

Andrew Driver
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Via email at: adriver@jarvishomes.co.uk

Our ref: HNL24294
Your ref: Planning Ref 22/00754/FP
Date: 28 November 2024

Dear Andrew Driver

Complaint regarding The Foundry, Stevenage Road, St Ippolyts, Hitchin, SG4 7NX

Thank you for your letter dated 14 November 2024 regarding our position to planning application 22/00754/FP for the development at The Foundry, Stevenage Road. I am sorry to hear that you are unhappy with our position in relation to this application.

As requested, I have carried out a review of our interaction with the development. I can confirm that our concerns have now been satisfied. I have responded to your points in your letter below along with the actions we are taking to bring the matter to a resolution.

Review comments

We no longer have any information in relation to application 14/02200/01 except our final response as it falls outside of our retention schedule. We therefore do not hold any information on our decision making for this application. Previous permissions are not taken into consideration when we assess an application. Applications are assessed on current flood risk policy and internal EA guidance at the time the application is being reviewed.

We were consulted on planning application 22/00754/FP on 17 March 2022 for 7 dwellings at The Foundry, Stevenage Road, St Ippolyts. The development site lies mostly within Flood Zones 2 and 3a. We understand that the Local Planning Authority (LPA) removed the site from Flood Zone 3b (which is their designation to make) even though the site shows to have areas of the 1 in 20-year flood event.

On 4 April 2022 we objected to the application due to floodplain compensation concerns in line with national policy. The National Planning Policy Framework (NPPF) paragraph 173 states that development should not increase flood risk elsewhere and is resilient and resistant to flooding for its lifetime as demonstrated by a site-specific Flood Risk Assessment (FRA). This is supported by the Flood risk and coastal change Planning Practice Guidance (PPG).

We were consulted twice more in 2022 where we maintained our objection. During this period we also met with Jarvis and JBA to discuss our concerns. We were consulted again in January 2023 which included a baseline flood risk model for review. This model was approved in February 2023 however concerns regarding the floodplain compensation scheme within the FRA remained. We maintained our objection in our fourth response on this basis dated 24 February 2024 (ref: NE/2022/134300/04).

This approach is consistent with our internal guidance. Our 'Operational Instruction (OI) 178_05 Flood Risk Management: considering the use of floodplain compensatory storage' confirms that we require level for level (direct schemes) on page 4. In your summary of concerns, paragraph 7, you state that your scheme is not indirect but because you have not provided level for level on the top 'slice' and provided compensatory storage on lower slices, this makes your scheme 'indirect'. It is for this reason we maintained our objection. We believe it was viable to provide for the top slice by reducing the footprint of the units or reducing the number of units in total.

In 'Basic requirements' (page 8) and appendix 1 (page 13) of the OI, it states:

- 'The volume must apply at all levels between the lowest point on the site and the design flood level. Normally this is calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal 'slices' through the range defined above.'

This is further confirmed in section 'Some unacceptable examples' (page 10)

- 'Providing low level compensation to match high level development or vice versa. This arrangement will affect how the compensatory floodplain operates relative to the pre-development condition of the site, and therefore does not replicate the natural behaviour of the floodplain.'

On 12 July 2023 we were informed by Tom Rea, the planning case officer from North Herts, that the Planning Committee approved the application with flood risk issues to be resolved by planning conditions despite our outstanding objection. Because a planning decision was made, in line with page 5 of OI 178_05, it was decided to work with flood risk conditions although we still did not agree that level-for-level compensation could not be provided on site. This was to allow us to further influence the flood risk aspects of the scheme and seek improvements to protect its future users and to ensure flood risk is not increased elsewhere. The conditions were detailed in our letter dated 18 July 2023 (ref: NE/2023/135604/02). In this letter we emphasised to the LPA that we were not comfortable with the situation we found ourselves in and as a material consideration, flood risk should be dealt with prior to the approval of applications.

Since February 2024 we have been consulted on the discharge of condition 17 Flood compensation scheme, a pre-commencement condition, several times. The Partnership & Strategic Overview team who assessed the flood risk on this application had outstanding concerns regarding the effectiveness of the floodplain compensation scheme, offsite flood risk and whether other options had been explored for compensating for the highest 'slice'. Due to these concerns, we did not recommend the discharge of this condition.

We appreciate that this has put you in a difficult position with the properties that have already begun construction. We note that condition 17 is pre-commencement and that no construction should have started on site until the condition had been discharged.

We met with Olivier Saillofest from JBA Consulting, the authors of the Flood Risk Assessment on Monday 18 November. During this meeting Olivier talked through the floodplain compensation scheme, how it works, why this option was chosen and progressed, and confirmed that the modelling showed no increase flood risk offsite and that the site users would be safe for its lifetime. I can confirm that our concerns have now been satisfied.

We will shortly be providing an updated response to the LPA to formally recommend the discharge of condition 17.

If you would like any further clarification, please contact me on my details below.

Yours sincerely

Chris Padley-Knight
Sustainable Places Team Leader

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