proposals, by J. Hadfield is different to the existing and proposed site plans submitted by J. Hadfield referenced 361A/101 and 641A/201.
- The FRA references buildings A-E in the report and on the out of date site plan (Figure 3.2), however the buildings are also referred to as F-I in section 3.3 proposed development details.

In particular, the FRA fails to address the following issues:

1. Take climate change into account for the lifetime of the development.

Section 2.2.5, Climate Change (pg. 5), refers to updated climate change allowances and recommends that 'an allowance of 70%-35% to should be applied to peak river flow'. However, it does not appear that this has been implemented and the Hydraulic Modelling Report by Jacobs precedes the current guidance. Section 6.3.4, Table 9, details flood depths for the 1 in 100 plus 20% climate change. The applicant should ensure that a minimum of 35% has been added in accordance with current guidance.

2. Propose sufficient flood resistance and resilience measures in relation to the design flood level including climate change.

The FRA has not properly demonstrated that the finished floor level of the replacement dwelling and barn conversion will be dry in the design flood with an allowance for climate change.

The finished floor level of the replacement dwelling should be set 600mm above the 1 in 100 year flood including 35% climate change allowance.

All habitable accommodation in the barn conversion should be on the first floor if the ground floor level cannot remain dry in the 1 in 100 year flood including 35% climate change allowance.

3. Consider how people will be kept safe from the identified flood hazards

To accommodate the finished floor levels, section 7.1 of the FRA states that non-habitable space will be provided at ground floor level however 'Proposed replacement house plans and elevations, J. Hadfield Engineering, 361A/202, July 2018' demonstrates a habitable ground floor with sitting, dining and a kitchen. This does not accord with the recommendations within the FRA. In order to comply with the required finished floor levels, the ground floor of all dwellings must be non-habitable.

There are serious concerns on the proposed development due to the anticipated depth of flooding being 0.3m-1.23m across the proposed site during different flood events.

According to the submitted FRA, the proposed dwellings will flood to a depth of 0.82m and 1.22m during the 1 in 100 year flood level plus 20% climate change allowance. This is likely to be greater if a 35% allowance for climate change is applied.

It is not clear what is the duration of each flood will be. Particularly for the proposed dwellings, it must be made clear how long residents will be expected to be away from their property or be seeking safe refuge in the upper floors during an event.

Overcoming our objection

It may be possible to overcome our objection if a revised FRA is submitted that covers the deficiencies highlighted above. The FRA must demonstrate that the development is safe for its lifetime (including climate change impacts) without increasing risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application.

The applicant should ensure that all plans are consistent and references are clear throughout the FRA, so that a suitable assessment of risk can be made

We ask to be re-consulted with the results of any revised FRA and we will provide you with bespoke comments within 21 days of receiving formal re-consultation.

Advice to LPA

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and calculations relating to the structural stability of buildings during a flood
- Details and adequacy of flood proofing and other building level resistance and resilience measures

Structural stability

Structural considerations must be given for buildings where there is an anticipated flood level above 0.6m. Consequently, as per Table 9 in section 6.3.4, all proposed buildings must be given structural consideration by a suitably qualified structural engineer as

anticipated flood depths will be a minimum of 0.82m in a 1 in 100 year plus 20% climate change event.

It should be demonstrated to the satisfaction of the LPA that the structural integrity of the buildings are not comprised.

Flood warning and emergency response

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. We will not have any involvement with this development during an emergency as the site is not covered by our flood warning network.

The planning practice guidance 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 consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. We agree that this indicates that there will be a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services).

This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

Advice to LPA/applicant

National planning policy requires development to be made safe for its lifetime, taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible, reduce flood risk overall. It cannot be assumed that the first purchaser and subsequent purchasers of the property will be aware of these measures and their role in ensuring the development is safe from flooding for its lifetime. As properties change hands, information can be lost and awareness reduced. The applicant should demonstrate how homeowners will be made aware of this measure, which has been implemented to ensure safe refuge and reduce the impact of a flood event. By providing this information the developer is ensuring that the development will be safe for its designed lifetime and in compliance with national planning policy, irrespective of a change of ownership.

Environment Agency position – development next to a Main River

We object to this application as it involves building within 8 metres of a main river watercourse. As submitted, it is unlikely that we would grant a flood risk activity permit for this application.

Reasons

Under the Environmental Permitting Regulations 2016, an Environmental Permit is required for any works within 8 metres from the top of the riverbank/retaining wall. A permit for the replacement dwelling or any other structures within the stated distance are unlikely granted a flood risk activity permit for the following reasons:

Development next to Chipping Brook may unacceptably affect our access to carry out essential maintenance and/or emergency works, and the structure may interfere with natural geomorphological processes and could be placed at risk of damage arising from channel migration/erosion.

Consequently, based on the information available the development may not be able proceed in its present format.

Overcoming our objection

The applicant can overcome our objection by submitting suitable plans to demonstrate that the replacement dwelling will not be within 8 metres of the top of the bank/retaining wall based on topographical site survey data. A cross-section should also be provided.

We will maintain our objection to the application where a permit is unlikely to be forthcoming.

Environmental permit (flood risk activities) – advice to applicant

The watercourse, Chipping Brook, which flows through the site is designated a main river.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit 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 03702 422 549. 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.

We recommend applicant considers the following guidance on the rights and responsibilities of riverside ownership:

<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

Note to applicant

Should you wish us to review any technical documents or want further advice to address the flood risk issues raised, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to overcome our objection with us, before formally submitting further information as part of your planning application.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The terms and conditions of our charged for service are available [here](#).

We will be unable to offer this service where we consider that a request is unreasonable, goes beyond what we can advise on through our planning remit or where other operational activities and issues prevent us from doing so.

If you would like more information on our planning advice service, including a cost estimate, please contact us at the email address below.

Yours faithfully

Mr Alex Hazel
Planning Advisor – Sustainable Places

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