



Our Ref: KRS.0572.001.R.007.A  
LPA Ref: 2022/3525  
EA Ref: WA/2023/130267/02-L01

Date: 5<sup>th</sup> October 2023

**Re: Development Comprising 3 Detached Buildings Containing 74 Residential Units With Underground And Surface Level Car And Cycle Parking, Mechanical Plant, Soft And Hard Landscaping And Associated Diversion Of Thames Water Pipe Following Demolition Of Existing Buildings.**

**The Molesey Venture Sundial House Orchard Lane East Molesey Surrey KT8 0BN**

## **Introduction**

This note is written in order to address the submission of representations from Katherine Le Clerc objecting to the planning application on the grounds that the Flood Risk Assessment (FRA) is not compliant with national planning policy guidance. A response to each of the 3 points raised within the objection letter is provided below.

The purpose of this note is therefore to set out the Appellant's position which is to the effect that the Local Planning Authority may place reliance on the findings of the FRA in determining this planning application notwithstanding any representations to the contrary which may be placed before.

## **Environment Agency Data**

### **1. Topography, New Structures and Impact on Conveyance Routes**

The design flood level for the site is the 1 in 100 year (+12%) event. Within the correspondence received from the Environment Agency, it has been confirmed that the design event is the 1 in 100 year (+12%) event. The Environment Agency modelled data shows that the site will not be inundated with floodwater for all events up to and including the 1 in 100 year (+12%) event.

The site will be flood free during the 1 in 100 year (+12%) event. Therefore, the proposed development will have no impact on the conveyance routes and will have no impact on flood risk as the site will be located outside of the flood extent of the design event which is the 1 in 100 year (+12%) event. More information is provided within Section 4.0 of the FRA (Ref: KRS.0597.001.R.003.F, September 2023).

### **2. Sequential and Exception Tests**

The site has been sequentially tested and the Exception Test has been applied as per Section 6.0 of the FRA (Ref: KRS.0597.001.R.003.F, September 2023).

### *Sequential Test*

The Government's guidance on the Sequential Test<sup>1</sup> states that “you don't need to do a sequential test if one has already been carried out for a development of the type you're planning (eg a residential development) for your site. In this case, you need to ask your local planning authority for the site allocation reference in their local plan and include it in your planning application.”

The Site Allocations section (Chapter 9) of the LPA's emerging Local Plan, confirms that the application site (reference D6/US462) is proposed to be allocated for the delivery, within 1-5 years, of 61 additional residential units (i.e. in addition to the existing units). The site should, therefore, be deemed to have passed the Sequential Test.

Furthermore,, the proposal is for the replacement of an existing site. The replacement of an existing buildings with a new, suitably flood-resilient design is preferable to the existing building as the exposure of people or property to flooding will be minimised.

The proposed development will not change the vulnerability of the site or introduce a new 'more vulnerable' developments into the floodplain. The proposed development will improve the sites resilience, resistance to flooding and by using property level protection measures to protect the site from flooding the vulnerability of the site will be improved (see Section 5.0).

The existing buildings within the application site are of minimal architectural merit, are no longer fit for purpose. Furthermore, the Council's objectives are to sustain and enhance the vitality and viability of the region, and to ensure a wide range of homes to which people have easy access by a range of transport therefore, improving the overall quality of life. This is underpinned by the quality of the physical environment, social well-being and economic and environmental improvements. The Council seeks to grant permission for developments that add to the vitality and viability of the region.

This site will help to regenerate the region and will help to deliver these objectives. This site will help encourage economic impetus that will in turn help deliver a stronger service function and mix of residential uses.

The site proposals remain consistent with the relevant planning policies and are not at odds with the current use of the site and can only enhance and preserve the employment base which currently exists. The wider area surrounding the proposed development site is affected by a very similar, and in many cases, higher risk of flooding.

Similar developments on any site outside a Flood Zone will not offer any advantage vis-a-vis flooding. Consequently, application of the Sequential Test demonstrates that there is no measurable advantage to constructing the proposed development elsewhere.

The sequential approach has been applied within the site by locating the most vulnerable elements of the development in the lowest risk areas. The proposed buildings will be located on the higher parts of the site, at a lower risk of flooding.

In summary, the development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF.

### *Exception Test*

If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding; the Exception Test can be applied if appropriate. For the Exception Test to be passed:

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<sup>1</sup> <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate the site will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

#### *Wider Sustainability Benefits*

The key emphasis of the NPPF is to achieve sustainable development. The NPPF provides the following aims under the umbrella of sustainable development:

- 1) Building a strong, competitive economy
- 2) Ensuring the vitality of town centres
- 3) Supporting a prosperous rural economy
- 4) Promoting sustainable transport
- 5) Supporting high quality communications infrastructure
- 6) Delivering a wide choice of high quality homes
- 7) Requiring good design
- 8) Promoting healthy communities
- 9) Protecting Green Belt land
- 10) Meeting the challenge of climate change, flooding and coastal change
- 11) Conserving and enhancing the natural environment
- 12) Conserving and enhancing the historic environment
- 13) Facilitating the sustainable use of mineral

The Councils' policies make clear for the need to focus on new development in locations which are accessible and sustainable, making use of existing infrastructure and community facilities and services. There is an important need within this area for affordable housing, which is suitable for a wide variety of people.

The proposed use reflects Planning Policy (National, Regional, and Local) with respect to encouraging residential housing. The site is allocated for residential uses within the Local Plan. The Councils' policies make clear for the need to focus on new development in locations which are accessible and sustainable, making use of existing infrastructure and community facilities and services. There is an important need for residential housing within this area. There is an identified need for new land releases to meet future housing needs and accordingly there is a sound and strong planning reason for bringing the site forward.

The development will see disused land come forward for redevelopment and will be actively used and has presented the opportunity to create a quality affordable and sustainable development. This area is a sustainable location to accommodate new development in terms of the facilities it offers. The settlement hierarchy within the Local Plan guides the distribution and scale of development in a sustainable manner, reflecting the needs, roles and functions of each settlement. New development should support or improve its role as a focus for social and economic activity. Many local facilities and services are inside the ideal walking distances from the site meaning that there is potential to reduce the need to travel by car.

The site is sustainable and within walking distance of the local community and services. There is a need for the proposed development in this area, particularly in view of the facilities available, allowing easy access to the existing facilities. The scheme will also see the integration of modern methods of construction, minimising future energy use. The design is also actively seeking to minimise the embedded carbon footprint within the construction materials.

The development of the site will improve the appearance of the site and make a positive contribution to as well as providing much needed homes in a highly sustainable location well-

served by public transport and close to local facilities. The existing transport infrastructure will be utilised and there will be no need for new infrastructure near the site.

Development on this site will generate employment during the construction period and thereby provide some protection to the local economy. It may also support those who provide services to homes (e.g. window cleaners and maintenance tradesmen). It is considered that the proposals for the site offers both environmental and economic benefits which accord with the principles of design and sustainable development, as set out in the NPPF. The proposed development will contribute to the economic function of the local community.

It is considered that the proposals for the site offers both environmental and economic benefits which accord with the principles of design and sustainable development, as set out in the NPPF. The site will contribute to reducing emissions by providing environmentally friendly facilities. The site accords with the NPPF to assert a presumption that appropriate development may be allowed in settlement boundaries.

In respect of landscape impact and effect the scheme aims to conserve and enhance the character of the landscape. The proposals would not materially impact on the character of the landscape therefore, it would be preserved and improved. The landscape impact will be low on this site and surrounding area already has the infrastructure to deal with residential development.

A minimum of an 8m buffer zone adjacent to the top of the River Ember will be retained,. Along the majority of the river reach a buffer zone of greater than 8m is achieved with the majority of structures being over 10m away from the river and all new buildings being over 9.30m from the river. The existing building/s to be demolished are located within 7m of the top of bank of the River Ember. The proposed development will provide betterment compared to the existing situation by increasing the size of the buffer zone.

The buffer zone will allow access and maintenance while also mitigating the impact of flooding from the River Ember should it overtop its banks. Hardstanding will not be located within 8m of the river area and there will be no artificial lighting within 8m of the river. All planting will be locally native species as recommended by the Environment Agency. A construction Environmental Management Plan and Landscape Management plan have also been prepared to support best practice and maintenance of the biodiverse water corridor.

Access to the River Ember has also been improved as part of the proposed development by function of the development layout. The proposed development will not only improve the access to the river for the Environment Agency for maintenance purposes but also for residents of the site via improvements to the existing landscaped area.

In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities. The proposed development will assist the Council in meeting an identified need for residential housing through the re-use of a brownfield site within a highly sustainable location. The proposed development incorporates a number of mitigation measures; these works to reduce the flood risk on the site will enhance the sustainability of the site for the wider community.

The added material benefit is the contribution that this site will make to the Councils' supply position in full compliance with the emerging strategic policy. There is an identified need for the proposed development to meet future needs and accordingly there is a sound and strong planning reason for bringing the site forward.

The development proposals should therefore be considered by the LPA to satisfy the first condition of the Exceptions Test as set out in the NPPF. The development proposal sufficiently provides wider sustainability benefits to the community, that outweigh the potential flood risk. As per the NPPF this planning application can be approved as the site is considered to be sustainable with no other over riding issues.

### *Safe, Without Increasing Flood Risk Elsewhere*

This FRA has demonstrated that the development will be safe, without increasing flood risk elsewhere. The proposed development will not change the vulnerability of the site or introduce a new 'more vulnerable' developments into the floodplain. The proposed development will improve the sites resilience, resistance to flooding and by using property level protection measures to protect the site from flooding the vulnerability of the site will be improved (see Section 5.0).

The development proposals should be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

### *Summary*

The development proposals should therefore be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF.

### **3. Groundwater Flood Risk**

Section 3.10 of the FRA (Ref: KRS.0597.001.R.003.F, September 2023) provides details of the groundwater flood risk

According to the GeoSmart Groundwater Flood Risk (GW5) Map, the risk of groundwater flooding at the site is negligible (see Figure 10 of the FRA). The Environment Agency has designated the bedrock deposits as Unproductive Strata - these are rock layers or drift deposits with low permeability that have negligible significance for water supply or river base flow. The superficial deposits are designated as Secondary (undifferentiated) Aquifer and Unproductive Strata.

No shallow groundwater was encountered to a maximum depth of 1.50 metres Below Ground Level (mBGL) during the recent site investigation and no groundwater was observed within any of the six boreholes drilled directly to the south west of the site in 2014, for Ember Farm Cottage (planning application ref: 2011/5700), to depths of up to 2.10mBGL.

Site ground conditions suggest a negligible potential for groundwater flooding. Furthermore, no incidents of groundwater flooding within the vicinity of the site have been recorded. The risk of flooding from groundwater flooding is considered to be **not significant**.

Due the fact that the risk of groundwater flooding is minimal and has been deemed to be not significant the impact of the proposed development will therefore, will minimal. The proposed development will not have a detrimental impact on groundwater within this area as there is minimal groundwater present.

### **Summary**

The application demonstrates that flood risk policy is fully understood and the application meets the requirements of the NPPF (paragraph 159) to prevent an increased risk of flooding. The proposed development will be safe from flood risk without increasing flood risk elsewhere (paragraph 164).

The proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is fully compliant with the requirements of the NPPF. The development should not therefore be precluded on the grounds of flood risk.

We trust that the details presented herein are self-explanatory and clear. If, for any reason you should have any queries or comments, please do not hesitate to contact us.



Yours sincerely



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