

Penny Canning
Dorset Council - West
Development Services Division
County Hall Colliton Park
Dorchester
Dorset
DT1 1XJ

Our ref: WX/2024/138404/01-L01

Your ref: P/FUL/2024/04613

Date: 23 October 2024

Dear Ms. Canning,

**REDEVELOPMENT FOR ERECTION OF RETIREMENT LIVING ACCOMMODATION
COMPRISING 48 APARTMENTS, 25 COTTAGES, COMMUNAL FACILITIES,
ACCESS, CAR PARKING AND LANDSCAPING TO CREATE AN INTEGRATED
RETIREMENT COMMUNITY**

LAND TO REAR OF 156-172 SOUTH STREET, BRIDPORT

Thank you for consulting the Environment Agency on this application.

Environment Agency position

We **object** to the application as submitted on flood risk grounds and request further information and clarity at this stage regarding the points raised below.

Flood Risk

We have reviewed the submitted Flood Risk Assessment (FRA) prepared by AWP (Initial Issue, dated 6th June 2024), Site Plan (drawing no: 10128BP-PA01 Rev B), Landscape Strategy (drawing no: JBA23-126-SK02 Rev E) & Ground Floor Plan (drawing no: 10128BP-PA02 A) and make the following comments.

1. We note the FRA states that "Finished floor levels have been calculated from data provided by the EA in a product 4 data request. FFLs provide a freeboard of at least 600mm for apartments and 300mm to for cottages." These freeboard design principles are acceptable. We acknowledge the flood level discussion set out within Appendix H of the FRA, and we note that drawing number 10128BP-PA02 A shows the ground floor levels of the retirement flats is 6.70mAOD, but we cannot see a drawing showing ground floor level information for the other buildings. For clarity and completeness we would ask to see further commentary within the FRA specifying the ground floor levels of each individual building / unit, with the corresponding base design flood level.
2. The FRA also states that "The site layout has been developed to provide the required minimum widths adjacent to the flood defence wall along the access route to the stoplogs in the south of the site. A 6m easement is provided in straight sections of the access and 8m is provided at bends. Within this area a hard surface suitable for access and turning is proposed.... A vehicular track drawing has been prepared and is included within Appendix J of this report". We would like the FRA to contain further detailed drawing evidence showing the

access widths and surfacing details annotated along the whole length of the flood wall bordering the site.

3. Please note that we have previously advised (see our letter within Appendix G of the FRA) that there should be no gardens / private land adjoining the flood wall or other structures, planting, fencing etc. on or within 8m of the wall. We would like clarity on the use of the land between Terrace 5 and the flood wall in this regard and reiterate our access requirements for this area. There does appear to be some proposed planting within 8m of the flood wall and we ask that this is removed from the proposal – it will impede our access but more importantly will have a negative impact on the structural integrity of the flood wall and associated toe drainage. Any proposed gardens or other private land adjoining the wall or other structures, planting, fencing etc. on or within 8m of the wall not mentioned above should also be removed. We would also like to see confirmation that there will be no raising of ground levels behind the floodwall.
4. With regards the surface finish of our access route it needs to be sufficient for use by very heavy (22T) tracked machinery and vehicles. The Landscaping drawing states that reinforced grass surfacing will be used in places. We are concerned this surfacing could be damaged by large vehicles turning and moving back and forth during works and that this could fall to the EA to repair or mitigate against. The surfacing does not need to be to a highways standard but we would like to see some level of hard standing / compacted surface.
5. Please note that Attenuation tank 5 is shown within an area designated for plant/vehicles turning. This must be either relocated or the cover / surfacing must be sufficiently robust to ensure no impact on the integrity of the tank given the heavy machinery and vehicles mentioned above.

Advice to Applicant - permit

Please also note that under the Environmental Permitting (England and Wales) Regulations 2016, a prior written Environmental Permit from the Environment Agency is required for all temporary and/or permanent works in, under, over or within 8 metres of the bank top of a designated main river and/or the flood defence asset. This will apply along where the site is bordered by our Flood Alleviation Scheme. Some activities are now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. To discuss the scope of the controls please contact the Environment Agency on 03708 506 506.

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.

Advice to LPA – Sequential Test

In accordance with the National Planning Policy Framework (paragraph 168), 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 and:
 - the proposed development is consistent with the use for which the site was allocated; and
 - there have been no significant changes to the known level of flood risk to the site, now or in the future, which would have affected the outcome of the test

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 determine an appropriate area of search and to decide whether the sequential test has been passed, with reference to the information you hold on land availability. You may also ask the applicant to identify any other 'reasonably available' sites which are on the open market and to check on the current status of identified sites to determine if they can be considered 'reasonably available'. Further guidance on the area of search can be found in paragraphs 027-030 of 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](#).

Land Contamination

The previous use of the proposed development site as a gasworks and a concrete plant presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is at the confluence of the River Brit and the River Asker and upstream of a licensed abstraction.

Our assessment is that it will be possible to manage the risks posed to controlled waters by this proposal. Further detailed information will however be required before development is commenced. We consider that it would place an unreasonable burden on the developer to ask for more detailed information prior to determination of this application but respect that this is a decision for the local planning authority. Should the applicant overcome our flood risk objection then we would recommend the inclusion of conditions regarding land contamination on any grant of permission.

Note to LPA

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 provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

Yours sincerely,

Mr. Bob Sherrard
Sustainable Places - Planning Advisor

Phone: 02030 252813

Email: wx.sp@environment-agency.gov.uk

Penny Canning
Dorset Council
County Hall
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DT1 1XJ

Our ref: WX/2025/138730/01-L01

Your ref: P/FUL/2024/04613

Date: 04 March 2025

Dear Penny,

**REDEVELOPMENT FOR ERECTION OF RETIREMENT LIVING ACCOMMODATION
COMPRISING 48 APARTMENTS, 25 COTTAGES, COMMUNAL FACILITIES,
ACCESS, CAR PARKING AND LANDSCAPING TO CREATE AN INTEGRATED
RETIREMENT COMMUNITY**

LAND TO REAR OF 156-172 SOUTH STREET, BRIDPORT

Thank you for reconsulting the Environment Agency on this application.

Environment Agency position – maintain objection

The submitted Landscape Strategy Drawing (JBA 23 126 SK02 Revision G) does not include any further specific details in relation to our previous letter, dated 23rd October 2024 (Our Ref: WX/2024/138404/01-L01).

The submitted updated flood risk assessment (FRA) prepared by AWP (Revision A, dated 20th November 2024) now includes updated paragraphs 3.10, 3.12, 3.14, 3.15, 3.17, 4.24 and 5.6 and updated Appendix J drawing (Dwg. No. 01-PDL-1001 Rev.C). The updated FRA, with specific reference to the above paragraphs and drawing, now addresses the bulk of our flood risk objection raised in our previous letter (Our Ref: WX/2024/138404/01-L01), however we still object to the maintenance access / easement surfacing as discussed below.

We are pleased to see the proposed finished floor levels for the apartment building at 6.7mAOD and all terraces (blocks 1-6) at 6.40mAOD clearly shown, and the proposed clear demarcation of the easement from the flood defence wall to permit future inspection and maintenance access (6m required on straights and 8m on bends), and also that there will be no signage, fencing, planting or level changes, or private land permitted within this easement.

With regards our previous concerns over the impact of heavy machinery tracking over attenuation tank 5, we note that “any tanks located within trafficked areas must be designed with sufficient protection to support the maximum anticipated vehicular loads. (Tank 5 to be adequately protected from 22T trafficking loads)”.

We are pleased to see that the maintenance access / easement areas are to remain as public open space (no private land / gardens), and that existing ground levels are to be retained throughout the easement.

The main outstanding concern is in relation to the maintenance access / easement surfacing. We note that it is now proposed to use grasscrete to provide access to the southern flood defence gate, but that the remaining land inside the flood defence wall easement is proposed to be grassed. We wish to reiterate our concern that any grassed areas could be damaged by large vehicles turning and moving back and forth during works and that this could fall to the EA to repair or mitigate against. This would be unacceptable. We therefore reiterate that, whilst the surfacing does not need to be to a highways standard, we would like to see some level of hard standing / compacted surface (or similar grasscrete as proposed to provide access to the southern flood defence gate) for all easement / maintenance access areas.

Land Contamination and Controlled Waters

Further to our previous letter (Our Ref: WX/2024/138404/01-L01), we include the following conditions should the LPA be minded to grant permission.

CONDITION

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.

CONDITION

Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by

the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with Paragraph 187 of the National Planning Policy Framework.

CONDITION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 187 of the National Planning Policy Framework.

Advice to LPA - SuDs

The previous use of the proposed development site as a gasworks and concrete plant presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located at the confluence of the River Asker and the River Brit and upstream of a licensed abstraction.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following planning condition is included as part of any permission granted. Without this condition we would object to the proposal in line with Paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

CONDITION

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with Paragraph 187 of the National Planning Policy Framework.

Yours sincerely,

Bob Sherrard

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