

**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.

711256/01/262/SCUH4/4

711256/02/263/SCUH6/4

711256/04/265/SCUH13/3

711256/05/266/SCUH16/4

711256/06/267/SCUH16/4

711256/07/268/SCUHC1/4

711256/08/269/SCUHC5/4

711256/09/270/SCUHC8/4

711256/10/271BRIH1/4

711256/12/273/BRIH5/4

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

Signatures

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Introduction

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.

Background

This Statement of Common Ground relates to 11 representations made by the Environment Agency to the Council's Housing and Employment Land Allocations DPD Revised Submission Draft (April 2014). The Environment Agency has continued with concerns over housing sites CROH-2 (part of representation 711256/19/280/GEN/LC/4) and SCUH-10 (representation 711256/03/264/SCUH10/4). These two sites are therefore not part of the agreement with the Environment Agency and will be discussed in another Statement of Common Ground.

The representations are summarised below:

711256/01/262/SCUH4/4

711256/02/263/SCUH6/4

711256/04/265/SCUH13/3

711256/05/266/SCUH16/4

711256/06/267/SCUH16/4

711256/07/268/SCUHC1/4

711256/08/269/SCUHC5/4

711256/09/270/SCUHC8/4

711256/10/271BRIH1/4

711256/12/273/BRIH5/4

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

The Environment Agency representations can be summarised as follows:

At the Housing and Employment Land Allocations Revised Submission Draft (April 2014) consultation stage the Environment Agency objected and stated there is insufficient evidence presented to demonstrate how the preferred sites have been arrived at which leaves the site selection process open to challenge. The Environment Agency states it is unclear how the selection process has taken flood risk into consideration on a site by site basis. In particular why have certain sites in higher flood risk been preferred to alternative sites in areas of lower risk. They also challenged the lack of evidence in terms of the Exception Tests for sites at risk of flooding.

Council Response

The Council has produced further evidence relating to the housing sites that the Environment Agency are concerned about with regard to the sequential and exception test process and evidence relating to the housing allocations proposed in the Housing and Employment Land Allocations DPD Revised Submission Draft (April 2014). This detailed response is attached to this Statement of Common Ground (Appendix A) which explains the Council's sustainable approach, on a site by site basis, to the selection of housing sites leading to such sites being allocated. However, Appendix A only concentrates on housing allocations specifically listed in the Environment Agency's representations and sites in flood zone 1 that have been discarded by the Council in Brigg, Barton Upon Humber and Scunthorpe. It also includes discarded sites in Crowle within flood zone 2/3a. These discarded sites are included in the tables at Appendix A and reasons are given for discarding them on sustainability grounds. Appendix A is therefore presented in this Statement of Common Ground as a paper for agreement with the Environment Agency. A summary of the Council's approach to Appendix A is explained in the following paragraphs.

In considering the Environment Agency's representations the Council contacted the Environment Agency and has had several discussions and meetings after the closure of the consultation process. It was agreed by both parties that the Council should produce a paper to explain their approach to housing site selection and allocation in the Housing and Employment Land Allocations DPD Revised Submission Draft (April 2014).

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, the 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. The potential for flooding forms part of the site selection criteria in the Councils Housing and Employment Land Allocations Sustainability Appraisal. Appendix A builds on the Sequential Test and is intended to provide further evidence relating to the application of the flood risk sequential test (and where necessary exception test) and how this has been used to inform the identification of allocation sites for inclusion in the pre-submission draft of the Housing and Employment Land Allocations DPD.

Appendix A firstly lists 14 potential housing sites that were discarded during the selection process. This included 9 potential housing sites within flood zone 1 (in Scunthorpe-3, in Barton upon Humber -3, in Brigg-2 and in Crowle - 1) and 5 potential housing sites in Crowle within flood zone 2/3a. These sites were discarded based on the evidence of the Councils Housing and Employment Land Allocations Sustainability Appraisal and key issues raised through the various stages of consultation.

Appendix A secondly lists 14 housing sites selected as housing allocations within flood zone 2/3a (in Scunthorpe -8, in Barton upon Humber – 2, in Brigg -2 and in Crowle-2). These sites

were selected as housing sites when measured against the sustainable criteria based on the evidence of the Councils Housing and Employment Land Allocations Sustainability Appraisal. In total there are 42 housing sites proposed in the DPD and the Environment Agency has no issue with 40 of these sites following the additional paper produced by the Council identified in Appendix A. The Environment Agency has still raised concerns over two sites CROH-2 and SCUH-10. These two sites are addressed in a separate Statement of Common Ground.

Appendix A – North Lincolnshire Council Flood Risk Sequential and Exception Test Paper is presented by the Council as evidence to clarify the housing site selection process in its approach to allocating housing sites in relation to flood risk and the sequential approach in locating housing allocations. This evidence has produced clarity of the housing site selection process, as requested by the Environment Agency and the Council therefore believe that this housing site selection process is now not open to challenge from the EA except for the concerns of the Environment Agency in relation to two housing sites CROH-2 and SCUH-10 (these two sites are addressed in a separate Statement of Common Ground).

Matter of Agreement

North Lincolnshire Council and the Environment Agency agree that the North Lincolnshire Council Flood Risk Sequential and Exception Test Paper attached at Appendix A to this proposed Statement of Common Ground, provides evidence that clarifies and demonstrates how the preferred housing sites have been selected with regard to the sequential and exceptions test approach to flood risk as part of the sustainable process carried out in the Council's Housing and Employment Land Allocations Sustainability Appraisal. On this basis the Environment Agency withdrew its objection to the Housing and Employment Land Allocation DPD Revised Submission (April 2014) except for two housing sites, CROH-2 and SCUH10. The Environment Agency continues to express concerns over these two housing sites. North Lincolnshire Council and the Environment Agency have also agreed updated flood levels for some of the sites which supersede the critical flood levels detailed in the Council's SFRA Appendix D. Details of the evidence used to determine levels is within Appendix A.

It is agreed that a bullet point will be added to relevant policies of the Housing and Employment Land Allocations DPD Revised Submission Draft (April 2014) informing future developers that a detailed flood risk assessment will be required at the planning application stage. These assessments will need to take account of the best available information at the time.

Proposed Changes

The agreement between North Lincolnshire Council and the Environment Agency means that there will be changes to relevant policies of the Housing and Employment Land Allocation DPD Revised Submission (April 2014). A new bullet point will be added to Policies BARH-1, BARH-3, BRIH-1, BRIH-5, SCUH-4, SCUH-6, SCUH-13, SCUH-16, SCUH-C1, SCUH-C5, SCUH-C8, CROH-1 and of the Housing and Employment Land Allocations Revised Submission Draft DPD (April 2014) to read as follows.

'Any Flood Risk Assessment for these sites shall take into account the latest and best available information in compliance with the SFRA and any future updates'.

Any proposed changes to policy CROH-2 and SCUH-10 will be discussed in a separate Statement of Common Ground when the Environment Agency has had an opportunity to review further evidence relating to these sites.

Confirmation of Agreement

North Lincolnshire Council and the Environment Agency agree that this Statement of Common Ground and evidence within Appendix A addresses the objections raised in 11 representations made by the Environment Agency to the Council's Housing and Employment Land Allocations Revised Submission Draft DPD (April 2014). This agreement does not relate to housing sites CROH-2 and SCUH-10 because these two outstanding objections are addressed in a separate statement of common ground.