

North Somerset Council
Development Control
Town Hall
Walliscote Grove Road
Weston-super-Mare
North Somerset
BS23 1UJ

Our ref: WX/2023/137123/01-L01
Your ref: 23/P/0664/OUT
Date: 10 May 2023

Dear Sir/Madam

OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF UP TO 190 NO. HOMES (INCLUDING 50% AFFORDABLE HOMES), 0.13HA OF LAND RESERVED FOR CLASS E USES, ALLOTMENTS, CAR PARKING, EARTHWORKS TO FACILITATE SUSTAINABLE DRAINAGE SYSTEMS, OPEN SPACE AND ALL OTHER ANCILLARY INFRASTRUCTURE AND ENABLING WORKS WITH MEANS OF ACCESS FROM SHINERS ELMS FOR CONSIDERATION. ALL OTHER MATTERS (MEANS OF ACCESS FROM CHESCOMBE ROAD, INTERNAL ACCESS, SCALE, LAYOUT, APPEARANCE AND LANDSCAPING) RESERVED FOR SUBSEQUENT APPROVAL AT LAND TO NORTH OF RECTORY FARM, CHESCOMBE ROAD, YATTON

Thank you for referring the above application, which was received 12 April 2023 and I apologise for the delay in responding.

The Environment Agency OBJECTS to this application as it is not supported by a Flood Risk Assessment (FRA) which adequately considers the flood risks at the site. We are therefore unable to determine if the development is in accordance with the National Planning Policy Framework (NPPF).

In the absence of an acceptable FRA, we recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance (PPG) and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to demonstrate that the proposed land raising required to protect the proposed dwellings will not make flood risk worse elsewhere, a central requirement of the second part of the NPPF Exception Test with respect to flood risk and new development.

Environment Agency
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

The FRA makes use of a precautionary 'undefended' design flood scenario to set minimum finished floor levels (FFLs), following discussion with the Lead Local Flood Authority (LLFA). We do not object in principle to these proposed FFLs but note that, given the existing topography of the site, this will necessitate significant land raising to achieve. The practicalities and specifics of this land raising are not discussed in the FRA. We have the following concerns:

- The design flood scenario proposed in the FRA and agreed with the LLFA is an 'undefended' scenario, where extreme still water levels are able to act directly along the coastal frontage inundating the floodplain as indicated by the Flood Zones and representing a worse-case 'residual risk' of flooding to the site. However, with climate change and allowing for the impact of existing defences, the equivalent defended 1 in 200 (0.5%) 2118 scenario in our existing Woodspring Bay Model also results in flooding impacting the site. As a result of the impact of flood defences preventing overtopping for part of the tidal curve, however, the total volume entering the floodplain is less and the impact of floodplain features such as road/rail embankments is greater. Flooding is shown in this event to extend to nearby existing residential properties adjacent to the site. The land raising proposed to elevate the site above the undefended design event reduces space for floodwater and could increase flood risk to these properties and others. Although the FRA notes that the PPG states in para. 049 that *"The loss of floodplain storage is less likely to be a concern in areas benefitting from appropriate flood risk management infrastructure or where the source of flood risk is solely tidal"*, we would emphasise the phrase *"less likely"* in this quotation. The PPG does not mean that the loss of floodplain storage can be ignored arbitrarily in areas affected by tidal flooding. In this instance, 5km from the coastal frontage and within an area partly surrounded by raised embankments and existing property, further investigation of the impacts of land raising is warranted and is not unreasonable since modelling has already been undertaken and given the scale and nature of the development and the likely required land raising suggested. The defended model should be re-run for a 1 in 200 (0.5%) plus climate change event with an appropriate representation of the intended land raising, to demonstrate the assertion in the FRA that flood risk will not be increased elsewhere.
- While we do not disagree that, in terms of setting appropriate FFLs and considering safe access/egress, tidal flooding risk poses the predominant risk to the site, this does not mean that fluvial flooding can be ignored when assessing impacts on flood risk elsewhere. The impact of existing coastal defences indeed makes fluvial flooding more likely to occur at the site over its lifetime compared to the precautionary tidal event used to inform FFLs. The applicant's consultant's own hydraulic modelling in support of adjacent application 21/P/0236/OUT indicated that a 1 in 100 (1%) flood event including climate change results in fluvial flooding north of Rectory Farm, affecting parts of the site where dwellings (and hence land raising) are proposed. It is our view that the impacts of proposed land raising on fluvial flooding from the Congresbury Yeo and local rhyne network should be considered in a similar manner to application 21/P/0236/OUT to ensure flood risk is not made worse elsewhere.

On the basis that further modelling is required to demonstrate that the proposed land raising will not increase flood risk elsewhere, we would also advise that all model files should be provided to us for our detailed review once complete. The applicant's consultant should arrange this by contacting Wessex. Enquiries nwx.sp@environment-agency.gov.uk.

This does not mean that we will necessarily elect to undertake a full detailed review of the model files, as this is subject to the findings of the additional modelling requested, but the scale and nature of the proposed development means that the model files should at least be provided for our consideration.

In addition, the submitted FRA available for review does not appear to include its appendices, please can these be uploaded alongside an updated FRA.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll endeavour to respond within 21 days of receiving it.

Additional Note – Rhyne Network and Land Raising

The FRA and Surface Water Drainage Strategy acknowledges the need to preserve the existing rhyne network to achieve drainage of the site. The land raising required to reach the intended dwelling FFLs could have implications for the ongoing maintenance of the rhyne network, that may require further consideration informed by discussion with the Internal Drainage Board (IDB).

Sequential Test

In accordance with the NPPF (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Evidence should therefore be provided to the LPAs satisfaction to ensure that the flood risk Sequential Test has been adequately completed. It should be demonstrated that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed.

A copy of the subsequent decision notice would be appreciated.

Please quote the Agency's reference on any future correspondence regarding this matter.

Yours faithfully

Richard Bull
Sustainable Places - Planning Advisor

Direct dial 02030 250287

Direct e-mail nwx.sp@environment-agency.gov.uk