

**NORTH LINCOLNSHIRE COUNCIL HOUSING AND
EMPLOYMENT LAND AREA DPD REVISED SUBMISSION
APRIL 2014**

STATEMENT OF COMMON GROUND

Between

NORTH LINCOLNSHIRE COUNCIL

And

ENVIRONMENT AGENCY

In respect of: Sequential and Exceptions Tests

Representation Refs.

711256/03/264/SCUH10/4

711256/19/280/GEN/LC/4 (In part re ref. to ST and ET- CROH-2)

Signatures

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Marcus Walker

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Richard Kisby

Environment Agency

1 Introduction

- 1.1 This Statement of Common Ground has been prepared to identify areas of agreement between the Environment Agency and North Lincolnshire Council (NLC) on matters relating to the Council's Housing and Employment Land Allocations Revised Submission Draft DPD (April 2014) and representations submitted by the Environment Agency.

2 Background

- 2.1 This Statement of Common Ground relates to 2 representations made by the Environment Agency to the Council's Housing and Employment Land Allocations DPD Revised Submission (April 2014). The Environment Agency has continued with concerns over housing sites CROH-2 (part of representation 11256/19/280/GEN/LC/4) and SCUH-10 (representation 11256/03/264/SCUH10/4). These two sites are therefore part of this separate agreement with the Environment Agency.
- 2.2 The representations are summarised below:
- 711256/03/264/SCUH10/4
- 711256/19/280/GEN/LC/4 (In part re ref. to ST and ET- CROH-2)
- 2.3 The Environment Agency representations can be summarised as follows:
- 2.4 At the Housing and Employment Land Allocations Revised Submission Draft April 2014 consultation stage the Environment Agency objected and stated there was insufficient evidence presented to demonstrate how the preferred sites have been arrived at, which leaves the site selection process open to challenge.
- 2.5 The Environment Agency stated it is unclear how the selection process has taken flood risk into consideration on a site by site basis. In particular why certain sites in flood risk areas had been preferred to alternative sites in areas of lower risk. The Environment Agency has also stated that there is no evidence to demonstrate that the sites could be made safe as required by the Exception Test.
- 2.6 The principal evidence and guidance documents used in the housing site selection process with regard to flood risk and other sustainable issues, are the National Planning Policy Framework and associated National Planning Policy Guidance, Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire, the Western Scunthorpe Urban Extension Exception Test Strategy (ETS) (May 2010) (Halcrow), the EA Hazard Mapping for Barton upon Humber and Brigg, Flood risk assessment guidance for new development Technical Summary: FD2320, North Lincolnshire Strategic Housing Land Availability Assessment, North Lincolnshire Sequential Test on the Housing and Employment Land Allocation DPD, and the Councils Housing and Employment Land Allocations Sustainability Appraisal.

3 *Council Response*

3.1 Sequential Test

NLC has produced further evidence relating to the housing sites that the Environment Agency is concerned about with regard to the Sequential Test process.

- 3.2 In considering the Environment Agency representations NLC contacted the Environment Agency and have had several discussions and meetings after the closure of the consultation process. It was agreed that NLC should produce a paper to explain their approach to housing site selection and allocation in the Housing and Employment Land Allocations Revised Submission Draft DPD. The Environment Agency has withdrawn its objection to the Sequential Test for these sites based on further justification detailed in Appendix A of the other Statement of Common Ground between NLC and the Environment Agency.

3.3 Exception Test

This Statement of Common Ground addresses outstanding sites of concern that have continued to be expressed by the Environment Agency in relation to the second part of the Exception Test - SCUH-10 and CROH-2. These sites have therefore been further analysed in terms of flood risk.

- 3.4 The Environment Agency's original concern with the two sites was that no evidence had been submitted to demonstrate that safe development of the sites could be achieved. The level of detail within the SFRA is not sufficiently detailed and no site specific flood risk assessments had been prepared for either site. Therefore, it could not be determined whether these sites could reasonably be made safe and therefore deliverable.

- 3.5 In a meeting on 18 December 2014, between the Environment Agency and the Council, to try and resolve the evidence gap the following was agreed:

- In relation to SHUH 10 results from the Halcrow Western Scunthorpe Urban Extension Exception Test Strategy 2010 (ETS) would be used to assess the site.
- In relation to CROH-2 the Council, after a site visit, concluded that there may be an error in the land levels they used to assess the site. The site slopes downwards from east to west and it was agreed between both parties that contour readings should be taken of the site by the Council. The Council has determined that this might take some time to arrange. In the absence of this extra analysis both parties agreed that it would be likely that some development of the site in the eastern half would be acceptable and could be made safe by flood risk and drainage management of the site.

4 Matters of Agreement

- 4.1 NLC has a proven track record of working together with the Environment Agency on challenges associated with development and flood risk. This is particularly evidenced in the Lincolnshire Lakes Area Action Plan and the four recently determined planning applications within the Lincolnshire Lakes area which will deliver 3,000 homes, Commercial Park and associated infrastructure.
- 4.2 Since the meeting on the 18th December 2014 the Environment Agency and NLC have reconsidered the evidence in the Halcrow ETS in relation to site SCUH-10. The site is classified, in flood hazard terminology, as 'danger to all'. This indicates that the depth and velocity of flows presents 'extreme danger: flood zone with deep fast flowing water' (Table 4.4 of the SFRA).
- 4.3 The interested developer of SCUH-10 has shared technical flood information which suggests that a preliminary flood mitigation solution can achieve safe development through land raising the development platform to 3.2m AOD on the site with finished floor levels to be set at 3.5m AOD. No flood risk mitigation proposals are included in the developers technical analysis. The Environment Agency believes that indicative finished floor levels at this location are more appropriately set at 3.8m AOD. This is because of a) recent changes in water level information upon which flood levels are predicted, b) to facilitate surface water drainage requirements c) modelling tolerances, including a consistent usage of climate change allowance.
- 4.4 This technical information indicates that flood levels as a consequence of land raising will increase by 100mm on land surrounding the site and that this will impact buildings not previously attributed at flood risk. The Environment Agency and NLC agree that this outcome is unacceptable and developers will be required to fully mitigate this risk and to reduce flood risk overall where possible
- 4.5 The Environment Agency and NLC recognise this increase in flood levels will impact the adjacent allocation (SCUH-8), or vice versa, depending on which of the proposals come forward for development first. Future flood risk assessments will need to take this into account.
- 4.6 Neither the Halcrow ETS document nor the updated technical information have considered the mitigation necessary for site SCUH 10. However, both NLC and Environment Agency agree that the Halcrow ETS shows that it is possible for 'danger to all' sites to be developed safely by land raising, providing appropriate flood risk mitigation, and improving flood defences. The Environment Agency's position is not therefore an 'in principle' objection, based on the current level of available evidence.
- 4.7 The method by which the necessary flood risk mitigation (to meet the requirements of the NPPF) has yet to be agreed but it is agreed that the inclusion of the following policy wording, to ensure safe development, will be incorporated into Policies SCUH-10 and Policies SCUH-8 as follows:

- Mitigation proposals including the setting of finished floor levels no lower than 3.8m AOD will be required. Any lower alternative finished floor levels proposed must be supported by up to date modelling which will need to be agreed with the Environment Agency. All site levels shall be set to ensure that there are appropriate safe emergency access and egress routes to all properties.
 - The proposal shall set out details of how the identified increase in flood risk to third parties shall be mitigated, and demonstrate, where possible, that the proposals reduce flood risk overall. No increase in flood risk to third parties will be accepted.
- 4.8 The Environment Agency and North Lincolnshire Council agree to the inclusion of these policy amendments for both sites SCUH 10 and SCUH 8.
- 4.9 In respect of site CROH-2 both the Environment Agency and NLC agree that the site levels range between 2 and 8 metres. The critical flood level is agreed to be 4.1m which allows for some of the site some to be developed safely. A site specific flood risk assessment is required to enable a robust assessment of the flood risks to inform a decision of what part of the site can be safely developed.

5 *Confirmation of Agreement*

- 5.1 NLC and the Environment Agency agree that this Statement of Common Ground and the policy amendments as detailed above (Para 4.7) address the remaining objections to housing sites CROH-2 and SCUH-10 made by the Environment Agency to NLC's Housing and Employment Land Allocations Revised Submission Draft DPD (April 2014).

