

Andrew Byrne
Folkestone Hythe District Council

Our ref: KT/2025/132278/01-L01
Your ref: 25/0057/FH

Sent by email

Date: 30 January 2025

Dear Andrew,

Demolition of garage and erection of 2 x 1 bed flats and 7 x 2 bed flats, parking and access

66-68 Sandgate High Street, Folkestone, CT20 3AR

Thank you for consulting us on the above application which we received on 22 January 2025. As part of this consultation, we have reviewed the available documents via the planning portal and specifically the following document:

- Flood Risk Assessment (FRA) (by: Herrington; dated: December 2024)

Environment Agency position

We **object** to this application because it fails the second part of the flood risk exception test. We recommend that planning permission is refused on this basis. This is supported by paragraphs 178 and 179 of the National Planning Policy Framework (NPPF) and section 10.2 of Folkestone and Hythe Strategic Flood Risk Assessment (2015).

Please refer to the following sections for our full response:

- Section 1: Reasons for, and how to overcome, our objection(s)
- Section 2: Advice to Local Planning Authority
- Section 3: Advice to applicant

Please note that our comments are based on the details available to us at the time of writing. If any subsequent changes are made to the application, please reconsult us.

Please be aware that we wish to be re-consulted on this planning application once the required information has been submitted. Please also note that we have other comments to make once the above objection is overcome.

If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations.

Should you have any queries regarding this response, please contact me.

Yours sincerely,

Abbie Philpott
Sustainable Places Planning Advisor
E-mail kslplanning@environment-agency.gov.uk

Section 1: Reasons for, and how to overcome, our objection(s)

Reason(s)

This application lies within Flood Zone 3a and 2, which is land defined by the planning practice guidance (PPG) as having a high and medium probability of flooding. As shown in table 2 of the PPG, development classified as more vulnerable under Annex 3 of the NPPF is only appropriate in these areas if the exception test is passed alongside the sequential test.

The NPPF (paragraph 179) makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment, that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer's flood risk assessment fails to:

- demonstrate that the development is 'safe'
- consider whether flood risk will be increased in the surrounding area

Overcoming our objection

To overcome our objection, the finished floor levels must be set no lower than 600mm above the design flood level. This is particularly relevant as the proposed development includes additional ground floor sleeping accommodation situated in Flood Zone 3.

Additionally, when comparing the "Existing plans and elevations" (by: RSA Architecture; submitted: 13/01/2025) to the "Proposed Floor Plans" (by: RSA Architecture; submitted: 13/01/2025), the proposed development appears to have a larger footprint than the existing building.

Whilst the FRA (by: Herrington Consulting; dated: December 2024) acknowledges that raising the ground or building on a tidal floodplain is unlikely to impact on maximum tidal levels, flood risk may still be increased elsewhere through different means – for example the displacement of floodwater off-site, or via the diversion of floodwater flow routes.

Therefore, the FRA must demonstrate that the proposed development shall not increase flood risk elsewhere.

This is supported by paragraphs 178 and 179 of the National Planning Policy Framework (NPPF) and section 10.2 of Folkestone and Hythe Strategic Flood Risk Assessment (2015).

Section 2: Advice to Local Planning Authority

Sequential test

In accordance with the NPPF (paragraphs 172 - 175), 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.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

The only developments exempt from the sequential test in flood risk areas are:

- Householder developments such as residential extensions, conservatories or loft conversions
- Small non-residential extensions with a footprint of less than 250sqm
- Changes of use (except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site)
- Applications for development on sites allocated in the development plan through the sequential test, which are consistent with the use for which the site was allocated.

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 decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Exception test

In accordance with the NPPF (paragraphs 178 and 179), the proposed development is appropriate provided that the site meets the requirements of the exception test.

Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Flood risk issues not within our direct remit

The following issues are not within our direct remit or expertise, but nevertheless may be important considerations for managing flood risk for this development. Prior

to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

Section 3: Advice to the applicant

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient construction

<https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

Planning advice service

Should you wish us to review any technical documents or want further advice to address the environmental issues raised we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to overcome our objection with us, before formally submitting further information as part of your planning application. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us at kslplanning@environment-agency.gov.uk.