

## **Appendix 12.4 Environment Agency Consultation**

Hi Gemma,

I have just been discussing the climate change approach for the Brent Cross reserved matters with Amy, our flood risk officer and now have an answer for you on which version of the guidance/allowances to use. It isn't necessarily as clear cut as it could be, but hopefully this is still useful.

The bottom line is that as this is a reserved matters application, the outline permission granted and the subsequent S73 were approved based on previous flood risk assessments and associated layouts/design/parameters. For reserved matters, the detailed design should, in theory, still be within the established parameters. If this is the case then the already approved flood risk assessment will still apply and there will be no need to assess further based on the latest climate change guidance.

If however, your new detailed design is deviating from the approved parameters, then I actually believe that it might not be appropriate to cover them under reserved matters, but rather another amendment application might be needed. In this case, then any assessment would need to be based on the latest climate change guidance.

In conclusion, we recommend that you satisfy yourself, whether the new detailed design will be in line with the already approved parameters and if it is, then the new climate change allowances won't apply.

I hope this is sufficiently clear, but please get back to me if you would like to discuss.

Kind regards

Nick

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**Nick Beyer**  
**North London Sustainable Places | Environment Agency**  
**📞 0203 025 5581**  
**Ergon House, Horseferry Road, London, SW1P 2AL**

**From:** Hoad, Gemma [<mailto:gemma.hoad@aecom.com>]  
**Sent:** 04 January 2017 12:00  
**To:** Beyer, Nick  
**Subject:** RE: BXC - Climate Change Question

Hi Nick

Happy New Year

I was wondering if you following my email at the end of November if you had been able to revisit the Brent Cross FRA yet?

Thanks  
Gemma

**From:** Hoad, Gemma  
**Sent:** 24 November 2016 15:22  
**To:** 'Beyer, Nick'  
**Subject:** RE: BXC - Climate Change Question

Hi Nick

Thanks for your email. It would be good if you could revisit the FRA under the active charging agreement and provide us with your judgement that would be good. Can you give me an indication on how long this would take you?

Kind Regards  
Gemma

**From:** Beyer, Nick [<mailto:nick.beyer@environment-agency.gov.uk>]  
**Sent:** 22 November 2016 08:31  
**To:** Hoad, Gemma  
**Subject:** RE: BXC - Climate Change Question

Hi Gemma,

Further to my email below, I just realised that there is still a currently active charging agreement for this work, so if you would like us to revisit the FRA under that agreement we can do. There should still be enough time left in the scope. The work I've already done in responding to this question will also be logged against that agreement.

Kind regards

Nick

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**Nick Beyer**  
**Major Projects Officer | North London Sustainable Places | Environment Agency**  
**☎ 0203 025 5581**  
**Ergon House, Horseferry Road, London, SW1P 2AL**

**From:** Beyer, Nick  
**Sent:** 22 November 2016 08:25  
**To:** 'Hoad, Gemma' <[gemma.hoad@aecom.com](mailto:gemma.hoad@aecom.com)>  
**Cc:** Rapley, John <[john.rapley@aecom.com](mailto:john.rapley@aecom.com)>  
**Subject:** RE: BXC - Climate Change Question

Hi Gemma,

Thanks for your email. As discussed, for parts of the scheme that have outline planning permission, I currently haven't revisited the approved flood risk assessment for the outline application.

- If a full assessment of the flood risks associated with the proposed development (based on the approved parameters) was included in the approved FRA and it was demonstrated within

that FRA, how any increases in flood risk could be mitigated against, then as long as the detailed design does not deviate from the established parameters, then there is no need to reassess or remodel flood risk for the detailed design. It follows that there is no requirement to consider the current climate change guidance.

- If the FRA approved at the outline stage contained higher level information that was sufficient for outline permission but not to demonstrate mitigation measures with detail, then the situation could be different. If, for instance, it is proposed to do a whole new assessment of flood risk based on the detail design, to replace the previous assessment, then you would likely need to consider the latest climate change guidance.

As we haven't revisited the original FRA, then you will need to make a judgement as to which of the above scenarios is applicable. If you would like a more definitive answer to your question, then we can revisit the original FRA to determine the level of detail and assessment provided. If you would like us to do this, then we will charge you for our time.

Let me know if I can be of any more help.

Kind regards

Nick

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**Nick Beyer**

**Major Projects Officer | North London Sustainable Places | Environment Agency**

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**From:** Hoad, Gemma [<mailto:gemma.hoad@aecom.com>]  
**Sent:** 17 November 2016 16:38  
**To:** Beyer, Nick <[nick.beyer@environment-agency.gov.uk](mailto:nick.beyer@environment-agency.gov.uk)>  
**Cc:** Rapley, John <[john.rapley@aecom.com](mailto:john.rapley@aecom.com)>  
**Subject:** RE: BXC - Climate Change Question

Hi Nick

Many thanks for replying. Can you also confirm the EA's position if parts of the scheme have outline planning permission. Phase 1B (the shopping centre) has outline permission. The original FRA we undertook a few years ago covered Phase 1A (river corridor) and Phase 1B and the FRA we will be updating early next year will again cover both. The detailed design of the shopping centre has been progressed based on the FRA produced prior to the changes in climate change. The two phases are closely linked. Therefore, can you confirm that the EA would not require us to reassess the scheme taking account of the new climate change guidance?

Many Thanks  
Gemma

**From:** Beyer, Nick [<mailto:nick.beyer@environment-agency.gov.uk>]  
**Sent:** 10 November 2016 13:49

**To:** Hoad, Gemma  
**Cc:** Barton, Joe D; Rapley, John  
**Subject:** RE: BXC - Climate Change Question

Hi Gemma,

Thanks for clarifying. I didn't realise you were referring to the full planning permission – apologies. For the parts of the development that have full planning permission and where the approved Flood Risk Assessment was based on the 'old' climate change guidance (using 20% increase in flow), then there is no requirement to consider the current (new) guidance for discharge of conditions associated with that planning permission. You only need to demonstrate that the detailed design adheres to the principles established and approved under the full planning permission.

You can consider this email our formal position on that point.

Please let me know if you need anything more.

Kind regards

Nick

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**Nick Beyer**

**Major Projects Officer | North London Sustainable Places | Environment Agency**

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**From:** Hoad, Gemma [<mailto:gemma.hoad@aecom.com>]  
**Sent:** 10 November 2016 12:20  
**To:** Beyer, Nick <[nick.beyer@environment-agency.gov.uk](mailto:nick.beyer@environment-agency.gov.uk)>  
**Cc:** Barton, Joe D <[joe.barton@environment-agency.gov.uk](mailto:joe.barton@environment-agency.gov.uk)>; Rapley, John <[john.rapley@aecom.com](mailto:john.rapley@aecom.com)>  
**Subject:** RE: BXC - Climate Change Question

Hi Nick

The river corridor for Brent Cross has detailed planning permission with conditions. I think detailed planning was granted following the RMA submission last year. This is when we completed the last update on the modelling. We are now working on the submission documents to meet the planning conditions set.

Thanks  
Gemma

**From:** Beyer, Nick [<mailto:nick.beyer@environment-agency.gov.uk>]  
**Sent:** 09 November 2016 12:44  
**To:** Hoad, Gemma

**Cc:** Barton, Joe D  
**Subject:** RE: BXC - Climate Change Question

Hi Gemma,

Sorry for the delay in getting back to you. In essence, what Joe has told you is correct, but as this is an outline permission, I want to make sure of a few things before I give you a definitive answer. I'd like to speak to Joe briefly to do this. I will be in touch again as soon as I've spoken to him.

Kind regards

Nick

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**Nick Beyer**

**Major Projects Officer | North London Sustainable Places | Environment Agency**

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**From:** Hoad, Gemma [<mailto:gemma.hoad@aecom.com>]  
**Sent:** 09 November 2016 11:42  
**To:** Beyer, Nick <[nick.beyer@environment-agency.gov.uk](mailto:nick.beyer@environment-agency.gov.uk)>  
**Subject:** RE: BXC - Climate Change Question

Hi Nick

I was wondering if you had been able to look at my email below.

Thanks  
Gemma

**From:** Hoad, Gemma  
**Sent:** 25 October 2016 10:07  
**To:** [nick.beyer@environment-agency.gov.uk](mailto:nick.beyer@environment-agency.gov.uk)  
**Subject:** BXC - Climate Change Question

Hi Nick

I have a further question relating to Brent Cross.

Since the scheme has received planning permission, there have been changes to the requirements for climate change allowance. When we meet with Joe Barton at the end of September regarding permitting the scheme the question arose around climate change. He said that given that the scheme has got planning permission the EA would not require us to reassess the scheme taking account of the new climate change guidance. As we are currently preparing reserved matter applications for other areas of the scheme for submission in the next few weeks and we will shortly begin updating the FRA to account for detailed design (as per a planning condition), Joe suggested that I email through the question, so that you could prepare a formal response.

I hope this makes sense, any questions, then please call me.

Thanks  
Gemma

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Capita URS are Environment Agency WEM framework suppliers for Lots 1, 2 and 3.

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