

North Somerset Site Allocations Plan Examination

Environment Agency

Review of the North Somerset Council Hearing Statement (CS/4)

Matter 1 – Sustainability Appraisal

1.4 To what extent has the development proposed to be allocated in the Plan been assessed for its overall impact on drainage and flooding?

- i As the allocated sites are developed, can access to the rhyne network be guaranteed for the North Somerset Internal Drainage Board?***

- ii The Environment Agency requires contributions for managing flood risk on Uphill, Cross Rhyne and Banwell catchments. Are these viable and deliverable, and how will they be secured?***

Issue 1.4

The Environment Agency (EA) has reviewed the Local Planning Authority's (LPA's) recently submitted Hearing Statement (CS/4) and supporting evidence.

The EA's assessment of the proposed allocations, from a flood risk management perspective, initially necessitates an understanding of the LPA's approach to the requisite application of the Sequential Test. The requirement for LPAs determining the location of strategic allocations to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, as informed by the relevant Strategic Flood Risk Assessment, (SFRA) is a central precept of current flood risk management policy.

The LPA contends the proposed allocation sites that are either wholly or partly within flood zone 2 and/or 3a, have been identified as necessary to address wider socio-economic issues through a programme of urban regeneration, as outlined in the LPA's Hearing Statement and supporting evidence (Table 2). The LPA has accordingly restricted the area of search for Sequential Test purposes, to those areas identified as being in need of urban regeneration. The assertion clearly being that other areas with a lower probability of flooding are not, in fact, appropriate for the proposed development. Notwithstanding the EA's preference for development to be located in areas with the lowest probability of flood risk, it is accepted that the Local Authority is ideally positioned to identify and determine the nature and extent of pertinent local socio/economic issues and the means by which these may be most appropriately addressed and resolved.

This process is subject to flood risk vulnerability and flood zone 'compatibility' as detailed in Table 3 (Planning and Flood Risk - Para 67) of the Planning Practice Guidance. On the understanding the proposed allocations do not provide for any development within designated functional floodplain (flood zone 3b) or 'Highly Vulnerable' development in flood zone 3a, the EA is satisfied the proposed allocations are flood risk vulnerability and flood zone compatible.

Accordingly, in this context, the stated rationale for restricting the Sequential Test area of search may be viewed as a decision process determinant, essentially pre-empting the first element of the Exception Test, where applicable, i.e.

‘Demonstrate the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared.’

With regard to the second element of the Exception Test i.e. *‘demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall’*, the LPA has confirmed the allocation process was informed by their Level 2 SFRA (September 2009), in accordance with the process detailed in Planning Practice Guidance (Planning and Flood Risk - Paragraph 004).

With regard to the degree of flood risk assessment required at the strategic level, Planning Practice Guidance advises:

‘Wider safety issues need to be considered as part of the plan preparation. If infrastructure fails then people may not be able to stay in their homes. Flood warnings and evacuation issues therefore need to be considered in design and layout of planned developments. In considering an allocation in a Local Plan a level 2 Strategic Flood Risk Assessment should inform consideration of the second part of the Exception Test.’

Planning Practice Guidance (Planning and Flood Risk - Paragraph 025).

Notwithstanding the fact the Agency has previously advised the LPA to update their SFRA evidence base, to ensure the planning decision process is informed by the most up to date information, the LPA has confirmed that the Agency’s quarterly flood map updates have been incorporated. Accordingly, the SFRA level 2 currently represents the LPA’s best available information to inform the decision making process in respect of the second element of the Exception Test.

Additionally, the LPA has confirmed that discussions with their Emergency Planning Manager regarding an initial assessment of emergency access/egress issues, has not raised any specific concerns.

The EA’s Area Flood and Coastal Risk Management Engineer has assessed the proposed allocations and concluded that, based on the information available, there are no objections in principle to the identified strategic sites.

Notwithstanding the above, the EA will require evidence of a site level sequential approach, in addition to the provision of appropriate mitigation and flood resilience measures, when consulted at the Development Management stage. Additionally, flood risk management infrastructure may be required to ensure the development will be safe for its lifetime, without increasing flood risk elsewhere. The specific nature and extent of the measures required will be dependent on the location, nature and scale of the proposed development. All measures will be required to incorporate the prescribed allowance to cater for the predicted impact of climate change.

Issue 1.4 (ii)

The EA has been in direct contact with North Somerset Council's Regeneration Manager regarding the potential funding of flood risk management infrastructure works, as outlined in its letter dated 19 December 2016. This was requested in response to the potential cumulative impact resulting from the proposed allocations, on specific catchment areas. Due to the perceived level of uncertainty regarding future funding options and a re-evaluation of its operational requirements, the EA has concluded that its flood risk management interests will be best served through the provision of site specific infrastructure, where appropriate. Accordingly, the EA hereby formally withdraws its previous comment in respect of '*potentially seeking financial contributions for managing flood risk ...*'

The EA will work jointly with North Somerset Council, as the Lead Local Flood Authority (LLFA), and the Internal Drainage Board (IDB), to produce a Levels and Moors study, which will be for the respective benefit of the participating parties.