

rappor



Land at Rectory Farm (North), Yatton

Persimmon Severn Valley

Appeal Ref: APP/D0121/W/24/3343144

Response to 2nd Create Consulting Engineers Ltd
Note, Point 1

January 2025





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1 Introduction

- 1.1 This document has been prepared to provide a response the 2nd note prepared by Mr Cage in relation to 'Point 1' of the document prepared by Mr Cage of Create Consulting Engineers Ltd. The initial document is dated 7th Jan 2025 but the note to which this responds to is dated 20th Jan 2025.
- 1.2 On review of this note, Mr Cage raises a series of points with most relating to points that were raised during the Inquiry and certainly through Cross Examination (for which Cage was not present).
- 1.3 For the avoidance of doubt Point 1 (taken from the original Create document of 7th Jan 2025 stated:

Figures 4.6 and 4.7 of the FRA show Hazard Mapping which has been based on the original Land Raising of 8.44m as outlined in the Hydrock FRA CDA11. If the ground level was dropped to 6.88m AOD then this would have a significant impact on the speed of inundation to the site, as the site would be lower as well as the overall depth of flooding that would be experienced across the site. These hazard maps are therefore wrong and do not show accurately the impact of the site both for the defended and undefended scenarios.

- 1.4 Whilst the points raised in the latest Create documents (20th January) are loosely linked to the above, the note covers the following key topics to which I will be providing a response in this document.
 - Brookbanks FRA (ID28)
 - Design Storm and Safe Access
 - Speed of Inundation and Hazard Mapping

2 Brookbanks FRA (ID28)

- 2.1 This is a point that was discussed at length during my Cross Examination and had Mr Cage been in attendance, or advised accordingly, the confusion on his part would have been resolved.
- 2.2 In summary, and to repeat, the Brookbanks FRA was not formally submitted as part of the planning submission but does form part of the evolution of the scheme through discussions with the Environment Agency – to which North Somerset were invited but chose not to attend. Therefore, whilst the Brookbanks FRA (ID28) provides useful background it does not reflect the approach to mitigation/access now being proposed, nor the position agreed with the Environment Agency in relation to the design storm event or proposed ground levels and therefore is not relevant to the position presented to the Inquiry.
- 2.3 In para 1.9 Mr Cage refers to the Brookbanks FRA being the only document which provides any output of the modelling. This is a wholly incorrect statement. A comparison of the 6.43m AOD ground raising approach was included within the Rappor Jan 2024 document. As part of the submission of this document the modelling files were provided to the Environment Agency for their review. It was this submitted model output data (which contained depths, heights and hazards) that the EA used to generate Figure 1 in their Position Statement (ID22).
- 2.4 With the information having been provided to the consultee who chose to engage in the discussions, this has therefore provided evidence to allow the Environment Agency to make an informed decision, as is noted in their correspondence, Position Statement and more recent responses (24th January 2025), which highlights that Mr Cage's position in Para 1.10 and 1.13 is also incorrect and rather it was North Somerset's decision not to engage in discussions.

3 Design Storm and Safe Access

3.1 In the latest response Mr Cage maintains his position that the undefended 1 in 200 year plus upper end climate change allowances event should have been used in assessing the level of risk to the development site. However, and as raised by the Inspector in response to the 20th Jan note, this position, and comments raised within the note, provide differing views on the advice given by the EA.

3.2 As part of this query the Inspector wrote to the EA to ask them to clarify their position, and a response was provided by Ms Challans on 24th January which stated that it was the EA who:

requested that the appellant used the defended 1 in 200 year plus climate change flood level to determine if this reduced the flood risk impact to third party land, compared to the undefended scenario. Whilst the defended scenario did reduce flood depth impacts to third parties, an additional 17mm of flood risk detriment to existing properties remained (as set out in section 5.5 of our position statement)

3.3 This therefore confirms that Mr Cage's position is at odds with what has previously been agreed with the Environment Agency and, if anything, goes further to state that it was the EA who requested the defended scenario to be considered.

3.4 Give the above, and the confirmation from the EA, this provides evidence as to why the approach taken (from September 2023 onwards) has been based on the defended scenario – it was requested by the EA – and this is what has resulted in the latest ground level of 6.43m AOD being proposed and position with respect to access and egress (i.e. safe to the south). It also confirms there has been no misinterpretation from the appellant (as Mr Cage suggests), and more Mr Cage has not understood/reviewed the background information.

3.5 It should be noted that throughout the process approaches were made to NSC to discuss the flood risk position (between May 2023 and September 2023) and this offer to attend meetings was declined.

3.6 On the confirmation from the EA, this confirms the **defended scenario was the agreed design event** and therefore no other response to Mr Cage's comments in relation to the undefended events are required.

3.7 With respect to access, Mr Cage's comments outline the position against the wrong design event – i.e. the undefended scenario - and therefore are not linked to the design storm within the relevant and most recent documents. This therefore means Mr Cage's position is incorrect and doesn't reflect the agreed position.

3.8 The confirmation from the EA therefore maintains the position with respect to access as presented in my Proof, Rebuttals and that in both my Evidence in Chief and Cross Examination. This being that during the defended design event, the proposed access onto Shiners Elm's would experience flooding (to a depth of circa 0.38m) for a short period of time at the peak of this event but that access to the south would be acceptable. This access to the south is referred to in Mr Bunn's original proof in that:

For a safe access to be achieved the proposal is reliant on a third party to construct an access road

- 3.9 This states that the only factor preventing a safe access is it being controlled by a third party, notwithstanding the contractual requirement for its connection detailed in the note from Clarke Willmott (ID48) and agreement by all parties to a planning condition regarding provision of a southern connection by occupation of the 150th dwellings. Thus the delivery of this is no longer a matter in dispute. No reference is made to this not being acceptable in flood risk terms and, again, is confirmed as an appropriate route.
- 3.10 However, and again as outlined in during the Inquiry, an access is provided via the development to the south and this, as shown in my previous rebuttal to Mr Cage's original note, is shown as being not only at 'low hazard' but also within Flood Zone 1 for the defended design event and therefore provides dry access and egress. This route links to the development to the south and it should be noted that as part of the planning application process for this (23/P/0238/RM) no objection, nor comment, was raised in relation to access and egress and is therefore accepted.

4 Speed of inundation and Hazard Mapping

- 4.1 Mr Cage provides a summary of the works undertaken within the Hydrock and Brookbanks FRA's and provides a series of levels and depths within his latest rebuttal. However, and as outlined above, this is merely background information and what Mr Cage does not provide is a summary of the position when utilising the defended 200yr plus higher central climate change allowance, i.e. that request and agreed by the EA. Most of this section is therefore not representative of the position being presented to the Inquiry and based on earlier iterations.
- 4.2 Within para 1.30, Mr Cage again refers to modelling files having not been submitted. This is again incorrect, modelling outputs of the defended scenario were provided to the EA in early 2024 for their review.
- 4.3 Mr Cage appears confused within para 1.31 but then answers his own point. In summary, Figure 3 within the January 2025 shows the hazard mapping for the defended events and, as Mr Cage correctly identifies:
- the whole of the site should be clear of any hazard and would all be the same colour*
- 4.4 This therefore confirms that the site and the access to the south are outside the flood extent, safe for its design life and provides an acceptable means of access and egress to the south. To answer the one point raised, the green area shown on the mapping is standard colours for the available open-source mapping and hence no key required.
- 4.5 Further reference is made by Mr Cage as to the predicted flooding on the northern access and Shiners Elms. This is again nothing I, nor the appellant, have argued against and evidence confirms this. The key is that, and as referenced by Mr Cage, within the defended scenario the whole of the site should be clear of any hazard. This therefore confirms an agreeable access (and confirms Mr Bunn's position in para 2.7.1 of his Proof), via the south is acceptable.

5 Conclusion

- 5.1 This note has provided a response to the key points raised by Mr Cage and highlights that whilst he is insistent on the need for the design event to be the undefended with upper end climate change allowances, this is not the position that has been agreed and subsequently the Inspector has asked, and the EA have confirmed, that the defended scenario was undertaken at their request. This confirms the design storm used are correct and results in many of the points raised by Mr Cage in his latest note as just not being relevant to latest position.
- 5.2 This would also be consistent with Mr Cage referring to the Brookbanks FRA (ID28). Whilst this does form part of the evolution of the scheme this document has been superseded by conversations held with the EA (to which NSC were invited but chose not to attend) which resulted in the move towards the defended scenario being used. On this basis, the subsequent Technical Notes (which draw on and explain the changes from the original Hydrock FRA) provide a summary of how the process has developed to where it is now.
- 5.3 The other main point raised by Mr Cage remains in relation to access and egress from the development with the focus being primarily on the north access. It is, and always has been agreed, that this access would be liable to flooding during all assessed events. However, and as confirmed by Mr Cage the southern access is shown as being *clear of any hazard* in the defended scenario based on the measures being adopted and it has been agreed that the provision of a southern access can be secured by planning condition. Given the confirmation from the EA as to their acceptance of the defended scenario, this confirms that not only is the development safe throughout its design life, but also that access to the south is acceptable as is of low hazard.

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