

2nd November 2020

Planning Department
North Devon District Council
Lynton House
Commercial Road
Barnstaple
EX31 1DG
ATTN Mr R Pedlar

Dear Sir

RE: 71940 - Land at Velator Bridge Braunton Devon - Removal of Condition 8i (Flood Defence) attached to planning permission 57649 (Variation of condition 2 (Approved plans), 13 (garaging & vehicle parking) attached to planning permission 54108 to provide 12 affordable & 11 open market dwellings (amended plans))

We continue to strongly object to this application, which should never have been permitted, given its location within flood zone 3.

It was with great interest we noted the Environment Agency's response to this planning application dated 16th September 2020, in particular page 2 of their letter which specifically addressed the public concern that has been voiced by residents. It states that *"If this was a brand new planning application, we would be treating it in line with the current guidance and impacts of climate change"* and concluded with *"advising that the proposed new works will not change the current likelihood of flooding to nearby properties"*.

Consequently, we asked the Environment Agency what their guidance would be if this was a brand-new application and have received the following response:

- "For new residential development to be acceptable within Flood Zone 3, it must first satisfy both the flood risk Sequential and Exception Tests (see paragraphs 158-160 of the NPPF).*
- The Sequential Test requires consideration of whether the new development can be built in another location at lower flood risk. This is a matter for the LPA to decide.*
 - If the LPA considers that the Sequential Test can be satisfied, consistent with wider sustainability objectives, consideration should then be given to whether the proposal passes the Exception Test.*
 - o Part one of the Exception Test concerns whether the development delivers wider sustainability benefits to the community which outweigh flood risk. This is also a matter for the LPA to decide.*
 - o Part two of the Exception Test requires a site specific Flood Risk Assessment (FRA) to demonstrate that the new development will be safe over its lifetime, not increase flood risk elsewhere and, where possible, will reduce risk overall. It will be our role to advise the LPA on whether the second part of the Exception Test is met.*
 - The NPPF states that both parts of the Exception Test should be satisfied for development to be permitted.*

With regard to the second part of the Exception Test, in order to demonstrate that development will be safe over its lifetime the FRA must consider the impact of climate change over the lifetime of the development. Climate change guidance has been updated since the planning permission was approved. If the development was designed using the

updated guidance, the minimum required floor level and defence level would be different. However, given that planning permission has been granted and enacted, we are unable to ask for the design to be altered to reflect the changes in climate change guidance (or for the Sequential and Exception Tests to be applied at this stage).

Please note that we have concluded that that the proposed new works will not change the current likelihood of flooding to nearby properties.”

The Environment Agency Flood Risk map clearly shows that the site is in Flood Zone 3 and that the defences will not protect it. The updated advice also states that developments should not be permitted in Flood Zone 3 designated areas. (See attachments EA Flood map for site and Table 3 Flood risk vulnerability and flood zone compatibility).

This then raises questions for the LPA who have approved development of the site.

What consideration has been given in respect of the updated Climate Change advice as to the impact of development of this site for:

- residents in the surrounding area
- future residents of the proposed dwellings on the site
- the actual sustainability of this proposed development

Your detailed response to these questions would be appreciated.

Love Braunton

Attachments

1. Environment Agency Table 3 Flood risk vulnerability and flood zone compatibility
2. Flood Map for site

Cc Braunton Parish Council
Cllr D Spear
Cllr L Spear

Environment Agency Table 3 – Flood risk vulnerability and flood zone compatibility

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	✗	✗	✗	✓*

Key:

✓ Development is appropriate

✗ Development should not be permitted.

Flood map for planning

Your reference	Location (easting/northing)	Created
Velator Brdge	248627/135738	30 Oct 2020 15:46

Your selected location is in flood zone 3, an area with a high probability of flooding.

This means:

- you must complete a flood risk assessment for development in this area
- you should follow the Environment Agency's standing advice for carrying out a flood risk assessment (see www.gov.uk/guidance/flood-risk-assessment-standing-advice)

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.

<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Flood map for planning

Your reference
Velator Bridge

Location (easting/northing)
248627/135738

Scale
1:2500

Created
30 Oct 2020 15:46

-  Selected point
-  Flood zone 3
-  Flood zone 3: areas benefitting from flood defences
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Flood storage area

