

The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: AE/2019/124219
Your ref: TR010023
Date: 11 February 2020

Via email:

Dear Sir/Madam

WRITTEN REPRESENTATION – APPLICATION BY NORFOLK COUNTY COUNCIL FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE GREAT YARMOUTH THIRD RIVER CROSSING

We write to bring to your attention matters of serious concern regarding this application and on which we have not to date been able to reach agreement with the Applicant.

Our overriding concern relates to flood risk and the effect that the proposal may have on dwellings in the vicinity of the crossing in the event of flood defences failing, which is usually referred to as tidal residual (breach) risk. The Applicant has not submitted evidence to demonstrate that this specific risk has been adequately assessed. As a result we do not agree that there is sufficient evidence for the ExA to make an informed decision about flood risk affecting the proposal and the change in risk or hazard to third parties in the area as a result of the changes brought about by the proposed development.

Our Relevant Representation dated 31 July 2019 stated our objection to the project on flood risk grounds and insufficient modelling to allow those risks to be assessed. Our response to Second Written Questions dated 13 January 2020 confirmed that many of our concerns regarding flood risk had been addressed but that some matters remained, notably among those was tidal residual (breach) risk. This specific issue was identified in the second bullet point of our letter. On 21 January 2020 we met with the Applicant to discuss the outstanding issues. The clarifications provided at the meeting provided reassurance on most issues, however we did not reach agreement on the issue of breach risk. The Applicant has advised that they do intend to conduct further modelling or assessment of breach risk. As a result our position must continue to be an objection on safety grounds.

The Applicant has suggested that tidal residual (breach) risk modelling is not necessary as reliance is placed on modelling for an overtopping event. We consider this approach unacceptable. Overtopping and breach are two distinct and different events with different characteristics. Extent, depth and hazard resulting from a breach at a specific location can behave differently from overtopping, which could occur across a much greater length of flood defences. As such, the FRA has not adequately assessed all forms of flood risk.

We have indicated to the Applicant that residual risk of a breach should be considered. Our first advice regarding this was in November 2017.

The NPS National Networks document addresses the need for sufficient and early discussions with statutory bodies about relevant information at paragraph 5.2. It

follows that weight should be given to that advice and therefore, any divergence from the advice given should be discussed at an early stage. Paragraph **5.96** further confirms the need for sufficiently early pre-application discussions including the nature of flood risk and, that information to satisfy the Environment Agency's concerns should preferably be submitted before the DCO application is made, whilst Paragraph **5.78** confirms that substantial weight should be attached to the risks of flooding and the requirement for this to be demonstrated. Paragraph 5.92 confirms that projects in flood zones 2 and 3 should be accompanied by a flood risk assessment whilst 5.93 requires that the risks of all forms of flooding is addressed. This is further reiterated in paragraph 5.94. Paragraph **5.99** points out that the Secretary of State should be satisfied that flood risk will not be increased elsewhere. Therefore, a full understanding of all forms of flooding is essential to enable informed decision making. In addition, this section requires that any residual risk can be safely managed. This requires an assessment of any change to the inundation characteristics of all forms of flooding that might occur, both on and offsite, as a result of new structures or embankment installed as part of the proposal.

FRA Guidance on gov.uk: <https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3> Under 'Managing the flood risk' states that there should be an explanation of how raised flood embankments or changes to ground level could affect water flow. The Flood Risk and Coastal Change PPG to the NPPF advises that the objectives of a site specific flood risk assessment should include the need to establish whether or not flood risk is increased elsewhere, and to test the appropriateness of measures proposed to deal with the effects and risks.

The PPG also requires that evidence is provided to show that any residual flood risk can be overcome. It also requires that the FRA considers that the design of the development to manage and reduce flood risk wherever possible. It follows then, that to meet this requirement, the effects of all forms of flooding are known and assessed.

It is possible that further study may show that tidal residual (breach) risk does not have different characteristics from other flooding events, but until such time as adequate evidence is presented, we consider that it is inappropriate and unsafe to make this assumption.

Yours faithfully


MRS BARBARA MOSS-TAYLOR
Sustainable Places - Planning Specialist

