Mark Ollerenshaw
Staffordshire Moorlands District Council
Development Control
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

**Our ref:** UT/2019/117920/01-L01
**Your ref:** SMD/2019/0217

**Date:** 03 May 2019

Dear Sir

**ERECTION OF A DWELLING HOUSE WITH ASSOCIATED OFF ROAD CAR PARKING AND FORMATION OF PAVEMENT CROSSING**

**LAND WEST OF ABBEY GREEN ROAD, LEEK**

Thank you for referring the above application which was received on 25 April 2019.

The Environment Agency **OBJECTS** to the proposed development and recommends refusal of planning permission on the following grounds:

**FLOOD RISK**

The site lies within Flood Zone 3 of the River Churnet according to our Flood Map for Planning (Rivers and Sea). We have reviewed the Planning Statement, dated March 2019, submitted in support of this application. In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.

The submitted FRA does not comply with the requirements for site-specific FRAs, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the PPG. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Consider how people will be kept safe from the identified flood hazards
- Consider how a range of flooding events (including extreme events) will affect people and property
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event

- Take the impacts of climate change into account
    - There is no assessment of the impact of climate change using appropriate climate change allowances
    - Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to flood levels to take climate change into account. Consequently the development proposes inadequate:
        - Flood storage compensation
        - Raised finished floor levels
        - Resistance and resilience measures
        - Safe access and egress routes
- There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank of watercourses, unless agreed otherwise in writing by the Local Planning Authority. The permanent retention of a continuous unobstructed area is an essential requirement for the preservation of the watercourse corridor, wildlife habitat, flood flow conveyance and future watercourse maintenance or improvement.

**Overcoming our objection**

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

ADVICE TO APPLICANT

*Obtaining Flood Data/Flood Model Information*

In instances where the Environment Agency is not in possession of modelled levels for the required return period the model can be obtained by emailing our Customers and Engagement team and re-ran for the required return period. The email address for our Customers and Engagement team Enquiries_Westmids@environment-agency.gov.uk.

*Climate Change Allowances*

The Environment Agency has updated their guidance on how climate change could affect flood risk to new developments which was published on 19th February 2016 and came into immediate effect and these new climate change allowances should be used. More information can be found at the following link - https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances.

*Safe Access*

During a flood, the journey to safe, dry areas completely outside the 1 in 100 chance in any year including an allowance for climate change floodplain would involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100millimetres or so would be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away. Safe access and egress routes should be assessed in accordance with the guidance document 'FD2320 (Flood Risk Assessment Guidance for New Developments)'. Where safe, dry access cannot be achieved, an emergency flood plan that deals with matters of evacuation and refuge to demonstrate that people will not be

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exposed to flood hazards should be submitted to and agreed with the Local Planning Authority.

*Flood Resilience Measures*
Any proposed Flood Risk Prevention or Flood Proofing Measures should follow current Government Guidance. For more information on flood proofing techniques please see DCLG- Department for Communities and Local Government (formally ODPM- Office for the Deputy Prime Minister) "Improving the Flood Performance of New Buildings – Flood Resilient Construction" guidance document by downloading from the website http://www.communities.gov.uk/publications/planningandbuilding/improvingflood

*Environmental Permit*
This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of, or within the floodplain of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An Environmental Permit is in addition to and a separate process from obtaining planning permission.

Please note that we have a 2 month statutory period in which to determine Environmental Permits once all information has been received and it should not be assumed that such consent will automatically be forthcoming. We would advise you to consult with us at the earliest opportunity in order to determine and secure formal consent for the proposed works as appropriate.

Finally, in accordance with the Planning Practice Guidance (determining a planning application, paragraph 019), please notify us by email within two weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

If you have any queries contact me on the details below.

Yours faithfully

**Ms Anne-Marie McLaughlin**
**Senior Planning Advisor**

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