

Mr Angelo Calabrese
Bristol City Council
City Development
PO Box 3176
Bristol
BS3 9FS

Our ref: WX/2021/135229/07-L01
Your ref: 21/01331/F
Date: 03 March 2023

Dear Mr Calabrese

REVISED FRA 22 DEC '22 - ERECT 166 NO. DWELLINGS, COMMERCIAL FLOORSPEACE, INTEGRATED CAR AND BICYCLE PARKING, REFUSE STORAGE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AND SERVICES CARAVAN CLUB, CUMBERLAND ROAD, BRISTOL

Thank you for your re-consultation.

We have carefully reviewed the additional information (Hydrock Technical Design Note dated 21 December 2022), updated Flood Risk Assessment (FRA) and Flood Warning and Evacuation Plan (FWEP).

We remain concerned based on our extensive experience managing major flood events that design flood depths of the magnitude posed at this site pose a significant risk to life and the mitigation measures proposed are inadequate, as set out in our previous responses.

In summary the new information submitted, rather than seek to revisit and/or adjust the scheme layout to appropriately mitigate flood risk as we have previously suggested, aims to further justify the approach taken. In part placing reliance on strategic flood defence infrastructure, which does not yet have any reasonable certainty of delivery. This approach is contrary to Bristol City Council's published Planning Position Statement relating to development in areas of flood risk.

Environment Agency position

We maintain our flood risk objection to this application, as submitted, because it fails to demonstrate that the site will be safe from flooding for its lifetime. We recommend that planning permission is refused on this basis.

Reasons

This application lies within Flood Zone 3a which is land defined by the planning practice guidance (PPG) as having a high probability of flooding. As shown in table 2 of the

Environment Agency
Rivers House East Quay, Bridgwater, Somerset, TA6 4YS.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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PPG, development classified as “more vulnerable” under Annex 3 of the National Planning Policy Framework (NPPF) is only appropriate in these areas if the exception test is passed alongside the sequential test.

The NPPF (paragraph 165) makes it clear that both elements of the exception test must be passed for specified 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.

Furthermore it is important to note the NPPF (paragraph 159) that where development is necessary in flood risk areas, it should be made safe for its lifetime without increasing flood risk elsewhere regardless of the vulnerability of the development – such that determining safety in respect of flood risk is not exclusive to the Exception Test. Our concerns regarding the safety of the proposals still apply to any ‘less vulnerable’ development elements and users/occupants.

In this instance the applicant’s updated FRA and accompanying technical design note fails to demonstrate that the development is ‘safe’ for its lifetime (100 years for residential led development).

Lower Ground Floor - High Hazard to Occupants

We remain opposed to the lowering of existing ground levels to create a lower ground floor area that will be exposed to significant hazardous flood depths (circa 2.5 metres) in design flood conditions. This is not acceptable.

We consider in lowering site ground levels to meet the lowest existing levels on the site adjacent to the Floating Harbour, rather than raising levels to meet higher levels towards Cumberland Road (as described in the FRA), flood depths in a design flood event are increased from c. 1.0m to c. 2.5m, significantly increasing hazard posed to future occupants.

Furthermore, this brings forward the point within the development’s lifetime when hazardous flood conditions are likely to be experienced in a design flood. The updated submissions do not justify the need to create this lowered area or demonstrate why a fully defended basement arrangement cannot instead be accommodated.

Lower Ground Floor – Plant Rooms and Ancillary Spaces

The applicant proposes that plant and services located on the lower ground floor essential to the operation of residential units above can be protected using flood resistance techniques, such as passive flood doors. At the significant depths experienced in design flood conditions this is likely to also require fully tanked construction of these rooms and waterproofing/elevation of all service penetrations, which is not referenced in the updated submission. Furthermore flood doors may not be effective at these depths. It is reasonable to see evidence at planning that such a flood resistance strategy is feasible rather than secure these details by condition.

We previously requested clarification of the ‘flexible ancillary space’, the applicant suggests similarly undefined ‘communal areas’ may be proposed at lower ground floor level. It is important that lower ground floor uses are accurately defined to ensure only ‘less vulnerable’ uses are permitted at this level and areas where it could be reasonably expected that residential occupants may access during a flood are avoided.

Safe Access/Egress

The Planning Practice Guidance (PPG) advises safe access and egress should be available during a design flood (para 047). There is no such safe access or egress at this site and the FRA relies completely on the occupants either successfully receiving and acting upon a flood warning or staying in the building until the flood passes. This approach is inherently fallible, placing reliance on human intervention at every stage. Furthermore, it is contrary to the the PPG. The applicant should propose a suitable access and egress route that will be safe during a design flood, without the need for a future strategy.

The high depths of flooding experienced throughout the Lower Ground Floor level would pose a significant hazard and risk to life to any occupants of the proposed development and any emergency responders required to enter the site should anyone need rescue/assistance. This is particularly relevant given that the submitted FRA and Flood Warning and Evacuation Plan (FWEP) acknowledge that safe access/egress to/from the proposed development will not be possible throughout its intended lifetime and safe refuge is the proposed solution.

It is unacceptable for the safety of occupants on the ground floor to rely solely on the FWEP. Particularly given the significant risk to life that would posed in a design flood. Paragraph 004 of the PPG states that avoidance, control and mitigation should be utilised, before management measures to deal with any residual risk can be considered. It also states that safe access and escape routes should be provided. .

We fundamentally disagree with the assertion in section 4.2.2. of the updated FRA that *“the proposed development of this site does not represent the introduction of a different use within the area, such that any necessary response by emergency services etc within the area during a flood event would already occur, regardless of whether the proposed development was to be approved”*. The presence of existing residential uses, developed prior to contemporary flood risk evidence and planning policy, does not justify an increase in the number of vulnerable occupants in an area at risk of flooding. Rather, the presence of these existing vulnerable occupants and the potential need for emergency responders to place themselves at risk assisting during a design flood increases the need for new developments to be designed so as to avoid the need for emergency assistance.

Upper Ground Floor

We note the acceptance that, in principle, any residential lobby areas that need to be set, for access purposes, below the recommended minimum residential finished floor level should be protected by appropriate passive flood doors as opposed to demountable barriers.

Proposed Development Lifetime

As advised previously, we do not consider the proposed 60-year lifetime for commercial development is appropriate. We advise available modelled flood levels should be appropriately interpolated by the applicant. This should include sea level rise allowances in order to assess flood risk over the minimum 75-year lifetime for non-residential uses advised in the PPG.

Bristol Avon Flood Strategy (BAFS)

The Planning Position Statement published by Bristol City Council in July 2022 advises that individual developments should not rely on the strategy being delivered to make a site safe. This is because at the current time there is not reasonable certainty that the strategy will be delivered in its entirety to make new development safe from flooding.

We are not able to change this position until we have sufficient certainty the strategy will be delivered. We are working with Bristol City Council on this, but until that time, individual sites will need to manage flood risk according to national planning policy and guidance on a site by site basis, without any reliance on potential future strategic infrastructure.

Overcoming our objection

It may be possible for the applicant to overcome our objection by submitting a revised FRA and plans directly to the local planning authority, addressing to our satisfaction, the matters outlined in this letter. We will endeavour to provide bespoke comments within 21 days of your formal re-consultation.

Note to local planning authority

Please refer to our previous correspondence for advisory comments re flood warning and evacuation, sequential and exception test considerations.

If you are minded to approve this application for major development contrary to our flood risk objection, we request that you contact us to allow further discussion and/or representations from us in line with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#).

This circular prevents you from issuing planning permission without first referring the application to the Secretary of State for Levelling Up, Housing and Communities (via the Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless we are able to withdraw our objection to you in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Please do not hesitate to contact me should you have any further queries.

Yours sincerely

Mark Willitts
Sustainable Places - Planning Specialist

Direct dial 0203 025 0253
e-mail nwx.sp@environment-agency.gov.uk