

## Survey:

What is your name? Matthew pearce

What is your position (if applicable)? Planning Advisor

What is your organisation (if applicable)? Environment Agency

### 1. Which part of the Plan are you commenting on?

Policy:  Paragraph:  Table:  Map:

### 2. Do you consider the Plan is:

Legally compliant? Yes:  No:

Sound? Yes:  No:

### 3. If you believe the Plan to be unsound, is this because it is not:

Positively prepared

Justified

Effective

Consistent with national policy

### 4. Please give reasons for your objection or support:

We support the inclusion of a specific flood risk management policy within the local plan and agree with points a) - e), however we do have outstanding concerns sufficient to find Policy BSUI3 Managing Flood Risk unsound for the following reasons.

#### Reason 1

Policy BSUI3 states,

“Proposals requiring a Flood Risk Assessment...”

It is unclear what these proposal are and when a Flood Risk Assessment (FRA) will be required. It is presumed this is in line with the National Planning Policy Framework (paragraph 163, footnote 50), however this should be clarified within the policy, to ensure compliance with national policy.

#### Reason 2

The policy also states,

“Opportunities will be sought from the redevelopment of sites in functional floodplain (flood zone 3b) to restore the natural function and storage capacity of the floodplain.”

It is unclear from the local plan and associated documents what is considered as developed functional floodplain and would therefore be considered suitable for 'redevelopment'. It is unclear what types of developments may be suitable for such sites and whether this may contradict national policy, in terms of compatibility and the sequential approach. Please note that only water compatible uses and essential infrastructure are compatible with flood zone 3b. It is assumed that undeveloped functional floodplain will not be considered, however the policy is unclear on this and on when the policy will be applied and what criteria must be met. Without substantial clarity on these points, we consider this policy is not effective or clear on its deliverability, as well as being potentially confusing for developers and site owners.

### **Reason 3**

Paragraph 157 of the National Planning Policy Framework states the requirement for a sequential risk-based approach to the location of development, and application of the sequential test to steer development towards areas at the lowest risk of flooding. For Policy BSUI3 to be compliant with national policy it must reference the requirement for development sites to pass the sequential and exception tests as set out in Planning Practice Guidance and that development should not be allocated or permitted if there are reasonably available sites at a lower risk of flooding.

### **Accuracy Point**

Paragraph 6.7.5 & 6.7.7

This paragraph states, that there has been no major flooding in the borough in the last 20 years, however paragraph then 6.7.7 states there have been multiple instances of sewer flooding over the last 5 years. These statements appear to be contradictory, and we recommend that 6.7.5 is revised to make it clear that the borough is susceptible to flooding from different sources, but has not experienced any major flooding from rivers in the last 20 years.

5. What change(s) do you consider necessary to make the Plan legally compliant or sound?

**Reason 1**

It should be clarified within the policy what developments will require an FRA to ensure compliance with national policy.

**Reason 2**

The deficiencies highlighted above should be addressed and included within Policy BSUI3 to provide additional clarification on the redevelopment of sites within the functional floodplain.

**Reason 3**

Policy BSUI3 should be amended to reference the requirement for development sites to pass the sequential and exception tests as set out in Planning Practice Guidance and that development should not be allocated or permitted if there are reasonably available sites at a lower risk of flooding.

6. If your representation is seeking a change, do you wish to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

We wish to participate at the oral examination to raise the reasons highlighted above for which we have found the flood risk management policy within the LBB Local Plan Regulation 19 Consultation document unsound.

**If you would like to comment on additional policies, please fix another sheet to this.**

- Please indicate if you wish your personal data to be used for reasons other than identifying your representation and being contacted in relation to that representation.