

Mr Peter Barnett
Adur & Worthing Councils
Development Control
Portland House Richmond Road
Worthing
West Sussex
BN11 1LF

Our ref: HA/2017/119027/01-L01
Your ref: AWDM/1953/16
Date: 30 January 2017

Dear Mr Barnett

Hybrid application for 1. Outline planning permission for the erection of up to 52 new dwellings, with all matters other than access and 2. Full planning permission for the realignment of the Adur tidal wall flood defence, as approved under LPA ref. AWDM/1614/15

Grazing Land South West Of Flyover, Steyning Road, Shoreham-by-Sea

Thank you for consulting the Environment Agency on the above planning application. We have the following comments.

Environment Agency Position

We have **no objections** to the proposed development, **subject to the inclusion of the below condition** in any planning permission granted.

The local planning authority (LPA) must be satisfied that the requirements of the Sequential Test have been met.

Condition 1 (Outline and Full) – Flood risk mitigation

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ramboll ref. 61033777-ENV-R-05 Rev C, dated December 2016) and the following mitigation measures detailed within the FRA:

1. Measures, including buffer zones free from built development, to safeguard maintenance of existing flood defences.
2. Finished floor levels for habitable rooms are set no lower than 5.6m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the

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scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

The site is located within tidal Flood Zone 3, according to our Flood Map. This indicates land with a 0.5% AEP (annual exceedance probability). There is therefore considered to be a high probability of flooding at the site, in accordance with the Planning Practice Guidance.

We are satisfied that the mitigation measures detailed in the submitted Flood Risk Assessment (FRA) are appropriate. The first floor levels will be set at 5.6m AOD for habitable rooms and sleeping accommodation, which gives an additional freeboard of 300mm above the 0.5% AEP flood level, plus allowance for climate change.

The above condition is required in order to ensure the structural integrity of the Shoreham Tidal Walls Scheme and proposed bund extension, and reduce the risk of flooding to the proposed development and future occupants.

Condition 2 (Outline) – Adur tidal walls

The development hereby permitted shall not be occupied until the completion of the flood defences approved under planning permission AWDM/1614/15, as amended, necessary for the protection of the site.

Reasons

The approved Adur Tidals Walls Scheme flood defences will improve the standard of protection at the site. The proposal to extend the defences to encompass the site will provide additional mitigation.

The above condition is required to reduce the risk of flooding to the proposed development and future users.

Condition 3 (Outline) – Buffer zone

No development shall take place until a scheme for the provision of an 8 metre (minimum) wide maintenance buffer zone alongside the flood defences shall be submitted to and agreed in writing by the local planning authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, the buffer zone scheme shall be free from built development.

Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reasons

The proposed development will be located adjacent flood defences. Maintenance access to these defences is vital to ensure that their structural integrity can be maintained, thereby reducing the risk of flooding to the development and future occupants.

The above condition is required in order to ensure that sufficient access and space for maintenance activities is not lost to the development, or the addition of structures under householder permitted development rights.

Sequential Test

The LPA must decide whether they are satisfied that the application demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is required by paragraph 101 of the National Planning Policy Framework.

The Sequential Test is mentioned at section 3.2 of the submitted Flood Risk Assessment (FRA) (Ramboll ref. 61033777-ENV-R-05 Rev C, dated December 2016), but no evidence appears to have been submitted to demonstrate that an assessment of alternative sites has taken place.

The 'Flood Risk Vulnerability and Flood Zone 'Compatibility' Table' of the national Planning Practice Guidance (PPG) cited at 3.2.2. of the FRA indicates that the Exceptions Test is required. The PPG makes clear, as a note to this table (Ref ID: 7-067-20140306):

'This table does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea'

Our [Flood Risk Standing Advice](#) reminds you of this and provides advice on how to do this. Further advice is also accessible in the PPG (Ref ID: [7-033-20140306](#)).

Please note it is the role of the LPA to determine and assess the acceptability of the Sequential Test. Our role is to advise on the process of the Sequential Test. We do not comment upon comparative assessment of land, its availability or suitability for a particular form of development.

Further flood risk advice to LPA and developer

We have the following advice on flood risk management, which the LPA should consider when determining the application and the developer should consider when preparing any detailed proposals.

Flood resilience and emergency planning

The FRA states that detailed design of flood resilience measures and a flood emergency plan will be prepared under reserved matters.

We strongly recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

We recommend reading the following guidance:

['Improving the flood resilience of new buildings'](#)

['Prepare your property for flooding: A guide for householders and small businesses'](#)

Surface water drainage

Surface water disposal is proposed to be discharged to the River Adur via an outfall, as soakaways/ SUDS are stated as being unsuitable for the site drainage.

It is for the local authority to comment on the acceptability of these proposals. However, we advise that a pumping station as means of surface water disposal is not considered sustainable and not an option we would generally support. A management plan/ maintenance regime/ emergency plan would likely need to be implemented, particularly should breakdown occur.

Any works, including a drainage outfall, in, under or over the River Adur, a classified main river, or within 15m from the watercourse landward toe, will require an Environmental Permit (formerly Flood Defence Consent) from us.

The discharge will need to comply with the requirements of The Eels (England and Wales) Regulations 2009.

As the proposed point of discharge is within a Site of Scientific Special Interest, Natural England will also be consulted on any Environmental Permit application we receive.

Bund extension

The bund extension to the flood defences will also be subject to the above requirements for an Environmental Permit.

The extension is subject to ongoing discussions with our Adur Tidal Walls Scheme project team. Any future maintenance issues will rest with the riparian owners.

Final comments

Please can we be consulted on any application for the approval of details required by the above conditions, or for their removal or variation.

If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

Mr David Griggs
Planning Advisor

Direct dial 02030 259625

Direct e-mail PlanningSSD@environment-agency.gov.uk

cc Thornton Architecture & Design