

From: Karen Liddell [REDACTED]

Sent: 15 September 2020 12:27

To: [REDACTED]

Cc: 'Ray Townsend'

Stuart Selleck'

Jennifer Margetts'

Subject: Elmbridge Planning Application 2018/3810 - Our reference: THMCU7913_CT9081

Dear Ms Simpson

Thank you for your detailed considered response of 21st August below. [REDACTED]

[REDACTED] I do hope you will be in a position to consider HCRC's response and concerns below before the EA's 4th response is returned to Elmbridge on 2018/3810, as committed by late September.

HCRC has followed each one of the EA's three response and believes it has a grasp of the technical flood risk matters but we thank you for your resume. I personally, have been working with HCRC for 12 years, and have known the site since 1987, to achieve a legacy for our future generations that we can be proud of, and not something that is a permanent regret. Whilst I am a retired town planner and historic buildings specialist, and have limited flood risk knowledge I do have a sound skill set on the legislative planning process and the material considerations in decision making. You will note I mentioned before that HCRC has submitted numerous overarching and topic paper objections since the launch of the consultations on 2018/3810 all available on the EBC website. Our recent submissions on flood risk dated 16/1/20 & 14/2/20 are presented by Andrew Roberts who I have been working closely with throughout. You may have seen his recent letter dated 16/7/20 attached to Rachael Rae for which he is awaiting a response. It seems his technical knowledge of the site levels, the flood storage capacity, and trigger levels to close the car park are forensic. His key point is that at flood levels between 7.4m AOD and 7.55m AOD there is a net loss of storage which is self-evident but won't be identified in the model. Our view is that this conflicts with the EA's requirement that the scheme does not increase flood risk, at these levels it clearly does.

In SUMMARY HCRC is asking the EA to demonstrate clarity and confidence in its response to show it is taking into consideration all the legally binding material considerations that the LPA must seek your expertise on, and not to leave it to the LPA to interpret, or weight your assessment, as they do NOT have the expertise. This is a major development on an undeveloped site in flood zone 3, the developers will be required to improve upon the existing flood storage capacity, and that sole reliance on the use of voids and/or a basement car park for floodwater storage, HCRC anticipate will be considered unacceptable and conflicts with all representations made by the EA to date.

The significant new issues raised in your response of 21/8.20 which HCRC wish you to address before the EA make their submission to Elmbridge on 2018/3810 are:-

A. Please can the EA explain what data/technical information is NOT in the public domain and why?

You state "We received the required fluvial modelling files on 6 August 2020 and have now commenced our review".

A.Q1. Is the fluvial modelling file in the public domain and where can it be found?

A. Q2. Please confirm this information is NOT in the applicants FRA Addendum June 2020 which is the only document HCRC has access to?

Your statement below gives the public a concern that this is all too technical to be presented openly and will be decided behind closed door.

A. Q3 please comment on how the EA can allay the public fears?

"During this time we will be reviewing the submitted fluvial flood model but we are not able to review the updated FRA until we have completed the model review and are satisfied that the model is 'fit for purpose'. As a public organisation we must ensure that our resources are used in the most effective way while following HM Treasury rules and guidelines. If the current assessment concludes that the model is not suitable and further revisions are required, then to have reviewed the FRA prior to knowing this outcome would be at unnecessary cost to public funds. However, if the submitted model is suitable we will complete the FRA review in a timely manner before replying to the council in late September. Our review will consider the issues within our remit. This includes ensuring fluvial flood risk will not be increased elsewhere and that appropriate mitigation and resilience measures are proposed. We will also provide general advice and signposting to further guidance relating to the flood risk sequential test and the topic of safe access and egress which the council and emergency planners will consider as part of their assessment."

B. Please can the EA explain what interpretation of adopted statutory (legally binding) Core Strategy 2011-2026 Policy CS26, and the supporting 2016 SPD is being used by the EA to support the disregard of the HCRC policy quote *"Sole reliance on the use of under-floor voids to address the loss of floodplain storage capacity is generally not acceptable on undeveloped sites..."* Para 3.4.25 Flood Risk Supplementary Planning Document (May 2016)?

You are correct that **Policy CS26** is quiet on the use of floodwater storage except in the sub statement "**7.68** Where development opportunities arise in the undeveloped floodplain, these should include scope for increasing the level of floodwater storage. The Council will continue to support the Lower Thames Strategy in this regard." You can download the Core Strategy 2011-2026 from here and go to page 86-87

<https://www.elmbridge.gov.uk/planning/planning-policy/core-strategy/>

B. Q1. Can you explain para. 7.68 of CS26, and identify the relevant extracts in the current Lower Thames Strategy, with weblinks please, so that HCRC fully understands the statutory policy context for floodwater storage on undeveloped sites?

You state "We understand the quote provided is from the council's Flood Risk Supplementary Planning Document (May 2016) and that this would be a material consideration for the council when making a planning decisions. Although Policy CS26 was adopted prior to the publication of the NPPF (2012 as amended) it was concluded in 2012 as being consistent with the flood risk policies of the NPPF. Elmbridge Borough Council are currently preparing a new local plan and we continue to liaise with them on this matter to ensure that robust evidence based and where possible aspirational environmental policies are included in the emerging plan."

The current statutorily adopted Local Plan Core Strategy 2011 and CS26 is "a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise" (<https://www.gov.uk/guidance/plan-making>). The fact there is an emerging plan is just that, it is emerging and in fact at Elmbridge it is at an early stage of NO draft plan, and it is very likely there will be further consultation over the next year or two, and of course it is tied up with Government redirection on Plan Making set out in the August 2020 White Paper on Planning for the Future, and on serious debates and challenges on Housing Targets. The "material considerations for the Council when making a planning decision" that you quote in the para. above are exactly what the Council is seeking your expert advice on, and the EA does not have the power to devolve the responsibility back to the LPA. The LPA must consult the EA as a statutory consultee and has no other body upon which to take advice.

B. Q2 On this basis can you confirm you are working within the statutory context of CS26 and the suite of documents that support that policy including the relevant 2016 SPD?

You are correct the "*Sole reliance on the use of under-floor voids*" quote is from the Flood Risk Supplementary Planning Document (May 2016), a copy of which is attached for our convenience.

B. Q3 Can you confirm your understanding that this SPD is a material consideration for all planning decisions, and that the EA will be referencing it in your response please? The extract below might help you:-

"Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. **They are however a material consideration in decision-making.**" <https://www.gov.uk/guidance/plan-making>

Please see page 44 of 68 (page 46 of 67 in pdf) starting at Floodplain Compensation Storage which sits under Part 4 of FRA: Avoiding Flood Risk, a copy of which is attached.

B. Q4 Can you give HCRC a commitment that the EA's response will addresses the headline box extracted below please?

Proposals in developed areas within the 1 in 20 (Flood Zone 3b) flood outline (including small scale development) and within Flood Zone 3a (excluding small scale development) should not result in a net loss of flood storage capacity. Where possible, particularly on larger sites, opportunities should be sought to achieve an increase in floodplain storage

Please note we are now into a definition position in whether the application site is “in a developed area” or is an “undeveloped” site. HCRC is firmly of the opinion that this is an undeveloped site.

B. Q5 which definition are you using for the application site, please commit to cover this in the EA's response?

I will now go through the relevant SPD paragraphs from 3.4.20 – 3.4.26 as this appears to HCRC to be the critical analysis containing the quote in B above that you are dismissing as **only** being “a material consideration for the council when making a planning decisions”, rather than a legally binding document upon which Elmbridge Council has no choice but to take expert advice from the Environment Agency. It is the EA that **MUST** give expert advice on the interpretation of these paragraphs. I will insert the HCRC questions and our interpretation in red for your responses please.

Para 3.4.20 Where a proposed development results in a change in building footprint *(please confirm this guidance applies as no buildings are on site at present)*, the developer must ensure that it does not impact on the ability of the floodplain to store water, and in areas of higher risk e.g. Flood Zone 3b, should seek opportunities to provide betterment *(please confirm this guidance is requiring betterment on the application site)*. Similarly, where ground levels are elevated to raise the development out of the floodplain, compensatory floodplain within areas that currently lie outside the floodplain must be provided to ensure that the total volume of the floodplain storage is not reduced. As shown in Figure 5 below, true (direct) floodplain compensation must be provided on a level for level, volume for volume basis on land which does not already flood and is within the site boundary. Where land is not within the site boundary, it must be in the immediate vicinity, in the applicant's ownership and linked to the site²¹. Floodplain compensation must be considered in the context of the 1% annual probability (1 in 100 year/Flood Zone 3) flood level including an allowance for climate change. When designing a scheme flood water must be able to flow in and out and must not pond.

3.4.21 It is possible to provide off-site compensation within the local area e.g. on a neighbouring or adjacent site, or indirect compensation, by lowering land already within the floodplain, however, this would not provide true compensation and evidence would need to be provided to demonstrate that the proposals would improve and not worsen the existing flooding situation or could be used in combination with other measures e.g. voids to limit the impact on floodplain storage. *(please confirm this guidance is not relevant, HCRC cannot see a proposal for off-site compensation)*

3.4.22 It is recognised that full compensation may not always be possible, particularly for minor development schemes and sites wholly within Flood Zone 3. In these cases full justification must be provided and other measures incorporated to help mitigate any loss of floodplain storage e.g. flow routing, flood voids, removal of non-floodable

structures (is any part of this guidance relevant please? HCRC opinion is that it is irrelevant as this is a "major" development of undeveloped land)

Removal of other structures

3.4.23 In considering flood storage capacity the Council will take account of the potential beneficial effects of the removal of other structures providing it can be demonstrated that these are non-floodable. It is important to note that structures such as sheds and garages with a floor level close to the ground, where flood water would not normally be prevented from entering would contribute little to additional flood storage capacity if removed. (please advise if the EA considers any structures are removed from the site which give a potential beneficial effect. HCRC is of the opinion the car sales building is the only demolished whole building, other than the northern extension to the station and that so small that they offer little potential beneficial effects).

Flood Voids

3.4.24 The use of under-floor voids with adequate openings beneath raised finished floor levels can be considered for development in Flood Zone 3. They are generally considered to provide indirect compensation for loss of floodplain storage. (please confirm this guidance is relevant? HCRC understands that voids can form unused space and car parks, and that the Car Parks para 3.4.26 below is relevant. We appreciate the June 2020 FRA Addendum does not propose voids under the HC Way Hotel building as previously proposed in the preceding FRA)

3.4.25 Voids may be suitable where it is not possible to achieve all the direct compensation required or for small scale development where it can be difficult to achieve full compensation. Ideally, void openings should be a minimum of 1m long and open from existing ground levels to at least the 1% annual probability (1 in 100 year/Flood Zone 3) plus climate change flood level. By setting finished floor levels at 300mm above the design flood level, there is usually enough space for the provision of voids below. There should be a minimum of 1m of open void length per 5m length of wall. Void openings should be provided along all external walls. If security is an issue, 10mm diameter vertical bars set at 100mm centres can be incorporated into the void openings. The use of under-floor voids will typically require a legal agreement or planning condition and maintenance plan to ensure they remain open for the lifetime of the development. For small scale development different design criteria may be acceptable. Sole reliance on the use of under-floor voids to address the loss of floodplain storage capacity is generally not acceptable on undeveloped sites. (please confirm this guidance is relevant? HCRC understands this to be an undeveloped site, that there are no buildings on the site at present on the station car park side, none on the Jolly Boatman element, and one small building on the HC way side. The guidance requires betterment of the ability of the floodplain to store water, and that voids can "provide indirect compensation of loss of flood plain". Please provide an interpretation of the whether the use of under-floor voids to address the loss of floodplain storage covers both unused voids and car park? Elmbridge Council & HCRC requires your guidance on the highlighted statement please?)

Car Parks

3.4.26 Where car parks are specified as areas for the temporary storage of floodwater, flood depths should not exceed 300mm given that vehicles may be moved by water of greater depths. Where greater depths are expected, car parks should be designed to prevent the vehicles from floating out of the car park. Signs should be in place to notify drivers of the susceptibility of flooding and flood warning

should be available to provide sufficient time for car owners to move their vehicles if necessary. *(Please confirm this guidance is relevant? HCRC has expressed its concerns regarding the management of a car park that is designed to flood. This car park forms an under-ground void designed "to address the loss of floodplain storage capacity" which is "generally not acceptable on undeveloped sites". The fact that the HC Way building is claimed in the June 2020 FRA Addendum to be outside the flood model is for the EA to judge on the data you have private access to, but the car park voids to the east of the tracks are categorically CONTRARY TO LEGALLY BINDING SUPPLEMENTARY PLANNING GUIDANCE UPON WHICH THE EA HAS A DUTY TO GIVE EXPERT ADVICE.*

If there are any other material considerations you think HCRC has not addressed we would be pleased if you could explicitly bring them to our attention, but we do not see how it could override the headline statutory adopted Elmburgh Policy CS26 and the 2016 SPD that we have reviewed above. The only other light weight material consideration could be construed as the flood mitigation measures contained in the controversial outstanding planning permission for 2008/1600 which the land owners and applicants claim has been part implemented and thus remains live infinitum, although it is in the public domain that this scheme is not economically viable, so we do NOT need to worry about that proposal. The critical point in the 2008/1600 scheme is that it had a basement car park but it was NOT designed as a flood storage facility. There is no precedent for the use of voids or a basement car park to store flood water to mitigate flood risk on this site, and of course we appreciate that both statutory policy and the flood modelling has moved on since 2008/1600.

In my original email of 7th August I ended with my personal compliment to the EA "I personally have had an excellent experience in recent times of the professional approach taken by the EA on the Lower Mole Flood Alleviation Project and had some words of wisdom on wider flood prevention concerns from one of your senior officers." I am referencing a conversation I had with an EA senior engineer on 15th January 2020 at a Lower Mole Tour. To fill you in on the conversation, reported previously in correspondence with D. Raab MP & EBC , I asked this senior engineer several wider strategy questions. He was a patient and professional man, and clearly passionate about his job. We discussed why so much building was taking place within the flood plain generally around The Thames and its tributaries, and how it impacts communities lives. When I asked him about the use of flood storage compensation he was categorical in stating that storage of flood water is contrary to the laws of hydraulics, and that he did not have time for a hydraulics lecture. His view was that buildings should not be built with flood voids or car parks used to store flood water. Simply any new building should not impede the flow of flood water or spread it further afield. A lovely simple explanation which I cannot forget. I hope the EA are able to offer such an interpretation of the statutorily binding policy and guidance HCRC has referenced above.

I look forward to your responses to HCRC's questions **A. & A 1, 2 & 3 and B. & B1, 2, 3, 4 & 5** plus a response to the concerns set out in red above, and sincerely apologise that there are so many. I hope it demonstrates the strength of the HCRC concerns after nearing two years of the current application, and over 30 years the community has suffered a derelict site. For Information the email chain is to be lodged as a HCRC representation on 2018/3810 and I have made a commitment to feedback to Dominic Raab MP on our communications so he and the Elmburgh Leader are copied in and of course the planning case officer who is patiently awaiting your 4th response.

Kind regards

Karen Liddell MRTPI(rtd), IHBC(rtd) on behalf of HCRC

[REDACTED]

- CC 1. Ray Townsend Co-Chair HCRC
 [REDACTED]
2. Dominic Raab MP
3. Stuart Selleck Leader of Elmbridge Council
4. Jenny Margetts case Planning Officer 2018/3810

From: Simpson, Julia [REDACTED]
Sent: 21 August 2020 13:00
To: [REDACTED]
Subject: Elmbridge Planning Application 2018/3810 - Our reference: THMCU7913_CT9081

Dear Ms. Liddell,

Thank you for your emails dated 7 and 17 August 2020 regarding the proposed redevelopment of the area of Hampton Court Station and the Jolly Boatman pub, planning application reference 2018/3810.

I can confirm that we do not have an objection in principle to the proposed development. The National Planning Practice Guidance accepts the principle of 'more vulnerable' development in flood zone 3 providing other relevant planning policies can be satisfactorily addressed. Our remaining objections to the proposed development relate to technical flood risk issues. These are noted in our letters to Elmbridge Borough Council. As a statutory consultee we review the information presented to us and provide our advice with a planning policy explanation for our position to the council who are the decision maker.

When our concerns are not an 'objection in principle' a brief section in our letter to the council will indicate what options the applicant may wish to explore if they seek to overcome our objection. This does not mean that all of our objections will be resolved. In some applications when additional evidence is submitted by the applicant it may support our concerns resulting in us sustaining our objection. In other cases, further information and evidence may address our issues.

In our letter to the council dated 10 January 2020, our reference WA/2019/126157/03-L01, we agreed to the principle of the solution being proposed by the applicant to mitigate for the increase in flood risk resulting from the development. We highlighted that further information such as revised fluvial flood modelling, detailed plans and drawings would need to be provided. These are required to demonstrate how the potential mitigation concept would be delivered in relation to the rest of the proposed development ensuring flood risk would not be increased elsewhere nor future occupants placed at increased risk.

The applicant's team made us aware in early June 2020 that they would be submitting a revised flood risk assessment (FRA) and updated flood model as part of the planning application. We received a formal consultation from Elmbridge Borough Council on 8 July 2020. On 10 July 2020 a copy of the latest FRA (addendum) was available to view on the council's website however, the updated modelling files were not available. This is not unusual as fluvial modelling files are very large and require several Gigabytes of storage space and require specialised software to run. We were

informed by the consultants that the files would be sent directly to us for review. These are the files referenced in our previous correspondence.

The response timeframes relating to a statutory consultee are set out in the Development Management Procedure Order 2015. It notes that a consultee should provide a substantive response to the council no later than 21 days or in a timeframe otherwise agreed from the date of the consultation or the date that the last relevant document was received by the consultee.

Although we were consulted by the council on 8 July 2020 we had not received all of the modelling files and therefore were unable to start our review. From correspondence with the applicant's team on 21 July we understand there were some technical issues associated with uploading the large files. On 22 July we wrote to the council and applicant to inform them that we had not yet received the modelling files and that we were unable to commence our review. We also advised them of the current estimated timeframe for the review of the anticipated fluvial flood model.

We received the required fluvial modelling files on 6 August 2020 and have now commenced our review. We have also agreed the timeframe for our response with the council and will reply in late September.

During this time we will be reviewing the submitted fluvial flood model but we are not able to review the updated FRA until we have completed the model review and are satisfied that the model is 'fit for purpose'. As a public organisation we must ensure that our resources are used in the most effective way while following HM Treasury rules and guidelines. If the current assessment concludes that the model is not suitable and further revisions are required, then to have reviewed the FRA prior to knowing this outcome would be at unnecessary cost to public funds. However, if the submitted model is suitable we will complete the FRA review in a timely manner before replying to the council in late September. Our review will consider the issues within our remit. This includes ensuring fluvial flood risk will not be increased elsewhere and that appropriate mitigation and resilience measures are proposed. We will also provide general advice and signposting to further guidance relating to the flood risk sequential test and the topic of safe access and egress which the council and emergency planners will consider as part of their assessment.

We are aware that the applicant's most recent flood risk assessment (FRA) indicates that the proposed development can be implemented without increasing flood elsewhere. Until we have completed our review of the revised data we are unable to state whether we agree with these conclusions. Therefore our current position remains as noted in our letter to Elmbridge Borough Council on 25 February 2020. However, should the revised modelled satisfactorily address our outstanding concerns, it is likely that we would seek planning conditions relating to the topics of flood risk, biodiversity and water quality.

Our planning responses refer to relevant local and national planning policies. Our current position on this application is supported by the National Planning Policy Framework (NPPF) and Policy CS26 of the Elmbridge Core Strategy (2011-2026). We understand the quote provided is from the council's Flood Risk Supplementary Planning Document (May 2016) and that this would be a material consideration for the council when making a planning decisions. Although Policy CS26 was adopted prior to the publication of the NPPF (2012 as amended) it was concluded in 2012 as being consistent with the flood risk policies of the NPPF. Elmbridge Borough Council are currently preparing a new local plan and we continue to liaise with them on this matter to ensure that robust evidence based and where possible aspirational environmental policies are included in the emerging plan.

Whilst I am not familiar with the work of the American Climate Central group, the Environment Agency has placed tackling the climate emergency at the heart of our work. Our specialist evidence teams use the most up to date science to inform our policies and decision making. On the 14 July we submitted our new Flood and Coastal Erosion Risk Management (FCERM) Strategy before Parliament. Our FCERM Strategy sets out an ambitious approach to making our country more resilient to flooding and coastal change. It seeks to make positive changes to the way flooding and coastal change is managed in England and our strategy sets out the blueprint for how we will work with partners and other organisations to manage flood and coastal erosion risk and increase the nation's resilience to climate change.

As a statutory consultee within the planning system we're already planning for climate change and currently advise planners and developers on how to enable climate resilient development. There is also clear guidance in place (within the NPPF and associated practice guidance) to ensure that inappropriate development is avoided. Furthermore, Government planning policy requires that all new development avoids increasing flood risk elsewhere. Through our bespoke planning advice for developments we use climate change projections to ensure proposed developments are resilient to the impacts climate change will bring. Currently in the Thames area 'more vulnerable' development planning applications should consider a range of climate change allowances between the minimum requirement of 35% and the upper 70% allowance.

We also keep our data and modelling under constant review and examine it rigorously after every flooding incident to ensure our plans are climate-proof. Our recently published Thames (Hurley to Teddington) 2019 flood model is the most recent flood model for this area and it does contain flood extents reflecting the 35% and 70% climate change allowances.

Our online Flood Map for Planning shows flood zone 2 (medium probability of flooding from rivers and seas) and flood zone 3 (high probability) for the present day. The Flood Map for Planning does not show the climate change extents from our detailed modelling. Rather the climate change scenarios indicating future flood risk are presented within our detailed flood models such as the Thames (Hurley to Teddington) 2019 model.

To calculate the climate change scenarios, a climate change allowance (such as 35%) is applied within the detailed flood model to the present day flood zone 3 extent. The resulting climate change flood outline indicates what land is likely to be at increased flood risk in the future. This site is within the present day flood zone 3. It is also within the flood zone 3 plus climate change flood extent. This means in the future flood risk is likely to be worse at this location. To mitigate this, the 35% climate change allowance flood level must be reflected in the current application's assessment and design.

I hope this response is helpful. We have tried to be as comprehensive as possible, but if you have any further questions please come back to me or my Environmental Planning Manager, Richard Thompson [REDACTED] and we will do our utmost to help

Yours sincerely

J E Simpson

Julia Simpson
Area Director – Thames
Environment Agency
[REDACTED]

[<image001.png>](#)

From: Karen Liddell [REDACTED]
Sent: 17 August 2020 15:54
To: Simpson, Julia [REDACTED]
Cc: Ray Townsend [REDACTED]
Subject: RE: Response Please to RE: Elmbridge Planning Application 2018/3810 - THMCU7913_CT9081

Dear Ms Simpson

Thank you for your interim response. I look forward to your full response.

As an update, the matter of flooding in the Hampton Court area was subject to local debate on community Facebook Groups this weekend. Are you aware that Surrey Live is promoting the research of an American independent body Climate Central which suggest that the whole of Hampton Court Station and the surrounding area will be below the annual flood level in 2050? Can you explain how this relates to the EA's 2019 model and the adopted Flood Zones 2 & 3? Do you know if the research and interactive mapping produced by Climate Central has any international authority?

See links

<https://www.getsurrey.co.uk/news/surrey-news/startling-surrey-climate-forecast-shows-18777938>
<https://www.getsurrey.co.uk/news/surrey-news/startling-surrey-climate-forecast-shows-18777938>
https://coastal.climatecentral.org/map/16/-0.3416/51.402/?theme=sea_level_rise&map_type=coastal_dem_comparison&contiguous=true&evaporation_model=best_available&forecast_year=2050&pathway=rcp45&percentile=p50&return_level=return_level_1&slr_model=kopp_2014

I look forward to your response on my email of 7th August by the end of the week.

Kind regards

Karen for HCRC

From: Simpson, Julia [REDACTED]
Sent: 14 August 2020 17:54
To: Karen Liddell [REDACTED]
Subject: RE: Response Please to RE: Elmbridge Planning Application 2018/3810 - THMCU7913_CT9081

Dear Ms Liddell,

Thank you for your emails of 07 and 14 August.

I'm sorry but I won't be in the position to have a full response ready for you by Monday morning. I am working to have a detailed response to you by the end of next week in line with our customer charter of 10 working days. I will, of course try and reply sooner if conditions allow.

Yours sincerely,

J E Simpson

Julia Simpson
Area Director – Thames
Environment Agency
[REDACTED]

[<image001.png>](#)

From: Karen Liddell [REDACTED]
Sent: 14 August 2020 14:57
To: Simpson, Julia [REDACTED]
Subject: Response Please to RE: Elmbridge Planning Application 2018/3810

Dear Julia

Can I have your response to my email below of a week ago please? Apologies if there was any confusion as I sent in my married name and signed off in my professional name.

Our MP, Mr Raab has asked me to brief him next week so he may decide how to follow up this matter, so it is important he has your response. Are you in a position to reply today or Monday morning please?

Kind regards

Karen Liddell MRTPI(rtd), IHBC(rtd) on behalf of HCRC
[REDACTED]

From: Karen Jones [REDACTED]
Sent: 07 August 2020 15:12
To: [REDACTED]
Cc: 'Ray Townsend' [REDACTED]
Subject: Elmbridge Planning Application 2018/3810

Dear Julia

I have been sent your email by our MP Dominic Raab, please see the attachments. I would like to take up some concerns on behalf of Hampton Court Rescue Campaign (Chair copied in). [REDACTED]

Your letter gives a good review of the EA's objection letters of 15/6/19, 10/1/20 & 25/2/20 all of which we have seen and understand. We also followed the EA's requirement that the up to date model data is used and had urged the Elmbridge Officers from early 2019 to ensure that a decision was not made on outdated data. However, what concerns us now is that the Council is persisting in giving the applicant an unlimited timescale to resolve the EA's objection and has suggested in the attached letter sent to me by Mr Raab that the EA has not indicated that "their objections are insurmountable". **Can you please advise if this statement is correct? If it is correct is this recorded in any meeting note?**


Additionally, on 20/7/20 the case officer Jennifer Margetts told me in an email that "The EA were consulted on the revised FRA on 08/07/2020 and asked to respond by 29/07/2020." The public has had an opportunity to view the revised FRA Addendum June 2020 on the Council's website since 30/6/20 and has noted the conclusions. However, your email of 29/7/20 states at para. 2 that the EA is awaiting "relevant files". **Can you please explain what these files are and if they are additional to the information in the FRA Addendum?** You then state that you are discussing the review timescales which is "likely to take approximately 8 weeks". **Again can you please explain what you will be doing to assess the revised FRA within the 8 week period, and if this period is from the date of your email 29/8/20, the date of your consultation on 8/7/20, or another date?**

HCRC appreciates there are complex technical issues related to flood prevention on this major unpopular development (1231 public objections). We do not know if you have seen our response to the last FRA attached dated 14/1/20 which we hope demonstrates our level of understanding and concern. We await your assessment of whether the 2019 flood model does not increase the flood risk on the western part of the site and thus voids are not now required under the hotel building. However, the points we make at 8) & 9) of our Objection about the mitigation measures to use the car park to provide flood storage are still relevant. Whilst HCRC will be formally responding to the revised FRA, when the public consultation commences, we would ask you to give due regard to our concerns in your response. In particular we consider it cursory for the applicant to simply state that the EA will give a 4-5 day lead in time, and that will allow the on-site management team to manage the response in accordance with a future approved Flood Management Plan. We have asked how long the cars in the car park would be displaced and where they would be displaced to, as the surrounding streets could not accommodate 207 vehicles. If such an emergency plan had to be put in place the existing community would lose the commuter parking facility, and need to compete for parking with an additional 207 vehicles, or more as we predict this is an under provision. This is a matter central to the appropriateness of the development and not a matter to be resolved by a reserved matters condition. I am sure the occupiers of the flats, hotel and retail uses will also be inconvenienced by flooding, if not put in danger, and that their insurance companies would increase premiums of a wider area if their vehicles were damaged by flood waters or if they could not access their flats. I am sure you are aware of the high insurance premiums paid near the river and that many residents have had insurance companies refuse to renew their policies in recent years. The impact of additional development in the flood plan on the existing communities is a critical issue that is not being given due regard. As stated in our attached objection at point 10) we do not understand why the principle of using the basement car park for flood plain storage is not being rejected in principle as Elmbridge has a Policy CS26 that states "*Sole reliance on the use of under-floor voids to address the loss of floodplain storage capacity is generally not acceptable on undeveloped sites...*". This site cannot be considered anything other than "an undeveloped site" as all it has ever contained is an open car park and one small single storey building demolished 30+years ago. **Could HCRC please have your comment on whether the adopted Policy CS26 is still relevant to national flood prevention policy?**

I personally have had an excellent experience in recent times of the professional approach taken by the EA on the Lower Mole Flood Alleviation Project and had some words of wisdom on wider flood prevention concerns from one of your senior officers. Should you wish to meet with HCRC representatives I would be pleased to set up a meeting if you call me on [REDACTED] HCRC looks forward to receiving your response to the questions emboldened above.

Kind regards

Karen Liddell MRTPI(rtd), IHBC(rtd) on behalf of HCRC



Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

<Planning - Flood Risk SPD 2016.pdf>



This email has been checked for viruses by Avast antivirus software.

www.avast.com

<Letter to Rachel Rae.pdf>

<Planning - Flood Risk SPD 2016.pdf>

Click [here](#) to report this email as spam.