

Mr Oliver Rathmill
Environment Agency

cc Mr Andrew Murdoch
Oxford City Council

30 November 2017

Re: Oxford Flood Alliance (OFA) urgent request and comments to Environment Agency (EA) re: Seacourt development proposal

Dear Mr Rathmill,

I am writing on behalf of the OFA to provide our comments and feedback on your letters of 2 November 2017 and 20 November 2017 that set out EA's response to the proposed Seacourt development.

I also include an urgent request from OFA that I hope the EA will be able to act on immediately.

Given the tight consultation timeframe and need to flag up these issues, I am also cc-ing Mr Murdoch, and requesting that this letter be published immediately on the Seacourt planning website.

OFA's urgent request for Condition 1 imposed by EA to be revised and redrafted

The last paragraph of your Condition 1, as currently drafted, states:

*"The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, **or within any other period as may subsequently be agreed in writing by the local planning authority.**"*

OFA requests that Condition 1 is immediately redrafted along the following lines:

"The mitigation measures shall be fully implemented prior to occupation, without exception."

This is to close a huge legal loophole and to prevent important mitigation safety measures required by the EA being deferred (potentially indefinitely) after written agreement with the local planning authority, as may well otherwise happen.

N.B. We agree on this point with your statement that: *"Without these conditions [actually in place], the proposed scheme poses a risk to people and the environment and we would object to the scheme as submitted."*

This is particularly since we are talking about Flood Zone 3b with significant risk of people drowning during floods.

Other points:

Sequential Test

OFA notes the EA's position that: "*We have not reviewed the Sequential Test*" and note accordingly that EA is not and cannot be signing off the Sequential Test or indeed Exception Test performed by the Council as correct.

OFA also notes the EA's statement that: "*It is for you the local planning authority to assess and determine if the Sequential Test has been passed*", but reminds the EA that the LPA's decision simultaneously also must be i) reasonable and ii) in accordance with planning precedent and iii) legally reviewable.

Exception Test

OFA notes the EA's position that: "*We consider a car park to be "less vulnerable" development according to National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG)...we consider them to be a less vulnerable development as they have similar characteristics and impacts to other types of development within that category.*"

OFA agrees that car parks can clearly fall within the "*less vulnerable development*" category on the basis of their similar characteristics and impacts to the other types of development listed in that category, namely: a) *Land and buildings used for agriculture and forestry*, b) *non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure*, c) *fire stations which are not required to be operational during flooding*. (See <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification>)

OFA also respectfully reminds EA that under the PPG's Flood Risk Categorization table, "*less vulnerable development*" is explicitly prohibited in Flood Zone 3b, see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility_.pdf

OFA also notes the EA's statement that: "*It is for you the local planning authority to decide which vulnerability classification to assign to the development*", but reminds the EA that the LPA's decision simultaneously also must be i) reasonable and ii) in accordance with planning precedent and iii) legally reviewable.

OFA also considers that because the EA are national experts on the environment and flooding, the local planning authority should give the highest possible weight to the EA's considered and stated designation of Seacourt as being within the "*less vulnerable development*" category.

The logical implication of this is that the proposed Seacourt development is therefore unsuitable and inappropriate and in fact prohibited under the Planning Guidelines in Flood Zone 3b.

Climate Change Allowance

OFA agrees with EA that Climate Change is a significant source of increased flood risk at Seacourt and that the “*upper end climate change allowance of 70% is appropriate.*”

Emergency Evacuation

OFA notes EA’s analysis that: “*Flood Hazard Maps shown in Appendix F of the FRA classifies the route of access and egress from the proposed development as “danger to all”*”. OFA agrees and notes that this is one reason why such development is prohibited in Flood Zone 3b.

Flood water Drainage

OFA notes the EA's position that: “*We have not assessed the surface water drainage proposals*” and note accordingly that EA is not and cannot be signing off on this safety-critical aspect of the development proposal as correct.

Thank you again for noting these points and in particular for considering the urgent drafting change requested to Condition 1 above. To reiterate, the EA has already said that: “*Without these conditions [actually in place], the proposed scheme poses a risk to people and the environment and we would object to the scheme as submitted.*”

Best wishes,

Peter Rawcliffe
Chair, Oxford Flood Alliance