

Examination of the East Lindsey Core Strategy and the East Lindsey Settlement Proposals Development Plan Document (DPD)

Inspectors' matters, issues and questions (MIQs)

Stage 1 – Core Strategy

26 May 2017

Note: The MIQs for Stage 2 relating primarily to the Settlement Proposals Development Plan Document and 5 year supply of housing will be made available separately. Some cross-cutting issues relating to both plans will be considered in Stage 1.

Abbreviations:

ADM – additional minor modification proposed by the Council

CS – Core Strategy

Framework – National Planning Policy Framework

Regulations – The Town and Country Planning (Local Planning) (England) Regulations 2012

The Council's answers are in italics with any suggested modifications in red italics

Matter 14 - Inland flood risk (Policy SP16)

Main issue: Would this policy allow development other than housing to locate in flood risk areas without first complying with the sequential test? If so, is this justified and consistent with national policy? Is the policy otherwise justified, clear and effective?

Questions

SP16: Inland Flood Risk

1. In relation to flood risk, this policy does not appear to require proposals for non-residential development to satisfy the sequential test (and, if necessary, the exception test). Why not? Is this consistent with national policy and guidance? Should proposals on non-allocated sites be required to satisfy these tests? Has the sequential test been applied in a plan-making context when considering allocations for employment development?

The policy states that it is important to support development for business, leisure and commercial uses in areas of inland flood risk, and then refers to the Flood Risk Vulnerability and Flood Zone Compatibility table as set out in the SFRA and the NPPF Technical Guidance. This states that in flood zones 2 and 3a appropriate uses are essential infrastructure, water compatible, less vulnerable and for 2 or more vulnerable uses. This covers buildings used for shops, financial, professional and other services, drinking establishments, nightclubs, etc. The rationale behind this part of the policy was to ensure that

areas in towns and villages where there was flood risk but also commercial activity were not left by virtue, of the sequential test, blighted and empty. The Council would conclude that this has not been made clear in the policy and would recommend a modification to the light text of the policy by the deletion of the last sentence of paragraph 4 and the insertion of a new paragraph which reads.....

The Council believes it is important to support development for business, leisure and commercial uses in the towns and large villages where commercial activity co-insides with flood risk. If the Council applied the sequential test in these cases to move development away to flood zone 1 it could mean that sites become empty and blighted, causing visual and amenity harm. Therefore the Council will accept that these sites satisfy the sequential test if it can be demonstrated that accommodating the development on any alternative sites in safer flood risk areas would undermine the overall commercial integrity of the existing area.

And add into the dark text of the policy at the end of clause 1

The Council will accept that these sites satisfy the sequential test if it can be demonstrated that accommodating the development on any alternative sites in safer flood risk areas would undermine the overall commercial integrity of the existing area.

The policy in paragraph 5 goes on to say that the Council will use the Flood Risk Vulnerability and Flood Zone Compatibility table as set out in the SFRA and the NPPF Technical Guidance. This sets out what sort of development should have to carry out the exception test and the Council would expect developers to comply with this.

With regard to allocations for employment development; there are no inland employment allocations which fall within flood zones 2 or 3.

2. Why does Clause 3, which would allow housing development on sites that are only partly in areas of flood risk, apply only in towns?

This is an error and it should say large villages as well, with the support of housing growth in both tiers of the settlement hierarchy. Recommend modifying paragraph 12 to read;

..towns and large villages and clause three to read towns and large villages.

3. Should the reference to "foul" water disposal in Clause 6 be omitted because Clause 9 deals with foul water?

Agreed the reference to foul water should be removed because it is repeated in clause 9. Recommend the removal of the words foul water.

4. What is the justification for Clause 7, which would prevent connections to the combined or surface water system other than in exceptional circumstances? In support of Policy SP28 (Infrastructure and S106 Obligations) the text at paragraph 10, page 121, states "there are no issues which indicate that the planned scale, location and timing of planned development within the District is unachievable from the perspective of supplying water and wastewater services...". Is proposed amendment ADM31 necessary to make the plan sound? Should a similar amendment be made to Clause 5 of SP28 as suggested by Anglian Water?

This was raised by Anglian Water, they wanted the additional sentence onto the end of clause 9. Whilst the amendment might not be central to making the Plan sound, the Council has tried to work with its partners to ensure that the policies meet their expectations and therefore the Council was content to make the modification. The Council would agree that the additional of the same sentence onto the end of clause 5 of Policy 28 would add a level of consistency to the plan.

5. To be consistent with paragraph 103, footnote 20 of the NPPF, should Clause 11 be reworded along the lines "Where required by national planning policy, development proposals in areas at risk of flooding must be accompanied by a site-specific flood risk assessment"? (I.e. does proposed amendment ADM32 still suggest that *all* development proposals in flood risk areas must provide a FRA?).

Agreed that the rewording of clause 11 in line with the above sentence is more appropriate. Modification so the clause reads,

"Where required by national planning policy development proposals in areas at risk of flooding must be accompanied by a site-specific flood risk assessment"