

Inspector's Matter 5, Issues 1-3
Representor: West Somerset Flood Group
Representor reference: 32

1.1 These additional comments are made in the hope that the Inspector's hearing will create a forum for effective consultation. It is to be hoped that West Somerset Council will demonstrate a preparedness to listen with the aim, not of defending its existing documents and evidence base at all costs, but instead of improving the local plan, in light of material factors brought forward by participants, for the real-life benefit of the population of West Somerset in the coming decades.

1.2 We do not want to see the Local Plan fail, and most of the least suitable sites in terms of flooding have been removed from the plan, either through the consultation process for the original plan (parts of MD2) or following Parish representations at Full Council (16 December 2015). The latter led to the removal from the list of proposed additional sites of three problematic sites in terms of flood risk (CAR6, surface-water, WAS4, main river and surface water, WAS5, surface water).

1.3 Our original submission set out the serious weakness of the evidence base and lack of explicit planning policy statements on the management of surface-water flood risk other than through standard SuDS advice. This is a cause for serious concern in an area such as West Somerset where surface water is a significant source of flooding (see Figures 1 and 2). These weaknesses impact not only on sites in strategic areas under discussion at this hearing but also, as importantly, any other sites that may come forward for consideration during the period covered by this Local Plan.

1.4 We had hoped that our original comments would receive a more positive response but this has not been the case, leaving us with little confidence that future actions will be taken to fill the gaps in the planning framework. The evidence base still contains little that corresponds to the contents of NPPG Flood Risk and Coastal Change Paragraph 013 which sets out the way strategic flood risk assessment should address surface water flooding issues.

PROBLEMS THAT NEED TO BE OVERCOME TO ACHIEVE A SOUND PLAN

2.1 If the 2015 additional sites are to be included in the local plan, its soundness is open to question. The assessment and choice of development sites cannot be shown to be **justified** given the failure to update the evidence informing that choice with regard to flood risk. More specifically, flood risk evaluations for two additional sites are incorrect (MIN41 and MIN5, see detailed discussion below, 5.2.1 and Fig 4).

A compromised 2015 Sustainability Appraisal Addendum B¹

2.2 In response to our original submission, WSC have said that both SFRA (EB12 and EB13) are 'appropriate to their task' (SD2, p. 16). However, the absence, already noted, of an up-to-date and more comprehensive SFRA 1 (EB12) in particular has had consequences for the standard of data provided by the new Sustainability Appraisal informing the 2015 SHLAA panel's selection of additional sites (see note 1). Criteria were updated in a number of respects, but not with regard to flood risk.

A failure to update assessment criteria and data in light of current planning guidance

2.3 Moreover, the 2015 Sustainability Appraisal, when assessing flood risk, also fails to follow current planning guidance in relation to NPPF 100 and 103, in that it fails to examine 'all sources of flooding', to consider flood risk elsewhere and to refer to LLFA data or the surface water flood risk map. While surface water issues may be managed through conditions imposed, data on this risk is nevertheless relevant in the consideration of sites. In accepting the 2009 SHLAA verdict for re-submitted sites (see EB5, p. 12, para 2.8), the 2015 SHLAA panel took no account of changes in legislation, changes in Environment Agency flood-risk assessments, or of evidence of recent flooding, all of which should contribute to making the SFRA a 'live' document (EB12, p. 55, para 10.15). The Environment Agency's formal response states: 'We presume that the reference to the SFRA level 1 evidence is the updated 2014 document, not the original 2008-9 version.' (SD21.03). Because none of this information appears in the 2015 Sustainability Appraisal Addendum, it has not fulfilled its function. The information should have been available for consideration by the SHLAA panel, the Local Development Panel and Full Council, albeit, in the adumbrated form called for by the tabulation of data.

Consequences of the failure to update

2.4 Failure to update processes and evidence at all stages has consequences for the soundness of decisions. An out-of-date SFRA in the evidence base leads to a misleading Sustainability Appraisal which remains on file and forms the basis not only for decisions on strategic sites but also the decision making in the planning process into the future.

POSSIBLE WAYS TO MAKE THE PLAN MORE SOUND

Find ways to improve the evidence base

3.1 We recognise that no council would have the resources to re-commission expensive studies, whatever their lacunae. But there should be mechanisms to update the core documents in the evidence base otherwise the Plan will fail in its purpose. Exmoor National Park Authority, which was a partner for the 2009 Level 1 SFRA (EB12), has commissioned and published an Addendum to this in 2014. The SFRA itself recommends an updatable LPA database (EB12, para 10.14, p.55). Other relevant documents such as the Minehead *Surface Water Management Plan* could be properly embedded in the local development framework alongside the SFRA as part of the evidence base in accordance with lead local flood

¹ The two Sustainability Appraisal Addenda to ED15, Report to Full Council, are not included in the webpages relating to this examination. They are to be found as Appendices A and B in Appendix 2 of item 10 of the papers presented to Full Council on 16 December 2015.

authority recommendations (Somerset County Council *Local Flood Risk Management Strategy*, 2014, Appendix A2.6.3).

Provide guidance on surface-water issues through master-planning

3.2 We shall not rehearse again our comments on overland flows and surface water, but would point out that no master-planning document has emerged that would provide both officers and developers with much-needed guidance on the particular issues faced by development in West Somerset if it is to comply with NPPF100 ('Local Plans should develop policies to manage flood risk from all sources', and should ensure that sites do not increase flood risk elsewhere). We refer in particular to the elements of NPPG Flood Risk and Coastal Management Para 010 currently not fulfilled by the SFRI Level 1 (EB12)

Make the Parrett Internal Drainage Board a consultee for all Minehead applications

3.3 The Parrett Internal Drainage Board, along with other Risk Management Authorities, has the greatest knowledge of the mechanisms of dealing with surface-water flows in Minehead. It manages the rhynes and attenuation areas that receive Minehead's surface water. Because development anywhere in the Minehead basin may have consequences for its work, it would be logical to require that it be consulted on applications for over 10 houses in Minehead. We note the IDB's expressed concern over development in MD2 and LTI in its letter to Tim Burton of West Somerset Council (3 March 2015) in reference to planning application 3/21/15/014.

DELIVERABILITY OF SPECIFIC SITES

Minehead sites included in the original submission: MD2 and LT1

4.1 Deliverability: Delays may occur as the result of necessary changes to infrastructure. The IDB is likely to be required to create greater attenuation in the area under its control but this may also slow the delivery of housing. Equally, network modelling is now likely to be undertaken on foul and surface water drainage systems, following the second application for outline planning permission on part of MD2 (see recommendations 2.5, 2.8 and 2.9, Utilities Appraisal, planning application 3/21/15/014). It is therefore possible that not all of this allocation will be delivered within 5 years.

4.2.1 Suitability: These sites effectively act as a buffer zone between the hills of the Exmoor National Park and the 'bowl' within which Minehead lies which acts as a giant receptor for surface water. Once developed, the two areas would form a practically continuous strip of development calling for a strategy for dealing with surface water that is greater than the solutions provided piecemeal by small developers as the area is developed. As the sites are largely on a flow path under 100mm in depth, surface water maps tell us little about the implications of development. Moreover, evidence from two Town Councillors who are members of the West Somerset Flood Group states that run-off from this strip of land flows directly into the caravan park, directly onto the road via a field gate, and down the road from Higher Hopcott Farm. See also photos in responses from neighbours for planning application 3/21/13/120 (of which two are illustrated in Figure 3). All indicate the

vulnerability of MD2 to surface-water overland flows with consequences for infrastructure on and off-site.

4.2.2 In light of the above, careful strategic consideration needs to be in evidence at master-plan level as to how surface water should be managed across MD2 and LT1. Since development is likely to be phased with small allocations, the indicative master-plan mentioned in Local Plan Policy MD2 (SD4) is essential, but has not yet appeared. Treatment of drainage issues in this master plan should extend to LT1. Already, one outline application for planning permission has been granted for part of MD2, representing approximately 10% of its planned allocation of approximately 750 houses (3/21/13/120), and a further application has been made for outline approval on a second site of similar size (3/21/15/014). While both propose apparently reasonable SuDS measures in their site-specific FRAs, the stated basis for their proposals is that the flood risk is low and that the only physical constraint might be that there is minor anecdotal evidence of surface-water flooding. These demonstrate the need for a strategic overview from the planners. A number of conditions have been recommended by various consultees but these would have been easier to make within a stronger Local Plan framework.

4.3 Viability: Significant SuDS measures would be necessary on site and costs for infrastructure modelling will be incurred. There may be section 106 contributions or a CIL to contribute to the cost of new surface-water and foul sewers further down the system (although the Section 106 agreement for 3/21/13/120 does not include drainage). Equally, unanticipated additional measures may have to be taken to cope with surface-water from hills above. Although this can be conveyed, it must be discharged safely, at a rate that mimics natural drainage from the site, and in a manner that will not cause flooding elsewhere. Clearly, SCC Highways are unprepared to take it into their system, the IDB is concerned, and Wessex Water have warned they must revise their assessment of 3/21/13/120 in light of the capacity issues raised by 3/21/115/014 (see 3/21/15/014 Flood Risk Assessment, Appendix B, Wessex Water Consultation: 'modelling and appraisal for water supply and drainage for the adjacent site at Hopcott Road [...] will need to be reviewed in the light of cumulative development', email from Gillian Sanders (WW) to Ben Lewis, 15 August 2014). As development continues, increasingly limited inexpensive solutions for drainage infrastructure, whether traditional or SuDS, will be available.

4.4.1 Infrastructure requirements: As has been suggested, thresholds for flooding of foul and surface water drainage are now being reached (see above 4.1). This is likely to be a cause of delay. It also demonstrates the problems of dealing piecemeal with a series of phased developments.

4.4.2 We would point out that it is Wessex Water's practice not to carry out extensive modelling for a site until outline planning permission has been granted. This enables the company to ask developers to pay for the work. This, again, has implications for both cost and timing of delivery. Clearly, individual developers will not have any interest in paying for the study of the impact of subsequent developments. The problems of cumulative development for the disposal of waste water is likely to be mirrored in dealing with the disposal of surface water. No costings are currently available in the LP documents for the formulation of a CIL.

Williton sites included in the original submission

4.5 The area to the North of Williton to the West of the road has already been developed. The access route to the development has been flooded due to inadequate design provisions.

Additional sites put forward, December 2015

5. 1 We have already said that we consider the assessment of sites in the 2015 Sustainability Appraisal to have been incomplete because it did not follow current planning legislation and guidance and because it did not consider up-to-date information either on historic flooding incidents or surface water. It also contains two errors concerning the assessment of fluvial flood risk with regard to MIN41 and MIN5.

Minehead: MIN4, MIN5, MIN30, MIN41²

5.2.1 Suitability: Smaller than some of the original allocations, as a whole these sites present less of a threat to the overall flood safety of the town. A small relatively insignificant part of MIN4 is also in flood zone 3a. The Sustainability Appraisal suggests that this is also true of MIN5 but this last assessment must be an error as the site does not reach the flood plan to the east. Most important, approximately two thirds of MIN 41 would appear to lie in fluvial Flood Zone 3 (see Figure 4) and this may account for only fifteen houses being allocated to the site. This high flood risk is not mentioned in the Sustainability Appraisal.

5.2.2 These sites are also challenging for developers in respect of surface water flood risk management. All are on or adjacent to sloping land. In each pair, one is situated immediately above the other. The overland flow routes from all these proposed allocations end up, via an ordinary watercourse in the Bratton Stream which presents a major flood risk to the centre of Minehead further downstream. Should surface water from the sites be badly managed, it would directly contribute to flooding elsewhere. MIN30 may have to take additional protection measures against run-off from the land adjacent to its southern boundary which is steep. The pair of sites, MIN30 and MIN41 were designated in the Minehead Surface Water Management Plan as a possible location for attenuation of surface-water flooding.

5.3.1 Viability: If all are developed as separate sites, space would have to be provided for attenuation measures on each of the upper sites to protect the lower sites and conform with NPPG100 and NPPG103. This might compromise their viability. MIN4 will receive much of MIN5's run-off if measures are not taken. MIN41 is almost entirely in Flood Zone 3 and would receive run-off from MIN30, thus being threatened from above and below. Its viability and therefore its deliverability is therefore in serious doubt. The limited space for attenuation on MIN30 and MIN41 in particular may also have cost implications, as may the sloping topography of the sites.

² No differentiation is made between MIN30 and MIN41 on the allocation map. MIN30 is deduced to be the more southerly part of the site, adjacent to the Mount, while MIN41 is assumed to be the triangular plot furthest north on the plan, based on SD21.21.

5.3.2 All are at considerable distance from existing surface and foul sewer networks, suggesting further costs.

5.4 Infrastructure: It is not clear how these sites would connect to existing surface and foul drainage infrastructures given the distances involved.

Stogursey SGR3

5.5 Suitability and viability

This site is known to generate a certain amount of surface-water run-off. Shurton Lane has required re-surfacing, partly from the damage caused by surface water and the surface-water flood risk map shows a flow path from this site along the track to the sewage works. This suggests that, despite the fact that the terrain is not nearly so steep as that of other sites discussed, any plans for surface water drainage on this site need to be aware of the current issue with the site.