

North Lincolnshire Council
Development Control
Civic Centre Ashby Road
Scunthorpe
DN16 1AB

Our ref: AN/2023/134930/01-L01

Your ref: PA/2023/1034

Date: 02 November 2023

FAO Tanya Coggon

Dear Tanya

**Outline planning application, with all matters reserved, for a change of use of existing vacant brownfield commercial land to residential housing land and erect 38 dwellings and associated roads, driveways, gardens, landscaping and boundary treatments
51-55 Waterside Road (Former Osgerby Haulage and Warehousing), Waterside Road, Barton upon Humber, DN18 5BH**

Thank you for consulting us on the above application, on 12 October 2023.

Environment Agency position

In the absence of an acceptable flood risk assessment (FRA) we object to this application.

Reasons

The submitted FRA does not comply with the requirements for site-specific FRAs, 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:

- adequately identify the risks to the site, including the potential flood depths in case of a breach in the tidal defences
- confirm whether the measures proposed will keep people safe from the hazards identified
- 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

Paragraph 6.2.6 of the FRA refers to a predicted flood level of 5.28m AOD and states that the first floor will be above this. The figure of 5.28m AOD is an underestimate of the flood level. As acknowledged in paragraph 5.3.5, our flood hazard mapping data shows that for a 1 in 200 annual probability tidal breach scenario the maximum flood depth

over the development site would be above 1.6m: we can further advise that our modelling indicates a depth above 2.0m. Ground levels are stated to be from approximately 3.52m AOD to approximately 4.1m AOD.

Overcoming our objection

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

The actual proposed first floor level should be confirmed, to establish whether this will be above the modelled breach flood level with appropriate freeboard.

Advice to the local planning authority

Sequential and exception tests

In accordance with the National Planning Policy Framework (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.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

It is for you, as the local planning authority, to determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of the planning practice guidance [here](#).

We can advise on the relative flood risk between the proposed site and any alternative sites identified. This site has a hazard category of 'danger for all' in case of a breach in the defences during a 1 in 200 annual probability tidal scenario (allowing for climate change to 2115). The local North Lincolnshire flood risk standing advice states that new residential development is not usually appropriate in areas with this hazard rating and the Environment Agency is likely to object to such applications.

Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flood-risk-and-coastal-change).

The exception test should only be applied as set out in flood risk table 2 of the PPG following application of the sequential test. The exception test should not be used to justify the grant of planning permission in flood risk areas when the sequential test has shown that there are reasonably available, lower risk sites, appropriate for the proposed development.

Flood warning and evacuation

We note that the application is not supported by a flood warning and evacuation plan (FWEPP). In this instance we consider that warning and emergency response is fundamental to managing flood risk. We strongly recommend that a FWEPP is obtained prior to determining the application and that you consult with your Emergency Planning staff on its contents.

The Environment Agency does not comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupant/user covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 056-058) provides information on producing evacuation plans for development and the role of the local authority in ensuring these are appropriate.

Please re-consult us if an amended FRA or relevant additional information is submitted. We will provide comments within 21 days of re-consultation.

Yours sincerely

Nicola Farr
Sustainable Places - Planning Advisor

