Mr James Hicks
Hinckley & Bosworth Borough Council
Development Control
Council Offices Argents Mead
Hinckley
Leicestershire
LE10 1BZ

Our ref: LT/2009/107806/02-L01
Your ref: 09/00208/FUL

Date: 11 May 2009

Dear Mr Hicks

EXTENSION AND ALTERATION TO RESTAURANT - SAN GIOVANNI MILL LANE SHEEPY PARVA ATHERSTONE LEICESTERSHIRE

We refer to the Environment Agency's letter to Hinckley & Bosworth Borough Council dated 14 April 2009 Ref: LT/2009/107806/01-L01, and Farebrother and Partners letter to the Council dated 24 April 2009 Ref: PCB/JWH/11892.2.0.

We can confirm that the issues raised in our letter are still outstanding, and therefore the Agency maintains its OBJECTION to the proposed development.

With reference to Farebrother and Partners letter dated 24 April 2009, we have the following comments to make: -

Under the EA/LPA Consultation Matrix we appear to have been consulted by H&B BC either under Matrix Cell B2 and/or D2 where the later states that the table, together with the supporting evidence, would form a Flood Risk Assessment (FRA) sufficient to be assessed by the LPA.

However Matrix Cell D2 includes the following: -
No Consultation – see standing advice/standard comments.

Note - The Environment Agency will still comment on minor applications e.g. residential extensions where: -
(a) Permitted development rights have been removed for flood risk reasons, and;
(b) A local consultation protocol has been agreed between the Environment Agency and the Local Planning Authority;
(c) The application includes culverting or control of flow of any river or stream, or falls within 20 metres of the top of the bank of a Main River. See columns B and C.

Flooding is a natural event. It occurs when there is heavy rainfall that fills rivers and streams above their normal capacity. The excess water that gathers cannot be restrained by normal boundaries (such as a river embankment) and follows the path of least resistance. This means areas that are low lying and close to the source of a flood will be the most vulnerable.

Flood risk is not just the likelihood of flooding, but the possible damage a flood could do as well. Paths that the water will take during floods, and how the severity of a flood affects its path, as well as impact on the people, land and property affected by flooding.

When we talk about flood risk we mean two things:

1. The likelihood of a particular flood happening, best expressed as a chance or probability over a period of one year. For example, 'There is a 1 in 100 (or 1%) chance of flooding in any given year in this location'.
2. The impact or consequences that will result from various flood events occurring.

The probability or likelihood of flooding is described as the chance that a location will flood in any one year. If a location has a 5% chance of flooding each year, this can also be expressed as having:

1. a 1 in 20 chance of flooding in that location in any year
2. odds of 20 to 1 against a location being flooded in any year

However, this doesn't mean that if a location floods one year, it will definitely not flood for the next 19 years. Nor, if it has not flooded for 19 years, will it necessarily flood this year.

We need to know both how high the probability is of a flood occurring and the severity of any impact (which may change depending on how extreme the flood is). Only by determining both for a range of flood events of different size (5%, 1% and 1% plus 20% increase in river flows due to climate change) can an assessment of what the risk is to a particular area be undertaken. The lower the percentage then the less chance there is of flooding in any one year; the higher the percentage then the more chance there is of flooding in any one year.

The Scale, Nature and Location of the proposed development will inform the scope of the FRA. Whilst the scale and nature of the proposed development may be appropriate for development in other locations, this site is located within (and not on the margins of) the 100 year and 1000 year flood plains (Flood Zones 3 and 2), and is within 20m of the River Sence.

The proposed development may therefore increase the area of building at risk of flooding and increase the flood risk to its users by increasing the number of occupiers and vehicles on this site. A site, which until demonstrated otherwise, may not have safe access or egress for those occupiers during various flood events up to the 100 year flood event.

The flood risk assessment submitted to us does not demonstrate that the development and its users will be safe for the lifetime of the development, does not increase flood risk elsewhere and does not seek to reduce flood risk overall.

<u>Additional information</u>

Farebrothers and Partners refer to comments and statements made by Environment Agency Development and Flood Risk Officer, Sarah Mallett, in their letter of 24 April 2009. It is the view of the Environment Agency that the referred to letter, takes the

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comments and statements of Sarah Mallet and quotes them out of context, including but not exclusive of, the cases detailed below. We would therefore recommend that future records of meetings or telephone conferences are provided to us for review and acceptance prior to formal submission, so that we can confirm that our position/s has been accurately recorded: -

1. Contrary to the information provided under bullet point 1 of the above letter, the River Sence has not yet been hydraulically modelled by the Environment Agency, because it is a mainly rural catchment, with a lower number of properties at risk of flooding compared to its length, and other watercourses. It therefore scores a lower priority than other watercourses e.g. Upper River Avon which is currently being re-modelled.

In this instance, as is the case for all other developments not benefiting from existing hydraulic models, it is the developer's responsibility to demonstrate to our satisfaction that Flood Risk has been appropriately assessed.

2. Within Bullet point 1 of the above letter it is stated that the 2006 and 2007 flood were extreme events, which equated to a 1 in 200 year flood event. This statement has not been made by us, and until it has been demonstrated as realistic by appropriate hydraulic modelling, it should therefore be dismissed by decision makers.

3. Bullet points 1, 3 and 9 which refer to the location of the Black Horse were not clearly identified within the FRA and our comments were made on that basis. We can now confirm that the Black Horse public house is located over 280m downstream of the proposed development, and as such will be subject to different (lower) flood levels, due to the hydraulic gradient of the watercourse. Reference and comparison to this building is not appropriate and should therefore be dismissed by decision makers.

4. Within Bullet point 3, we are unable to accept hearsay as factual flood risk information. Under the Terms of the Water Resources Act 1991 and the Land Drainage Byelaws we would have to object to any barrier proposed to be installed around the car park (see Bullet point 6) as this would result in a loss of flood plain storage, and increase the flood risk to other adjacent and downstream properties and land.

5. Bullet point 9 suggests that our Flood Mapping is inaccurate. We are unable to change our Flood Mapping until alternative flood plain outlines have been demonstrated by appropriate hydraulic modelling.

For a Flood Map challenge we will need to see the following: -

- Digital copy of model
- Digital copy of survey used
- Model report to include:
    - Hydrology
    - Calibration
    - Sensitivity Analysis
    - How the assumptions were made
    - Reasons for choosing model
    - Written confirmation that the Agency is granted unrestricted and perpetual rights to use this data and information for all purposes including supply to others as required by statute such as Freedom of Information Act.

I have sent a copy of this letter to the applicant/agent.

Yours sincerely

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cc Zyox Ltd, Ritchie & Ritchie LLP

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