

49 The Meadway
Shoreham-by-Sea
West Sussex
BN43 5RN

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Planning Department

Planning Application AWDM/0511/26 consultation response - Objection

The proposed Flood Barrier for 51 Old Fort Road is fatally flawed, see below for details.

We therefore object to this application and we ask that you deny permission.

As proposed The Flood Barrier only partially dams the gaping hole in the tanking at the top of the galvanised steel stairs to the external Basement 'Patio' well. Whilst full width, it is only 100mm in height at 6.16 m AOD. The Tanking approved in previous applications is at 6.32 m AOD which would require a 260mm high Flood Barrier. The applicants Flood Risk Assessment does not adequately explain how 6.32 m AOD was required recently for the Tanking to be effective, but 6.16 m AOD is suddenly now acceptable for the Flood Barrier.

If implemented, any barrier would create a major dangerous trip hazard at the intermediate landing which has to be used every time the property is accessed. Anyone accessing the Basement, for general use, or in the event of emergency egress, would have to negotiate the proposed trip hazard.

How would Approved Documents Parts B, K and M of the Building Regulations be satisfied if this were approved?

Would you want this at your house, or want to visit a house where this was there, and risk your family, kids or friends tripping head first down galvanised steel stairs into an external basement well, adjacent to the entrance way. This external basement could well be flooded at the time. How would people avoid this at night, if it were unfamiliar to them, or if they were distracted?

A potentially significant issue is speed of potential flooding, whilst the speed of any flooding outside the site may appear relatively slow, should the Basements flood protection be breached, the water level rise in the basement would be very rapid and potentially life threatening.

Electrical Sockets have been installed at low level in the Basement. Installing them at a more appropriate height was an easy opportunity to mitigate ignored and therefore missed. The applicant has consistently ignored the Flood Risk throughout this development.

There are no stipulations or provisions regarding the barrier being non-removable.

There are no stipulations or provisions regarding the maintenance of the barrier, which would be essential in order to maintain it's effectiveness.

The construction of the tanking for the semi-detached properties at 51 and 51A Old Fort Road, appeared to share a single tanking perimeter whilst under construction, with no impermeable barrier in between separating the dwellings. This would mean that any mitigation, such as that applied for, would need to be applied to both properties in order to be effective. This would add a significant layer of complexity, as both would need to be in place at all times, and appropriate maintenance arrangements coordinated in order to ensure continued effectiveness.

Eco 360 Ltd - Site Specific Flood Risk Assessment

The Site Specific Flood Risk Assessment by Eco 360 Ltd is fatally flawed, even they explicitly say:

‘Eco 360 does not warrant or guarantee that the site is free of hazardous or potentially hazardous materials or conditions.’

The report contradicts itself in a variety of places, lists incorrect flood heights, and fails to identify the only proposed mitigation measure as a trip hazard. Parts of the report have clearly been copied from elsewhere, or a template used, and whilst this is a common practice and perfectly acceptable when done diligently, there are several assertions made illustrating that the relevant text has not been tailored to this application at all, e.g. referring to the property as a single story dwelling. This calls into question how many such instances there are that are less obvious, but providing misleading information and giving a false impression. They even claim:

‘Site specific flood mapping confirms that the proposed development footprint is located outside the mapped Flood Zone 2 extent...’

This is clearly incorrect, contradicted within their document, and confirmed by the Environment Agency data. If they used this to form their conclusion, it may explain why it is so flawed.

Conclusions in individual sections, and at the end, ignore vital information and paint an overly optimistic, and therefore false picture.

A quick look at the reviews for this very new company are rather concerning.

The report asserts the maximum flood level that needs to be defended against is 6.13 m AOD, however there is no factual evidence or justification for this assertion. They state:

*‘The barrier provides a crest level of approximately 6.16 m AOD, which exceeds:
The minimum level of 6.13 m AOD identified by the Planning Inspectorate*

The Planning Inspectorate’s Appeal Decision – Dismissal, said In reasons 7: ‘... is **said** to be 6.13 m AOD.’ This is not a stipulation by them, but merely a regurgitation of a number provided to them without any attribution. If the applicant wants to use this number it **MUST** be substantiated.

The report appears to confuse probability with severity, particularly when drawing conclusions. They acknowledge that under the Climate Change scenario the probability is ‘Likely’. The severity, however, is potentially high because of the flawed property design, and the fact that a flood water breach would rapidly cascade into the Basement leading to potential severe risks to life.

The report suggests that the construction of these properties has no impact on potential flooding. This cannot be correct. The Basement extends over 2.2m below the ground level (taken as being at the driveway level) for the majority of the building footprint. This impinges significantly upon the 0.5 to 5.0m groundwater levels.

The encroachment by the Basement must by definition impact on potential flooding (based on simple physics). Take away somewhere the water wants to go – it goes somewhere else!

A further point, ignored by the report, is that just under 40% of the site area is taken up by the semi-detached properties. This rises to an amazing 85% of the area consumed by hard surfaces (including the houses, ramps, steps, hard paths, patios, and the substantially paved rear garden).

This would increase and exacerbate the effect of flooding.

Environment Agency - Response 26/05/26

The Environment Agency response is, again, very clear. They object, and recommend refusal. Just like last time. They specifically re-iterate their position that the Basement should not be used for habitable uses or sleeping accommodation due to flood risk.

‘As this development poses an unacceptable risk to life from flooding, we object to this application and recommend that planning permission is refused.’

‘Our response to application AWD/2007/21 included a condition specifying that the lower ground floor was not to be used for habitable uses and/or for sleeping accommodation due to flood risk.’

They are clearly drawing your attention again to the fact that they required a non-habitable AND sleeping condition. They also made it clear that any condition should be for the life of the property.

We therefore feel you should reconsider the non-habitable condition with this application.

Planning Inspectorate – Appeal - Dismissed

The Planning Inspectorate, who dismissed the previous appeal for the Basement to be used as sleeping accommodation was also very clear about the Flood Risk.

Conclusion

The issues with this project could so easily have been addressed by intelligent design at the outset. The applicant clearly didn't want to do this, they obviously just wanted whatever they wanted regardless of any design or safety standards.

We believe this application is fundamentally flawed and the continued insistence of the Environment Agency should prevail. The application should be denied.

Should this application be put forward for consideration, a raft of additional measures would need to be put in place, including, but not limited to:

- A full assessment of the necessary height of the Flood Barrier – to be approved by the Environment Agency

- Full compliance with Approved Documents Parts B, K and M of the Building Regulations, as confirmed by the Council's Building Control

- Water-tight agreements (please excuse the pun) regarding signing up, and remaining signed up to appropriate flood warning services

- Measures to ensure the mitigation measure, the Flood Barrier, remain installed for the life of the building and that regular inspection (perhaps by the Council's Building Control department) and maintenance is undertaken

The Council needs to ensure any such conditions are enacted. One option that may help would be to enshrine such specific safety measures in the properties Deeds to at least make them clear to all future occupiers, and carry some weight regarding compliance and enforcement.

We ask you to reject this application.

Chris Grace