SHEPWAY DISTRICT COUNCIL'S CORE STRATEGY EIP

Matter 1
- Spatial Strategy,
Development Distribution & Environment

Additional Statement
by Blue Sky Planning
on behalf of
Phides Limited

April 2012
Matter 1 – Spatial Strategy, Development Distribution & Environment

Issue 1.5 Does the Core Strategy correctly apply national planning policy in relation to planning for flood risk? Specifically, has a sequential approach been applied at a strategic level to determine the amount of housing envisaged in Romney Marsh generally (and New Romney in particular) as opposed to other locations in the Plan area that are at a lower risk of flooding?

1. In our opinion, the Core Strategy has failed to correctly apply national policy in relation to flood risk.

2. In particular, the Core Strategy has failed to apply the Sequential Approach to flood risk.

3. Our main representations set out in more detail in paras 33 – 48 our reasons for reaching this conclusion.

4. We have seen Shepway District Council’s (SDC) letter dated 2 March in response to the Inspector’s Second Note (dated 17 February). In its response (para 4.3), the SDC letter quotes from the Strategic Flood Risk Assessment as follows:

   'To date the Sequential Test has presented the Council with a significant challenge because, as discussed above, over half of the entire District lies within Zone 3a. It has therefore been one of the primary objectives of the SFRA to sub divide the area within this flood zone so that the Sequential Test can be applied within Shepway’s extensive Zone 3a area’. (SDC’s emphasis)

5. This is fundamentally flawed. If Shepway applies the Sequential Test within flood zone 3 only, not surprisingly it will only ever find alternative sites which are also flood zone 3 sites, still with the highest risk of flooding. That would fail to steer development to areas with the lowest probability of flooding (nearly half of the District is located outside flood zone 3).

6. The recently published National Planning Policy Framework (NPPF) carries forward the Sequential Test from PPS25:

   'The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

   (NPPF, para. 101 – our emphasis)
7. SDC has failed to carry out a Sequential Test, and is failing to steer new development to areas with the lowest probability of flooding as required by national policy.

8. In its letter dated 2 March to the Inspector, SDC attempts to justify its approach by claiming that application of the sequential test to 'internal areas' has been 'applied in local circumstances elsewhere' (para 4.2) and it refers to the minutes of a meeting with the Environment Agency on 25 Jan 2010. It is evident from those minutes (para 3.2.2) that the only example given for such an approach is in Hull.

9. Circumstances in the City of Hull are not comparable to those in Shepway. We have included three plans of Hull (in an Appendix to this Statement) taken from the Hull Strategic Flood Risk Assessment (SFRA). It can be seen from those maps:

   - the administrative boundary for the City of Hull is more or less contiguous with the urban area;
   - the EA Map shows over 90% of the City of Hull is located within flood zone 3 and subject to flooding;
   - The SFRA map shows that virtually all of the Flood Zone 1 area is already developed; and
   - as a consequence of those exceptional circumstance, the SFRA has sub divided flood zone 3 into three sub sectors (identified as low, medium and high hazard).

10. That would seem to be a reasonable approach in those circumstances, however even that approach has yet to be tested at the Hull Core Strategy EIP. However it does not remove the necessity of applying the sequential test to consider whether or not there are suitable sites within flood zone 1 (although in the case of Hull, there may be very few such sites).

11. SDC also states in its letter dated 2 March to the Inspector that the Environment Agency (EA) supports SDC’s approach. We would be surprised if the EA supports an approach which is contrary to national policy, but if it does support Shepway’s approach, no doubt the EA can be asked at the EIP why it considers national policy, which requires 'the Sequential Test ... to steer new development to areas with the lowest probability of flooding', should not apply in Shepway.

12. In practice, SDC has also failed to apply the sequential test to its consideration of planning applications. It can be seen from the updated SHLAA July 2011 that a potential housing land supply for 8,543 units was identified between 2011– 2031. Of this total, approx 2,277 units currently have planning permission, of which approx 1,436 (64%) are located on land in flood zone 3.
13. In our opinion, in seeking to promote sites in the Core Strategy such as those at New Romney, which are located in flood zone 3, Shepway DC is steering development towards areas which are at the highest risk of flooding, without even considering whether there are alternative sites within the lowest risk areas, which is contrary to national policy.