

Your ref: 151537 (EA ref: WA/2015/121402/01-L01)

Our ref: 32704/CBH/SCD/RMF



03 November 2015

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Attn: Jonathan Markwell

Dear Jonathan

**RE: ORACLE RIVERSIDE, READING, RG1 2AG
RESPONSE TO ENVIRONMENT AGENCY LETTER OF 02/11/15**

We are writing to address the points raised in the Environment Agency (EA) consultation response dated 2nd November 2015, in relation to the planning application for a proposed restaurant unit and public realm improvements in the Riverside area of the Oracle Shopping Centre.

The EA has two reasons for objection to the proposals, which are set out in *italics* and addressed in immediately below:

1 – Flood Risk

“The site lies within Flood Zone 3b (functional floodplain) in accordance with the Reading Borough Council Strategic Flood Risk Assessment (SFRA) and our Flood Risk Mapping. Functional floodplain is defined as land where water has to flow or be stored in times of flood, in accordance with Table 1 ‘Flood zones’ of the Planning Practice Guidance.

*The proposed development is defined as less vulnerable... In accordance with Table 3 ‘Flood risk vulnerability and flood zone ‘compatibility’ of the Planning Practice Guidance, **less vulnerable development within Flood Zone 3b should not be permitted.***

This ‘in principle’ objection from the EA is purely a point of policy and does not reflect any consideration of the ‘technical’ impacts of the proposals (which are fully addressed within the submitted Flood Risk Assessment (FRA)). Indeed, despite the overdue response from the EA and our direct requests to the EA to contact us if there were any concerns, it appears there has been no review of the FRA beyond the initial consideration of the Flood Zoning of the site.

As set out in the Technical Note submitted to Reading Borough Council (RBC) in July 2015 and appended to the FRA, it is our view that the site does not constitute Flood Zone 3b Functional Floodplain for a number of reasons, which we will not repeat in this response but we would urge the Council to review and consider.

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This objection is supported by Policy CS35: Flooding of the Reading Borough Council Core Strategy adopted January 2008. Alterations to the core strategy were adopted on 27 January 2015”

The RBC Policy CS35 referenced by the EA states “*Planning permission will not be permitted for development in an area identified as being at high risk of flooding, where development would reduce the capacity of the floodplain to store floodwater, impede the flow of floodwater or in any way increase the risks to life and property arising from flooding*”.

As would be evident from a review of the FRA, the proposed development actually increases the capacity of the floodplain through the site, it does not impede flood flows and does not increase risks to life or property. As such, the proposal is compliant with this policy.

2 – Nature Conservation

*“We **object** to the proposed development as submitted due to the failure to restore the ecological value of the river corridor / watercourse”*

The proposals are for localised improvements to the public realm area, which includes significant areas of new landscaping/planting and incorporation of new floating planters along the river frontage. The EA accept this would provide an improvement to the existing arrangements, but appear to be objecting on the basis that the improvements could be greater, without any consideration of the wider constraints – notably that this is a constrained navigable section of the Kennet and Avon Canal that passes through a highly urbanised environment. PBA have been in liaison with the Canal and River Trust (CaRT) as these proposals have developed, and it is noted that CaRT has not raised an objection to the proposals.

“...a greater enhancement would be achieved by cutting the river wall down to around mean summer water level and creating a marginal shelf within the line of the existing bank. This would have the advantage of being less likely to rot and would allow the marginal planting to establish more strongly”.

Such an approach would reduce the already limited public realm area, and cutting the river wall down, as the EA recommend, would be both difficult to achieve and have major structural (and cost) implications to both banks of the watercourse (for example, ground anchors fixing the piles in place run below the surface from the capping beam).

It is unclear what materials the EA are considering susceptible to rot – If they are referring to the materials used they are currently specified to have a design life of approximately 25 years. If they are referring to the coir, then this needs to rot to establish the growing medium for the plants to establish.

“Additionally, the existing area of low level planting below the bridge opposite Jamie's Italian is currently too high to provide any meaningful marginal habitat. It too should be lowered as part of these works and the overall improvements proposed.”

The area referenced by the EA is shown in Photo 1 overpage.



Photo 1: View towards existing planting below bridge



The river's edge is defined at this location by the original sheet piling. Structural section drawings through this area confirm that this piling has been tied to the newer piles installed behind (located behind the line of the higher red brick podium area). Lowering this planted area is highly problematic as this will expose the pile cap/retaining structure as well as the ties and any modifications would need to be made to these structures, and existing ties would need to be removed and replaced with higher capacity sections mounted further down the pile to facilitate the lowering of the height of the structure and retained material within the planter.

As such, it clearly unreasonable to undertake such an extensive operation simply to lower a relatively small area of planting by a nominal amount.

"Drawings have been submitted for Landscape Phase 1 (drawings numbers RG-L-29 and 30. These show landscape works proposed at either end of the Oracle complex, but the central section is missing."

A specific request was made during the consultation period for further detail of the planting in the 'gateway areas', which was provided in the aforementioned drawings. Additional detail is now provided in the Landscape Addendum (November 2015) and Landscape Planning Plan RG-L-32.

"No details of proposed plant species etc in this [central] area have been included. It should be noted that all species to be planted adjacent to the river should be locally native species of UK genetic provenance."

There will be an emphasis on the provision of native species, particularly in the floating planters, and this will be based on guidance from ecologists in due course. This approach will also be followed where appropriate over the public realm area. Additional detail is now provided in the Landscape Addendum 2015.

Within Reading Borough Council's Core Strategy document, adopted January 2008, With Alteration Adopted 27th January 2015, in Policy CS36: Biodiversity and Geology, it is stated in c) that "Where applicable, developments should be designed to protect, consolidate, extend and enhance the network of wildlife links and corridors in and adjoining the Borough." The River Kennet is a key corridor through the built up area of



Reading and opportunities should be taken to enhance the ecological value of the river and its associated corridor and improve the link for wildlife between the River Thames and the Kennet floodplain to the south and west.

As stated previously, the EA have accepted that the proposals provide an improvement over the existing situation. As such, and with consideration of the constraints to any wider channel engineering, it is evident that the proposals comply with Policy CS36.

“This objection is also supported by the National Planning Policy Framework (NPPF) paragraph 109, which requires local planning authorities to aim to conserve and enhance biodiversity when determining planning applications by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged.”

The EA have accepted that the proposals provide an improvement over the existing situation. As such, and with consideration of the constraints to any wider channel engineering, it is evident that the proposals ‘*provide net gains in biodiversity where possible*’ in accordance with the NPPF.

We had assumed the EA would be supportive of the improvements being carried out on what is currently a sterile section of the watercourse, and it is very disappointing that they are objecting simply because these improvements do not go as far as the EA would ideally like, without consideration of the wider constraints set out above.

We hope the above satisfactorily addresses the issues raised by the EA. We would be happy to meet RBC to discuss further if there are any outstanding concerns with regard to the scheme.

Yours sincerely

Richard Fisher
Associate
For and on behalf of
PETER BRETT ASSOCIATES LLP