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Environment Agency

Amber Valley Borough Council -
Development Control
RIPLEY, DE5 3SZ

Reference: PA-0012496/01
Customer reference: AVA/2026/0575
02 October 2026

**Outline application for the change of use of 2 buildings currently in use as a car dealership to dwellinghouses and erection of 6 dwellinghouses**

**BENZ BAVARIAN LTD, 109-113 DERBY ROAD BELPER AMBER VALLEY BOROUGH DE56 4FQ**

Dear Planning Officer,

Thank you for contacting us.

This is our response to your consultation AVA/2026/0575.

**Environment Agency position**

The proposed development site is partially within Flood Zone 3; it appears much of the information included in the Flood Risk Assessment is from before the Flood Map for Planning was updated and includes a topographic survey which is 3 years old, this should also be updated.

The updated Flood Zones have been created using the New National Model, this now includes depth data for some flood events. Therefore, the newly proposed residential properties are located within Flood Zone 3 and in the undefended floodplain of the River Derwent.

New footprints or land raising within Flood Zone 3 and the 1% AEP plus 30% climate change event (design flood) are required to provide level-for level, volume-for-volume floodplain compensation to ensure there are no third-party impacts resulting from the development. All proposed developments should be demonstrated to be raised 600mm above the flood height using the New National Model depth data.

To calculate the flood level, the applicant should access the DEFRA data services to get the National Model's depth data for the climate change event, this depth should be added to the ground height at the site. A further 600mm should be added for

freeboard, this is the level the residential properties should be set to, stated in metres Above Ordnance Datum. Compensation should be calculated based on the derived flood height and provided within Flood Zone 2 or 1 land which is hydrologically linked to the floodplain proposed to be lost. The proposed change of use developments should include the level finished floor levels will be set too where they are located at flood risk.

Therefore, in the absence of an adequate flood risk assessment (FRA) we object to this application and recommend that planning permission is refused.

**Reason(s)**
The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist.

The FRA does not therefore adequately assess whether the development will increase flood risk elsewhere. In particular, the FRA fails to:

- consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event .
- consider how a range of flooding events (including extreme events) will affect people and property
- consider how people will be kept safe from the identified flood hazards

take the impacts of climate change into account

Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for 1% AEP plus 30% climate change flood event. Consequently, the development proposes inadequate:

- Flood storage compensation
  - Raised finished floor levels
  - Resistance and resilience measures
  - Safe access and escape routes

**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 if a revised FRA is submitted and we will respond within 21 days of re-consultation.

**Data request - advice to applicant**
Depth data for the New National Model can be found by visiting www.gov.uk/guidance/download-environmental-data .

If you have any questions regarding our response, please contact planning.trentside@environment-agency.gov.uk.

Yours sincerely,

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