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Environment Agency

Mr Steve Vellance
Wiltshire Council
Development Control West
County Hall Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our ref: WX/2022/136052/03
Your ref: PL/2021/11939

Date: 20 October 2023

Dear Mr Vellance,

RESPONSE TO LLFA OBJECTION - ERECT NEW CARE HOME (CLASS C2) WITH ASSOCIATED PARKING AND LANDSCAPING.

LAND OFF BRADFORD ROAD, TROWBRIDGE.

Thank you for re-consulting the Environment Agency in regard to the above application.

We have reviewed the additional information that has been submitted and have no further comments to make, as the additional information relates only to the objection raised by the LLFA. Our previous response dated 11th February (our ref; WX/2022/136052/01) still stands, and this is copied below for ease of reference:

"Thank you for consulting us on the above application. The site is located partially within fluvial Flood Zone (FZ) 2 and 3 which represents a medium and high risk of flooding respectively. Our comments in relation to the adequacy of the site specific Flood Risk Assessment (FRA) are provided on the basis that you consider the proposal to have passed the Sequential Test.

Environment Agency position

*In the absence of an acceptable flood risk assessment (FRA) we **object** to this application and recommend that planning permission is refused.*

Reasons

We note that the same FRA as submitted under application 20/07247/OUT has been provided. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraph 163 of the National Planning Policy Framework. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to demonstrate that the development will not increase flood risk elsewhere.

The submitted FRA states that the care home footprint will be located within Flood Zone 1, as defined in a previous model provided as part of application 15/06836/OUT.

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However, there appear to be additional aspects to the proposal such as landscaping and car parks located in Flood Zones 2 and 3, and it will need to be demonstrated that no ground raising or loss of floodplain storage will occur as part these works, or that suitable level for level floodplain compensation will be provided.

In addition, the submitted FRA does not show the updated flood model extents in relation to the proposed layout in application PL/2021/11939. As part of the decision making process we need to see the most relevant flood risk information, which is in this case the updated model extents produced as part of the 15/06836/OUT submission, overlaid on a topographic site layout, with a demonstration of appropriate climate change allowances.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Advice to LPA - Sequential Test

What is the sequential test and does it apply to this application?
In accordance with the National Planning Policy Framework (paragraph 162), 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.

Who undertakes the sequential test?
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 .

What is our role in the sequential test?
We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably

available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance here.

Final comments

If you are minded to approve the application contrary to our objection, we request you contact us prior to a decision being made to allow us to make further representations. Should our objection be removed, we may recommend the inclusion of conditions on any subsequent approval.

Please notify us by email within two weeks of a decision being made or application withdrawn."

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours sincerely

Ms Ellie Challans
Sustainable Places - Planning Specialist

Direct dial: 02030 259311
Direct e-mail: swx.sp@environment-agency.gov.uk

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