

Gravesham Borough Council
Development Control
Civic Centre Windmill Street
Gravesend
Kent
DA12 1AU

Our ref: KT/2021/128685/01-L01
Your ref: 20210757
Date: 18 August 2021

Dear Sir/Madam

Redevelopment of the site and conversion of the existing building to provide 27 residential units (6 x 1 bed, 12 x 2 bed and 9 x 3 bed) with associated landscaping, parking and vehicular access.

Custom House, The Terrace, Gravesend, Kent DA12 2BW

Thank you for consulting us on the above proposal. 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 application lies partially within flood zone 3A, which is land defined by the Planning Practice Guidance as having a high probability of flooding. As shown in the Planning Practice Guidance's flood zones and flood risk tables (Table 3), development classified as *more vulnerable* is only appropriate in these areas if the exception test is passed alongside the sequential test.

The National Planning Policy Framework (paragraph 165) 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.

Objection - Raising of Tidal Defences

In this instance the developer's Flood Risk Assessment fails to demonstrate that the Thames Tidal Defences, located on this site, would be safe for the life time of the development.

Section 3.3 of the submitted FRA states that the current tidal defence level must be maintained to between 6.66 - 6.71mAOD and that the Thames Estuary 2100 plan states that the future defence height for this location is 8.0mAOD for the 2070 - 2170 epoch with a requirement for the crest to be raised to 6.90mAOD for the 2040 - 2070 epoch.

However, the FRA does not demonstrate that the existing defence level meets the requirement for 2040. The FRA also fails to state how the defences would be further raised to protect the site for the lifetime of the residential development.

Overcoming this Objection

We require the applicant to either construct replacement flood defences with a 100-year design life, or provide a suitable structural survey, including intrusive investigation, to demonstrate that the residual life of any elements of the flood defences that are to be retained is in line with the 100-year development lifetime, along with a suitable scheme of remedial works where that is not the case.

Objection - Proximity to Thames Tidal Defences

We further **object** to the proposal as it involves building within 16 metres of the Thames tidal defences. As submitted it is unlikely that we would grant a flood risk activity permit for this application. The following aspects of the proposal fall within 16 metres of the Thames tidal defences

- Geocellular storage tank
- Outfall
- Riverward hardstanding and access steps

Section 6.3 of the submitted FRA states that there will not be any groundworks or new development within 16 metres of the flood defence structures. However, Section 8 (Surface Water Management Strategy) states that a large geocellular storage tank will be installed against the tidal defences.

We would require further information regarding the dimensions and installation of the geocellular storage in addition to a confirmation of the offset between the tank and the nearest element of the tidal defences. We would not approve of any proposal where the geocellular storage would be installed at such a minimal offset. The proposal must demonstrate that the flood defences can be raised as required by the Thames Estuary 2100 plan. The current proposal does not appear to leave any room for the required works to the flood defences.

Section 8.5 of the FRA states that an outfall, through the Thames flood defence, has been considered. Although we would not object to an outfall in principle, we seek to minimise structures that pass through the flood defence. The applicant must consider if there are any neighbouring outfalls that could be used. Only once alternative existing outfalls have been considered would we consider approving a new outfall, at which point we would require further details regarding the design and construction methodology. It is appropriate to consider the impact of climate change across the lifetime of the development when designing the outfall.

The proposal also includes modification to the riverward side of the flood defences including a dining space, access steps over the flood wall and the creation of hardstanding. We require details of the proposed developments and how these will interact with the flood defences. It must be demonstrated if there is interdependency between the concrete platform and the flood defence. From this the applicant can demonstrate if a failure of the subordinate structure would impact the strength and stability of the flood defence. Where the flood defence is found to be dependent on the subordinate structure, the subordinate structure must be treated as part of the overall flood defence in all related assessments.

Informative

Conditions on any approved proposal

The applicant has submitted an application for a flood risk activity permit to cover activities proposed to ascertain the current condition of the tidal defence. We would seek to include a condition on any future, approved planning proposal to cover the following:

- Anchor testing including but not limited to an assessment of the anchor head assemblies, identification of the lifted anchor strands and identification of the mechanism and precise location of failures, lift off tests and determining a correlation of the anchor heads with strand failure or other influences.
- An inspection of masonry along the length of the defence wall to confirm the cavity/central core make up.
- Details of proposed services within 16 metres of the tidal defence. Any services may hinder the future flood defence works.
- Details of existing and proposed services within 16m of the defence.

In addition, we would require clarification of the method of compaction which must be done to a suitable specification.

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Exception test - advice to LPA

The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.

Advice to LPA

If you are minded to approve the application contrary to this advice, 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 2009. In particular we would impose planning conditions for flood and coastal risk management, for the protection of groundwater and to deal with land affected by contamination.

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.

Note to applicant

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 terms and conditions 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.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Sophie Page

Mrs Sophie Page
Planning Specialist

Direct dial 020 8474 8030

Direct e-mail kslplanning@environment-agency.gov.uk