

Elvet Residents' Association. Crossgate Community Partnership.

St. Nicholas' Community Forum.

Durham

City.

18th September 2009

Dear Ms Wickerson,

River Wear flooding July 2009

We are writing to you on behalf of the three Durham City Centre Residents' organisations. We would like to raise a number of concerns we have over the recent flooding in Durham City, particularly with how the flooding has affected the Old Elvet area and Elvet Waterside; we would also like to draw your attention to the implications of this flooding for Durham City and the proposed development at Elvet Waterside, in particular.

On Saturday July 18th 2009, due to heavy rainfall, the River Wear in Durham City broke its banks which caused severe flooding in the city and on the Racecourse and its environs at Elvet Waterside (see photo 1), behind Old Elvet and in particular on the Bowling Green (see photo 2) and the field behind the gardens of the houses on Old Elvet (see photo 8). Most relevant to this letter is that part of the area which was severely flooded has been included in the planning application for the proposed Elvet Waterside Development,[\[1\]](#) the plans for which were lodged with the planning department of the then Durham City Council in January 2008: Planning references :08/00002/LB, 08/00003/FPA, 08/00019/CAC

You may be aware of the details of this application.

As the land proposed for development is on a flood plain designated 3A, the Environment Agency (E.A.) as a statutory consultee, originally objected to the planning application but, following discussions with the developer and amendments to the developer's site specific Flood Risk Assessment, this objection was lifted.

Notwithstanding many previously voiced concerns regarding the thoroughness and accuracy of the sequential test (with particular regard to the Whinney Hill School site) we have been very concerned about the decision to lift the objection. In the light of these recent events we are even more concerned about the safety of this decision, and we feel that a number of issues concerning building on such a high risk flood plain have not been successfully resolved.

- When lifting the objection to building on this flood plain the E.A. stated that it recognised the land on which the proposed development stood as having a 5% or 1:20 chance of flooding every year. We have photographic evidence from the past 100 years of severe floods in this area showing a greater incidence than 1:20. In fact there have now been 2 severe floods in this area in the last two years alone. In view of this, we think that the E.A. should reassess this assumption about the frequency of flooding in the area taking into account the actual frequency and the predicted impact of climate change.

- In their Flood Risk Assessment the developers did not adequately account for increased surface water run off from the site once it had been developed. This was mentioned in the E.A.'s letter lifting their objection. After July's flooding some of the huge volume of water flowing through this area was effectively absorbed by the existing green areas. Furthermore we know that the former Bowling Green was constructed to cope with flood water and to drain very quickly. This capacity would disappear if this and the surrounding area were built on, and we believe this would not be adequately compensated for by the projected upstream water storage. Therefore, flooding would increase for buildings and residents in this area. Further, in the light of the repeated and sustained increase in river levels we have reservations regarding the rate of replenishment of capacity in the proposed, but poorly detailed, attenuation tanks, which are quite correctly limited in their discharge rate. Please confirm that the discharge rate is a maximum of 5 litres per second in line with the green space run-off.

- Our understanding, in layman's terms, is that part of the E.A. reasoning for the area of green space east of the car park wall (as photographed here) being suitable for development was that it does not form a functional flood plain. The reason given was that the water egress from the river Wear to the area would remain static during flood conditions. On Saturday 18th July this was observed not to be the case and in fact all the water that reached the larger flood plain immediately upstream (Durham University Cricket pitch on the Racecourse) accessed it via the Bowling Green itself (photos 1,2,3,). It is not clearly shown in photo 3 but much of the water is running through the hedge from the green from left to right in the photo. Please can you explain to us how this water might reach the flood plain were this 'access' area to be raised by 2 metres? We are concerned about the effect on Durham City residents if this water is prevented from reaching the flood plain by the proposed Elvet Waterside development. We would also like an explanation as to why this area is deemed not to be a significant and important functional flood plain when its capacity for storage is currently greater than that of the unprotected rugby pitches to the north bank of the river Wear upstream at Maiden Castle. Levels on the 18th July reached such a height that, by the developers' own calculations, the proposed upstream storage would be nullified whilst at Elvet, there was capacity via the former Bowling Green.

- The developers' Flood Risk Assessment recommended using Durham University's Maiden Castle sports fields as upstream flood compensation. The recent flooding has conclusively shown (in conjunction with the figures supplied by Entec in their mitigation) that this area cannot adequately cope with the volume of water produced. On July 18th the river rose so high that the main A 177 road flooded and was closed, and the flood

water flowed around the current flood defences on the south side of the river Wear and onto the University sports pitches. The mitigation calculations submitted show that once the bund is breached then the storage area provides no benefit. This has already occurred on 18th July and in light of climate change it seems likely that storage at this location is not fit for purpose.

In view of this, can the Environment Agency explain to us how the figures for flood mitigation have omitted to show that the river levels at Maiden Castle can be high enough to breach the bund whilst at Elvet Waterside there is capacity left on the Racecourse? The reality appears to be at odds with the modelling. What the July flood has demonstrated is how important river access over the Greenfield elements of the proposed development site is – in order to mitigate the effects of flooding downstream in the city.

- The extent and force of the flooding on July 18th has caused major subsidence of the banks and footpaths along the Wear, at the proposed Elvet Waterside development and behind the city rugby pitches at Hollow Drift (see photos 9). Indeed photo 9 shows a huge hole in the river bank just a few metres from where the commercial element (Block D on the plans) of the proposed Elvet Waterside development would be sited.

- At the time of the submission of the planning application Durham City Council, which was then in existence, had no Strategic Flood Risk Assessment (SFRA) in place. In fact, if a SFRA now exists, it has not yet been made available to the public. In the absence of the council's SFRA, ENTEC carried out the sequential test on behalf of the developers. ENTEC did not include the development possibilities of the Whinney Hill school site despite the fact that this site was and is available for development within the timescale and falls within the scoping. A large number of Durham City residents would like to know why this site was not included in the sequential test. We would be most grateful if you could advise us of your part, if any, in this decision. To disregard Whinney Hill suggests to us that the sequential test was not investigated thoroughly and, if this site had been correctly included, we believe that the test would have failed. We are of the opinion that the E.A. should not have embarked on mitigation calculations until the sequential test had been properly satisfied. Again, we would be most grateful if you could advise us of the rationale for undertaking these calculations before the Sequential Test had been satisfied. We are aware that the sequential test is a matter for the Local Planning Authority and not an Environment Agency responsibility. However, in view of the fact that there is an emerging legal imperative concerning decisions to build on flood plains, we feel very strongly that the correct procedures should be implemented before any decision can be taken about whether this land is suitable for development, and this should be encouraged by the E. A. The planning policy referring to flooding, PPS25, has now been tested in public planning enquiries; however, it could be interpreted that the only major failing in the policy is the lack of professional input & control from the E.A. over sequential testing which we would like to be more robust. Can you advise us as to whether there has been independent analysis or examination of the ENTEC sequential test for Elvet Waterside (and, if not, why not) and can you confirm that the greenfield area of the development would subsequently fail any exceptions test? (Please be assured that there is very considerable support for the work of the Environment Agency among

Durham City residents. These questions are raised partly because of our concerns about the likely effects of this proposed development and partly because we wish to raise issues with politicians and others with a view to supporting an appropriately robust role for the E.A. in the sequential test).

The Elvet Waterside development plans have yet to receive planning permission. In the light of the recent flooding and subsidence of the river banks, we believe it to be a grave folly to allow development to take place on such a high risk flood plain. In view of the issues we have raised and the significant new evidence available from this recent severe flooding, we ask that you reconsider the removal of your objection and your approval of the scheme of mitigation which would allow the possibility of this potentially damaging development. We would also be most grateful if you could provide us with answers to the questions raised in this letter.

Yours sincerely,

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Susan Johnson, Chief Exec. Co. Durham & D'ton Fire & Rescue Service.
Douglas Pocock, Secretary, City of Durham Trust.
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[\[1\]](#) See aerial photograph of Greenfield area of land marked for development with the numbered photographs showing the flooded areas.