

Ross McCardle

**Our ref:** KT/2025/132248/01-L03

Sent by email

**Your ref:** 25/0016/FH

**Date:** 03 February 2025

Dear Ross,

## **Erection of a detached bungalow**

### **7 Palmbeach Avenue, Hythe, CT21 6NH**

Thank you for consulting us on the above application which we received on 9 January. As part of this consultation, we have reviewed the available documents via the planning portal and specifically the following documents:

- Flood Risk Assessment (by: Tridax; ref: T-2024-105; dated: 18/12/2024)

### **Environment Agency position**

We have **no** objection to the proposed development, however the proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the below planning condition is included. Without this condition we would object in line with paragraph 181 of the 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: Technical comments and condition
- Section 2: Advice to the Local Planning Authority
- Section 3: Advice to the 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.

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](mailto:kslplanning@environment-agency.gov.uk)

## Section 1: Technical comments and condition

### Technical Comments:

While this site lies within Flood Zone 3 and the latest modelling shows it as being inundated in the 0.5% 2070 & 2115 breach scenarios, as well as in the 0.1% 2115 defended climate change scenario, the submitted flood risk assessment proposes mitigation measures that bring the finished floor levels at least 600mm above the maximum predicted flood level. Therefore, we have **no** objection to the proposed development, however the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

### Condition 1:

The development shall be carried out in accordance with the submitted flood risk assessment (by: Tridax; ref: T-2024-105; dated: 18/12/2024) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.46 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Additionally, we would like the applicant to submit the details of how the finished floor levels are being achieved (for example, through land raising, voids, etc.), and confirmation that the stated finished floor levels are achievable without increasing flood risk elsewhere offsite (for example, through the diversion of flood water flow routes).

### Reason(s):

To reduce the risk of flooding to the proposed development and future occupants. This is supported by paragraph 181 of the NPPF and section 10.2 of Folkestone and Hythe Strategic Flood Risk Assessment (2015).

## Section 2: Advice to the Local Planning Authority

### Sequential test

We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

In accordance with the National Planning Policy Framework (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 National Planning Policy Framework (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

### **Condition wording**

If you wish to amend the wording of our requested conditions or if you wish to merge them with other Local Planning Authority conditions, please contact us to discuss the revised wording.

### **Decision notice**

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.

### Section 3: Advice to the Local Planning Authority

#### **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](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 meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with certainty of our position as to what our response to your planning application will be. 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](mailto:kslplanning@environment-agency.gov.uk)