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**FLOOD RISK SEQUENTIAL ASSESSMENT  
AND EXCEPTION TEST**

**HODSON'S MILL LIMITED**

**IN SUPPORT OF  
PLANNING APPLICATION AT  
HODSON'S MILL, ROBERTSBRIDGE**

**JUNE 2017**

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## 1 INTRODUCTION

- 1.1 This Statement is prepared by Hodson's Mill Limited ('the Applicant'), and is submitted in support of proposals for a full planning application and listed building consent at Hodson's Mill, Northbridge Street, Robertsbridge ('the Site', as delineated on the location plan attached at **Appendix 1**).
- 1.2 Planning permission is sought for a residential-led mixed use scheme to enable the sustainable mixed use regeneration of the Site. The scheme will comprise the following:
- 98 no. residential dwellings (Use Class C3);
  - Non-residential commercial floorspace 1,200 sqm ( Use Class B1 and A3);
  - Open space, strategic landscaping and other green infrastructure; and
  - Other associated road and drainage infrastructure.
- 1.3 The purpose of this report is to demonstrate that the Sequential and Exception test has been correctly applied in line with the NPPF's Flood Risk Practice Guidance and that the proposed development should be considered acceptable and supportable in these terms.
- 1.4 In terms of supporting documentation, please refer in particular to the submitted Flood Risk Assessment prepared by UNDA and relevant correspondence received from the Environment Agency on 21<sup>st</sup> April 2016 and 19<sup>th</sup> June 2017 (**Appendix 2**).

## 2. SITE AND SURROUNDINGS

### SITE AND SURROUNDINGS

- 2.1 The Site extends to 4.38ha in size and is located to the north east of Robertsbridge in East Sussex. The Site is located approximately 0.6miles from Robertsbridge Railway Station, and is accessed from Northbridge Street which is situated immediately to the east.
- 2.2 The Site was formerly known as Mill Farm and comprised a large four storey brick building known as Hodson's Mill, which was built in the late eighteenth century, amongst a number of other industrial units. The site was latterly occupied by Grampian Country Food Group, for the production of chicken feed.
- 2.3 Production at the Site ceased in November 2004 (resulting in the loss of a total of 17 jobs) and almost all of the industrial buildings have since been removed.
- 2.4 The Site currently comprises the disused Hodson's Mill and listed Oast House industrial buildings together with extensive areas of hardstanding.
- 2.5 The undeveloped areas of the Site comprise grassland, scrub, hedgerow and scattered trees within the main building areas together with steeply sloping areas which are wooded. A mill pond is present in association with the former Hodson's Mill. There are no Tree Preservation Orders (TPOs) present on the Site.
- 2.6 The Site is situated to the north of Robertsbridge, lying almost entirely within the existing settlement boundary.
- 2.7 The ground levels vary considerably across the Site. It is relatively low lying adjacent to the River Rother and levels rise significantly at the northern section of the Site. A series of terraces have been cut into the valley slope to provide level platforms for previous buildings and areas of hardstanding.
- 2.8 The vehicular access to the Site is provided off Northbridge Street and lies at the south eastern edge of the Site opposite Salisbury House. A public footpath also enters the Site at this point, and extends through the landholding.
- 2.9 To the north of the Site is open agricultural land and woodland, while residential dwellings on Northbridge Street lie to the east and north east, including a number of listed buildings. To the south the Site is bounded by the River Rother and to the west is the Mill Race. Beyond the River Rother are flood meadows.

### 3. FLOOD RISK STATUS OF SITE

- 3.1 The site is located partially within Flood Zone 3 (High Probability), Flood Zone 2 (Medium Probability), and Flood Zone 1 (Low Probability). The risk would appear to be predominantly fluvial, and originates from the River Rother and Mill Race.
- 3.2 However, taking into account the local flood defences between the River Rother, the Mill Race and the site, the risk is significantly reduced.
- 3.3 As the Site is defended to at least the 1:75 year level, the Site does not fall within Functional Floodplain, and as agreed with the EA (see at Appendix E of the FRA), the FRA has been informed by the 1:100 year plus 20% increased flows climate changes allowances, which advises that:
- The layout of the Site has been designed to ensure that the majority of residential uses and the proposed undercroft car parking are situated outside the modelled 1:100 year flood extent with allowance for climate change.
  - In line with EA guidance, all residential floors will be set at least 600mm above the modelled 1:100 year flood level allowance with climate change, with a finished floor level of 12.69mAOD and all sleeping accommodation at least 12.99mAOD.
  - A number of flood resistant design measures, in consultation with Rother DC's building control department, could include inter alia, solid concrete ground floor slab, with waterproof membrane, boilers, control and water storage/immersion installed at first floor level or above, and non-use of MDF carpentry.
  - A formal flood warning and evacuation plan will be prepared and agreed with the Rother DC's Emergency Planner, and to be tied with emergency plans for the local area. An existing public footpath to the north of the Site however is also provided for emergency pedestrian access, outside the modelled flood extent.
  - There will be a net gain in flood storage of 296m<sup>3</sup> on Site post-development (as detailed within the Flood Risk Assessment prepared by UNDA and submitted as part of the planning application). This is achieved primarily through the net lowering of land levels within the site.
- 3.4 The Flood Risk Assessment concludes that there will be no adverse flood risk impacts within the locality, subject to the development complying with the proposed mitigation measures and design recommendations.
- 3.5 The plan below shows the Environment Agencies Flood Map for Planning (Rivers and Seas) with dark and light blue indicating Flood Zones 3 and 2 respectively.

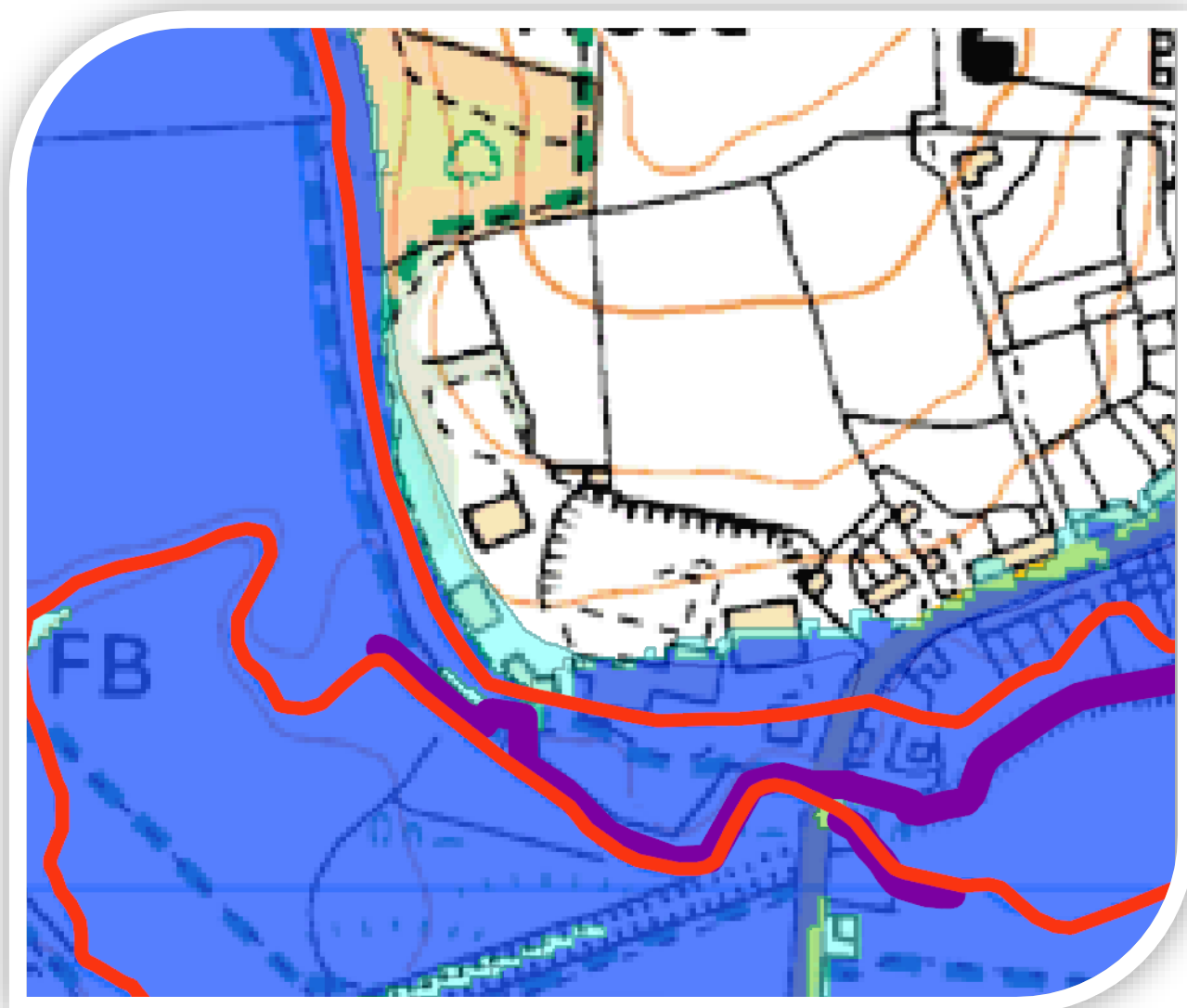


Figure 1 - Environment Agencies Flood Map for Planning

## 4. THE PROPOSAL

4.1 This application seeks full planning permission and listed building consent for a residential-led, mixed use scheme and associated open space and infrastructure as follows:

- 98 no. residential dwellings (Use Class C3);
- Non-residential commercial floorspace 1,200 sqm ( Use Class B1 and A3);
- Open space, strategic landscaping and other green infrastructure; and
- Other associated road and drainage infrastructure.

### Residential Uses

4.2 The proposed 98 no. residential dwellings will include a mix of unit types (flats, semi/detached), comprising market, affordable and retirement housing (Use Class C3).

4.3 The following mix of dwellings is provided, as appropriate to the Site and its context:

No of Beds	No of Units	% Total
1 bed units	24	25%
2 bed units	20	21%
3 bed houses	25	25%
4 bed houses	25	25%
5 bed houses	4	4%

**Table 1. Overall Proposed Housing Mix**

4.4 Within the Mill building and its extension, 28no. retirement flats comprising 12no. 2bed and 16no. 1 bed are proposed. The remaining flatted development is proposed at Ockham Court (4no. 2bed flats) and Rother Court (4no. 1 bed flats).

4.5 The remainder of the proposed housing comprises 54no. detached and semi-detached houses of varying domestic height (2 to 3 storeys) and format with on-site parking/garages.

4.6 The Design and Access Statement, prepared by add architects, describes the proposals in further detail.

### Non Residential Uses

- 4.7 A total of 1,200 sqm of commercial floorspace is proposed as follows to provide additional employment related benefit to the local community in response to Rother DC Officers' feedback:
- Hodson's Mill - to be retained, refurbished and converted with new extension to provide 280 sqm A3 floorspace at ground floor level.
  - Wealden Hall House – newly constructed 'Wealden Hall House' style building to provide 520 sqm B1 office floor space.
  - Oast House – to be repaired and refurbished to provide 400 sqm B1 office floor space.
- 4.8 The redevelopment of the Site has been informed extensive pre-application discussions with Rother DC Officers and statutory consultees including the EA, Historic England and Salehurst and Robertsbridge Parish Council, as well as local residents.
- 4.9 Key design considerations include:
- The existing landmark buildings, including the Mill building and Oast House that were closely associated with Robertsbridge's industrial heritage and are to be restored and brought back into use for commercial/residential purposes.
  - The Site's physical characteristics, topography and wider location within the High Weald Area of Outstanding Natural Beauty and from being partially situated within Northbridge Street and Robertsbridge Conservation Area.
  - The need to provide for commercial employment space (Use Class B1).
- 4.10 The proposed development will result in a residential density of 22 dwellings per hectare.
- 4.11 Respecting the existing retained buildings on Site and taking into account the topography, higher density development is proposed behind the Mill building on the main plateau, and lower density moving away from the Mill building, towards the open countryside.
- 4.12 Most importantly, the majority of new residential development (given its classification as a more vulnerable use) has been located within the area of the site classified as low flood risk (Zone 1) following pre-application discussions with the Environment Agency (EA).



## 5. PLANNING POLICY

- 5.1 This section provides a summary of relevant policy as set out by the Government within existing policy guidance, as well as the Development Plan.

### NATIONAL POLICY

- 5.2 Relevant central government policy is contained within the National Planning Policy Framework (NPPF), published in March 2012.
- 5.3 This document replaces the Government's previous planning guidance of flood risk set out in PPS25 – Development and Flood Risk. The NPPF also advises that all existing local planning policies should be read in conjunction with the Framework. Where there is a conflict between existing planning policies and the Framework the weight that should be applied to existing policies in the decision making process should be reduced (paragraph 215).
- 5.4 The NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Developments should not be permitted if there are reasonable alternative sites available for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk of any form of flooding.
- 5.5 If, following application of the Sequential Test, it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
  - A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.6 Both elements of the test will have to be passed for development to be allocated or permitted.

### TECHNICAL GUIDANCE

- 5.7 The Technical Guidance to the Framework provides further guidance on the use of the Sequential and Exception Tests. It is the confirmed aim of the Sequential Test to steer the development to areas with the lowest probability of flooding. The EA Strategic Flood Risk Assessment and the EA Flood Maps for Planning should be the starting point for the sequential test.
- 5.8 Flood Zones 2 and 3 are shown on the EA Flood Maps, with Zone 1 being all land falling outside of Zones 2 and 3. Developments should be directed towards the zones with the lowest floor risk where possible. Where there are no reasonable available sites in Flood Zone 1, local planning authorities when allocating land in Local Plans or determining planning applications for development at any particular location, should take into account the flood risk vulnerability of

land uses as set out in Table 2 of the Framework's Technical Guidance and consider reasonably available sites in Flood Zone 2 applying the exceptions test if required. Only where there are no reasonably available sites in Flood Zone 1 or 2 should the sustainability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the exceptions test if required.

- 5.9 Table 1 – Flood Zones, of the technical guidance confirms the types of development that are appropriate within each Flood Zone. There are no restrictions on the types of land uses appropriate within Flood Zone 1. In Flood Zone 2, it is advised that 'essential infrastructure', 'water compatible developments', 'less vulnerable' and 'more vulnerable' uses are appropriate. 'Highly vulnerable' uses are only appropriate in Zone 2 if the Exceptions Test is passed. In Flood Zone 3a 'water compatible' and 'less vulnerable' uses are appropriate. 'More vulnerable uses' should only be permitted if the exception test is passed.
- 5.10 Flood Risk Vulnerability Classification, confirms that residential development is a 'more vulnerable use'. Residential development on the Application Site is, therefore, only appropriate subject to the Sequential Test and Exception Test being passed.

#### LOCAL POLICY

- 5.11 Policy EN7 (Flood Risk and Development) of the adopted Rother Core Strategy advises flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk.
- 5.12 Development will be permitted providing the following criteria are met:
- Where development is proposed in an area identified as at flood risk, the applicant will be required to submit a site-specific Flood Risk Assessment which demonstrates that the development will be safe, will not increase flood risk elsewhere, and, where possible, will reduce flooding;
  - When development is, exceptionally, acceptable in flood risk areas, consideration is paid to the layout and form of development to minimise flood risk;
  - Drainage systems and sustainable drainage systems for all new development are in accordance with the Flood and Water Management Act 2010;
  - Where it is appropriate, contributions will be sought for improvements to infrastructure to mitigate against flood risk.

- 5.13 The amplification to Policy EN7 (at paragraph 17.63) explains that:

*"Where new development is, exceptionally, necessary in flood-risk areas, it must be made safe, without increasing flood risk elsewhere and, where possible, reducing flood risk overall in line with the 'sequential test' outlined in the PPG. **This may, exceptionally, include development on previously-developed land within areas vulnerable to flood risk, which is important to the economic or social needs of the community.** In any event, all*

*development in flood risk areas should be appropriately flood resilient and resistant, and demonstrate that any residual risk can be safely managed.”*

#### SUMMARY

- 5.14 Relevant policy set out at national and local level confirms that more vulnerable uses such as residential can be considered acceptable in areas of higher flood risk (namely Zones 2 and 3) provided that the scheme is demonstrated to comply with the sequential assessment and exception test.
- 5.15 Accordingly, the adopted Core Strategy confirms that development on brownfield sites vulnerable to flood risk may be considered acceptable on the basis that development would be important to the economic or social needs of the community.

## 6 SCOPE OF SEQUENTIAL ASSESSMENT

### AREA OF SEARCH

- 6.1 On the basis that the site represents one of the three preferred draft housing allocations within the emerging Robertsbridge and Salehurst Neighbourhood Plan (and the largest in terms of potential yield) the proposed area of search for sequentially preferable sites is focussed upon the settlements of Robertsbridge and Salehurst.

### SIZE OF SITES TO BE ASSESSED

- 6.2 The proposed development comprises a major residential led mixed-use regeneration scheme, which is inappropriate to disaggregate.
- 6.3 Put simply, if the number of units currently situated within Flood Zones 2 or 3 were to be removed from the wider scheme, this would result in the scheme being unviable and would prevent the wider site from being brought forwards for redevelopment (with its associated range of significant planning benefits covered in detail at paragraph 7.3).
- 6.4 Accordingly, we consider that it is appropriate to assess sites capable of accommodating the proposed redevelopment proposal (allowing for appropriate flexibility in terms of site area). We will not assess any sites that fall within Flood Zone 3a or 3b.
- 6.5 This is in accordance with advice set out within the Planning Practice Guidance for applying the Sequential Test to individual developments, which states that *“a pragmatic approach on the availability of alternatives should be taken”*.
- 6.6 The Guidance also confirms that there will be instances where the disaggregation of sites will not be appropriate, stating that *“for example, in considering planning applications for extensions to existing business premises, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere”*.
- 6.7 Whilst Rother DC has not published any guidance on the individual application of Sequential Assessments and the Exception Test, other local authorities have chosen to do so in order to provide additional assistance for applicants. An example is Wyre Council who published the document “Flood Risk Sequential Test: Advice for Applicants” in May 2015.
- 6.8 This document (copy attached at **Appendix 3**) confirms on page 3 that:
- “In some cases the “red-edge” boundary of a proposed development may fall across Flood Zone 1 and Flood Zones 2 or 3. Where this is the case, the application of the sequential test will depend on the nature and layout of the development proposed. In such cases, where “hard” development is proposed to be located in Flood Zone 2 or 3, then the normal approach is that the **whole site** would be subject to the sequential test”*.
- 6.9 Clearly, whilst this guidance relates to a different local authority, it is a useful comparable and demonstrates that our approach to identifying the size of sites is reasonable and appropriate.

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## IDENTIFICATION OF SITES

6.9 Sites will be identified through the following means:

- A review of the emerging Neighbourhood Plan,
- A review of the Council's Strategic Housing Land Availability Assessment and
- A review of the adopted Development Plan.

6.10 We enclose at **Appendix 4**, plans which delineate 3 sites which are of a broadly comparable size, which are located in Flood Zones 1 or 2 in Robertsbridge and Salehurst. These sites have been identified from one or both, of the above sources.

6.11 For the purposes of the sequential test exercise, only these sites will be reviewed. We trust that you agree that there are no further sites which should be assessed as part of the sequential test exercise. However, should this not be the case, we would ask you to provide details of any further sites for our consideration.

## CRITERIA FOR DISCOUNTING SEQUENTIALLY PREFERABLE SITES

6.12 In assessing sites in lower flood risk zones, we propose to discount sites when assessed against the following criteria, namely:

- If the site is greenfield;
- If the site is the subject of a current planning application or planning permission for a development which does not accord with the proposed redevelopment;
- If there are ecological constraints which would preclude the comprehensive redevelopment of the site;
- Inappropriate neighbouring uses which would warrant the redevelopment of the site for the proposed mix of uses unacceptable;
- A Development Plan allocation for uses which do not accord with the proposed redevelopment mix of uses, or an emerging allocation/policy framework e.g. Neighbourhood Plan;
- Access constraints;
- Topographical constraints, such as an severely undulating topography, which could preclude the successful redevelopment of the site;
- The presence of Conservation Area or listed building constraints which could preclude the redevelopment of the site;
- A site configuration which would render the site unsuitable for the proposed redevelopment scheme e.g. a very narrow strip of land; and

- Any other unique site-specific considerations that could warrant the site unsuitable.

#### REPORTING STRUCTURE

- 6.13 The results of the sequential test exercise are presented in a tabulated format at **Appendix 5** clearly identifying the subject site, its site area and a commentary explaining why the site has been discounted, as appropriate.

## 7 EXCEPTION TEST

- 7.1 The NPPF states that if following application of the Sequential Test, it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.
- 7.2 For the Exception Test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.
- 7.3 We have therefore considered whether the proposed development passes the Exception Test. The principal reasons why we consider it does are set out below:
- The scheme proposes a mixed use residential-led development that is reflective of evolving market demand. It will enable the regeneration of an underutilised brownfield asset that has remained vacant since 2004;
  - The proposed development accords with the prevailing planning policy in terms of the NPPF (not least due to its sustainable credentials), the Development Plan and the emerging Salehurst and Robertsbridge Neighbourhood Plan;
  - In particular, the emerging Neighbourhood Plan represents the key local policy document for Robertsbridge and identifies the Mill site as the preferred location to accommodate major residential development within Robertsbridge (circa 100 dwellings);
  - The proposed development will provide a high quality, attractive residential-led mixed use scheme environment, that responds to the site's history and surrounding context and enables the historic Mill and Oast House buildings to be restored and brought back into beneficial use;
  - The Site represents a sustainable location for housing development which will make a significant contribution towards addressing Rother's existing shortfall in its housing land supply;
  - The proposal, if consented, will secure economic development and growth. It will lead to the creation of new employment opportunities that would significantly exceed the number of jobs generated by the site when it was last occupied in 2004.
- 7.4 Aside from the above reasons, the scheme has evolved as a result of discussions with the Environment Agency to ensure the majority of the development is confined to Flood Zone 1 only.
- 7.5 The submitted Flood Risk Assessment is site-specific and demonstrates that the development will be safe for its lifetime as a residential development without increasing flood risk elsewhere.

## 8 CONCLUSION

- 8.1 The site is located partially within Flood Zone 3 (High Probability), Flood Zone 2 (Medium Probability), and Flood Zone 1 (Low Probability).
- 8.2 As an element of the proposed development falls within Flood Zone 3, a Sequential Assessment has been undertaken in accordance with the NPPF and its accompanying practice guidance.
- 8.3 A total of three sites were identified for assessment. All three were discounted as not representing reasonably available or suitable sites for development on the following grounds:

### Bishop's Lane

- 8.4 The site is greenfield, situated outside of the settlement boundary and too small to accommodate the scale of development proposed.

### Heathfield Gardens

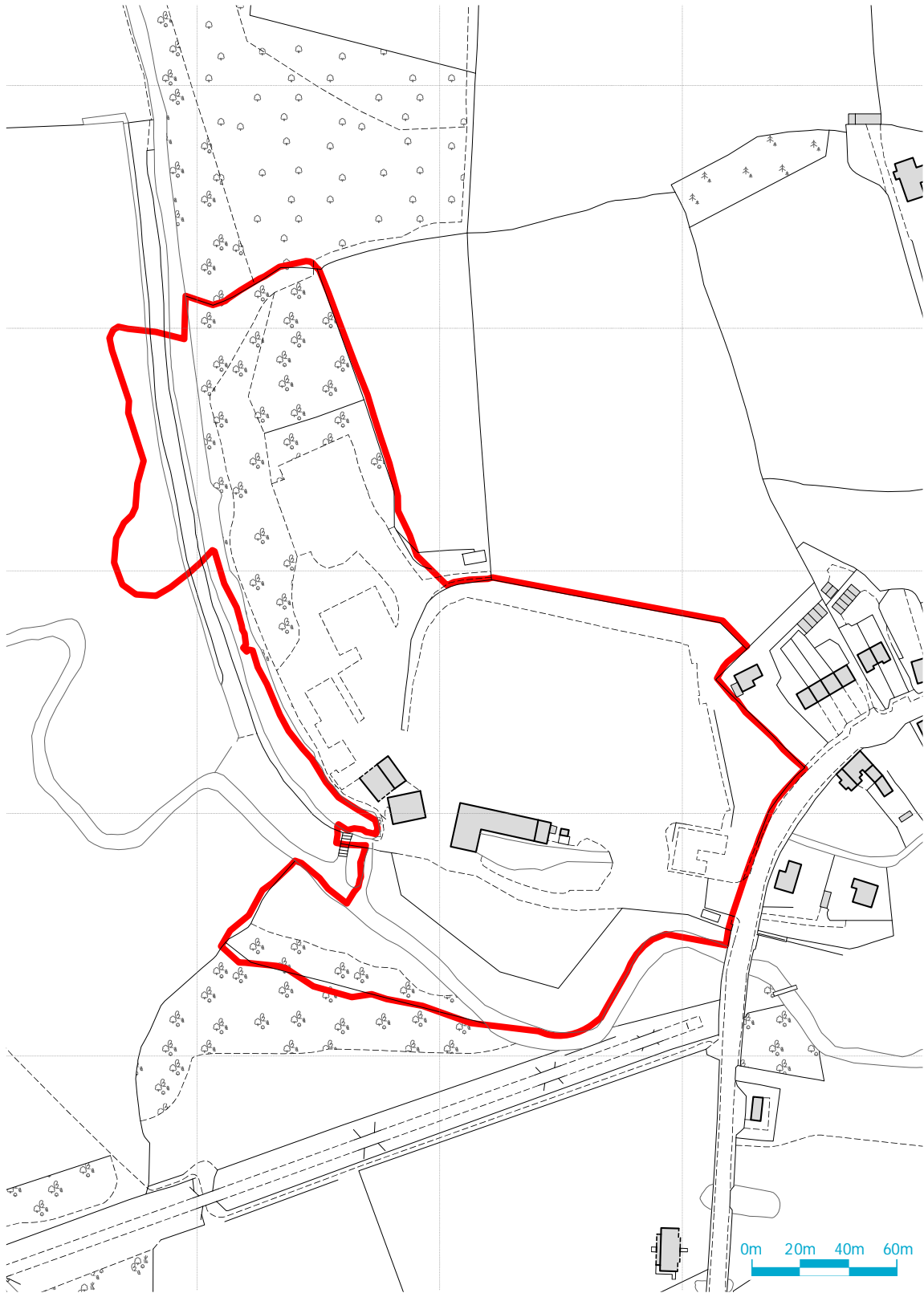
- 8.5 The site is greenfield, situated outside of the settlement boundary and too small to accommodate the scale of development proposed.

### Grove Farm

- 8.6 Even if Phase 1 and 2 were brought forward together, the site would still not be large enough to accommodate the scale of development proposed at the Mill Site. Both sites are greenfield and Phase 2 is situated wholly outside of the existing settlement boundary within open countryside.
- 8.7 Whilst Phase 1 benefits from a historical allocation for circa 30 residential units, this is subject to strict design criteria and is not reflective of recent assessment work undertaken in preparation of the Neighbourhood Plan, which concludes that Grove Farm is not a suitable option for residential development.
- 8.8 On the basis of the above information, we assert that there are no sequentially preferable sites to accommodate the proposed development.
- 8.9 As such, we have applied the Exception Test in accordance with the NPPF and accompanying guidance. The proposed development will generate wide-ranging sustainability benefits and will be delivered in a manner which will not result in an increased flood risk either on or off-site.
- 8.10 Accordingly, the proposed scheme passes the Sequential and Exception tests. There is no reason why the application should be refused in these terms.



## APPENDIX 1



## SITE LOCATION PLAN

Hodsons Mill  
Northbridge Street  
ROBERTSBRIDGE TN32 5NY



Scale @ A4 :

1:1250

Plan No. :

477/58/1\_SLP01

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## APPENDIX 2



## **Wyre Council Flood Risk Sequential Test: Advice for Applicants**

**V1.1**

**May 2015**

## Introduction

As a coastal authority containing major water courses and a large low lying rural area, flood risk is a significant concern for Wyre's local communities and can act as a constraint to development.

National planning policy on managing flood risk is set in the first instance by the National Planning Policy Framework (NPPF) available from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

This is supported by more detailed guidance in the form of National Planning Practice Guidance (NPPG) on Flood Risk and Coastal Change, available from <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

Both documents state that inappropriate development in areas of flooding should be avoided by directing development away from areas of highest risk through the application of the "sequential test". This requires local planning authorities to refuse new developments if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

In terms of the decision-making process, the sequential test is the first stage in addressing flood risk where this is an issue in the determination of a planning application. Both the NPPF and NPPG establish a two part exception test the aim of which is to ensure that wider sustainability benefits and the safety of users of a development are taken into account in the decision-making process.

Potential applicants are urged to satisfy themselves that their proposals are capable of passing **both the sequential and exception** tests before submitting an application. The Council will refuse applications that fail the sequential test even where the exception test has been passed.

This Advice for Applicants explains how the Council will apply the sequential test. It will be treated by the Council as a material consideration in the determination of planning applications. Applicants may also wish to consult the on-line advice provided by the Environment Agency which this Guidance reflects – see <https://www.gov.uk/flood-risk-assessment-the-sequential-test-for-applicants>

## What is "flood risk"?

For the purposes of applying the sequential test, the definition of "flood risk" is taken from the NPPG and refers to:

*A combination of the probability and the potential consequences of flooding from **all sources** – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.*

The Environment Agency (EA) provides mapping of flood risk arising from sea and river sources, available at: <http://watermaps.environment-agency.gov.uk/wiyby/wiyby.aspx?topic=floodmap#x=357683&y=355134&scale=2>

This mapping does **not** take into account the presence of flood defences nor does it account for the potential impact of climate change, including sea-level rise and extreme weather events.

Flood risk is mapped according to the probability of flooding which is expressed in three “Flood Zones”:

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as ‘clear’ on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or Land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. (Not separately distinguished from Zone 3a on the Flood Map)

Planning applications within Flood Zones 2 and 3 (a and b) **MUST** always address the sequential test in line with the approach set out by government policy as elaborated upon in this guidance note.

It is important to note that where a development proposal falls within Flood Zone 1, in some circumstances the sequential test (plus the exception test) may still need to be addressed, for example where there are other sources of flooding (as defined above) within the site.

In some cases the “red-edge” boundary of a proposed development may fall across Flood Zone 1 and Flood Zones 2 or 3. Where this is the case, the application of the sequential test will depend on the nature and layout of the development proposed. In such cases, where “hard” development is proposed to be located in Flood Zone 2 or 3, then the normal approach is that the **whole** site would be subject to the sequential test. Where an outline application is submitted for a site that includes Flood Zone 1 and zones 2 or 3, the Council will expect an applicant to submit sufficient detail, for example through a site layout, to allow a judgement to be made on the need for a sequential test.

However, where it is proposed to locate “hard” development in the part of the site in Flood Zone 1 only, and assuming there are no other flood risk issues, then the sequential test would not be required.

### ***Are there exceptions to this rule?***

The NPPF allows for “minor development” to be excepted from the need for a sequential test. The NPPG defines minor development as:

- **Minor non-residential extensions:** industrial/commercial/leisure etc. extensions with a footprint less than 250 square metres.
- **Alterations:** development that does not increase the size of buildings e.g. alterations to external appearance.
- **Householder development:** For example; sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling e.g. subdivision of houses into flats.

The sequential test does not apply to changes of use **except** for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.

If you have any doubt as to whether or not your proposal falls within this definition, you are strongly advised to contact the Development Management team at Wyre Council for clarification. This will save you the possibility of incurring additional or unforeseen cost and delay should you submit a planning application for a development which is subsequently judged to fall outside of the definition of “minor”, without addressing the sequential test.

### **Vulnerability**

The NPPG identifies some uses as so vulnerable that they should not be permitted within Flood Zone 3. Applicants should ensure that their proposals do not involve these uses before undertaking the sequential test.

### **Mixed –Use Schemes**

The sequential test for schemes for more than one use will be dealt with on a case-by-case basis. In doing so, the Council will consider:

1. Whether or not the proposal includes “minor development” as defined above or a change of use; and
2. Whether or not the proposed uses must sit together on the same site or whether or not they should be disaggregated for the purposes of identifying alternative sites.

### **Who is responsible for the Sequential Test?**

The onus is on the applicant to demonstrate that the sequential test can be passed. The applicant’s responsibility is not limited by lack of information held by the Council.

It is for the Council to consider the extent to which sequential test considerations have been satisfied.

## What does the Sequential Test involve?

In applying the sequential test, the NPPG establishes the following principles:

1. The geographical area across which the sequential test should be applied will be defined by local circumstances relating to the catchment area for the type of development proposed.
2. Where there are large areas in Flood Zones 2 and 3 **and** development is needed in those areas to **sustain** the existing community, sites outside them are unlikely to provide reasonable alternatives.
3. When applying the sequential test, a pragmatic approach to the **availability** of alternatives sites should be taken.

There are three basic elements to applying the sequential test in Wyre:

1. The geographical area across which the test is applied.
2. The range of alternative sites to be considered.
3. The definition of “reasonably available”.

### *The geographical area*

For developments that have a sub-regional, regional or national significance, the sequential test area of search will include the whole Borough and areas outside of the borough boundary in line with the catchment area for the development.

For **all other** applications the normal area of search is the **whole borough**.

Any departure from a “whole-borough” approach which seeks to apply a reduced geographical area in the search for alternative sites must be clearly and rigorously justified by reference to one or more of the following:

1. Evidence that there is a specific need for the proposed development in that locality;
2. Evidence that the proposed development is needed to sustain an existing community which is wholly or largely identified as lying within Flood Zone 2 or 3, or is otherwise subject to flood risk. This may include reference to Census figures and population decline or to surveys of the take-up of local services/ facilities; or
3. The functional requirements of the proposed development as a whole or in part;
4. For affordable housing, the Rural Housing Needs Survey (2010) [http://www.wyre.gov.uk/info/200318/evidence\\_base/824/rural\\_housing\\_needs\\_assessment](http://www.wyre.gov.uk/info/200318/evidence_base/824/rural_housing_needs_assessment) which provides an assessment of need based on a parish by parish basis, and the 2014 Strategic Housing Market Assessment (SHMA). [http://www.wyre.gov.uk/info/200318/evidence\\_base/825/fylde\\_coast\\_strategic\\_housing\\_market\\_assessment](http://www.wyre.gov.uk/info/200318/evidence_base/825/fylde_coast_strategic_housing_market_assessment)



It is strongly recommended that applicants agree the geographical area to which the sequential test applies with the Council before submitting a planning application. In relation to (1) above, for the avoidance of doubt, the 2012 Core Strategy Preferred Options document does not constitute an up-to-date expression of the future distribution of housing or other development requirements and carries very little weight in this matter. The Council views residential development **of all sizes** as a strategic matter which will normally be considered on a whole-borough basis.

In all cases where a reduced area of search is accepted by the Council, the remaining elements of the sequential test need to be addressed and, if possible, agreed with the Council.

***The range of alternative sites to be considered (comparator sites)***

In order for applicants and the Council to be able to consider whether or not there are reasonably available alternative sites appropriate for a proposed development, comparator sites need to be identified and their availability assessed.

It is strongly recommended that prior to the sequential test being undertaken applicants agree with the Council a reasonable comparator site threshold.

For residential schemes, this may be based on site **area or capacity**. The Council will normally apply a +/-10% buffer to create a range within which comparator sites can be identified. For example, if site capacity is used as the basis for determining comparability, a residential scheme of 20 dwellings would generate a comparator site threshold of 18-22 dwellings.

On the same basis, a scheme on 0.6ha of land would generate a comparator site threshold of 0.54ha to 0.66ha. The method used will depend on the circumstances of the site and proposal. For higher density developments, for instance flats, the size threshold should normally be used. For lower density developments, for instance large detached houses, the site capacity should normally be used. For residential development, in some cases, the Council may wish to apply *both* site capacity and site size parameters.

For non-residential schemes, the Council will make a case-by-case judgement, having regard to the site area and type and scale of development proposed.

In all cases, the Council will consider whether or not the site size agreed should represent the net or gross developable area of the proposed scheme.

Comparator sites should be capable of accommodating the general objective of the proposed development (for example, the provision of housing) within the agreed thresholds **but not necessarily the form or layout**.

Where the Council considers that a comparator site is sequentially preferable, this does not necessarily imply that a planning permission for the development in question would be forthcoming on that site.

Applicants can use the following sources to identify comparator sites:

- The Saved Policies of the Wyre Local Plan, available at:  
[http://www.wyre.gov.uk/downloads/file/347/resaved\\_policies\\_of\\_the\\_wyre\\_borough\\_adopted\\_local\\_plan](http://www.wyre.gov.uk/downloads/file/347/resaved_policies_of_the_wyre_borough_adopted_local_plan)
- The Fleetwood-Thornton Area Action Plan, available at:  
[http://www.wyre.gov.uk/info/200320/current\\_planning\\_policies/424/fleetwood\\_thornton\\_area\\_action\\_plan](http://www.wyre.gov.uk/info/200320/current_planning_policies/424/fleetwood_thornton_area_action_plan)
- Employment Land Monitoring Report, available at:  
[http://www.wyre.gov.uk/info/200318/evidence\\_base](http://www.wyre.gov.uk/info/200318/evidence_base)
- The 2010 Strategic Housing Land Availability Assessment (SHLAA), available at:  
[http://www.wyre.gov.uk/info/200318/evidence\\_base](http://www.wyre.gov.uk/info/200318/evidence_base)
- Housing land monitoring information. To assist applicants with the identification of potential reasonably available alternative sites, the Council has published a list of sites with planning permission as of May 2015. To make it more accessible the list has been separately sorted by size and by capacity and is available at:
  - Housing sites at 12 05 15 BY CAPACITY  
[http://www.wyre.gov.uk/downloads/file/3084/housing\\_sites\\_at\\_12\\_05\\_15\\_by\\_capacity](http://www.wyre.gov.uk/downloads/file/3084/housing_sites_at_12_05_15_by_capacity)
  - Housing sites at 12 05 15 BY SIZE  
[http://www.wyre.gov.uk/downloads/file/3085/housing\\_sites\\_at\\_12\\_05\\_15\\_by\\_size](http://www.wyre.gov.uk/downloads/file/3085/housing_sites_at_12_05_15_by_size)

Applicants will not normally need to consider undecided planning applications for the purposes of identifying comparator sites.

**Please note that in all cases, up-to-date Environment Agency mapping of flood risk should be used to identify the potential flood risk associated with comparator sites.**

To ensure a comprehensive approach is taken to the identification of comparable sites, applicants will normally be required to consult professional property agents with demonstrable knowledge and understanding of the local land and property market in Wyre. It is recommended that a minimum of three agents who individually or collectively cover the agreed area of search are used. Where this is not possible, the applicant should evidence that the number of agents used provides appropriate coverage of the agreed area of search and provides a comprehensive view of the market in question. In any event, applicants should provide written evidence (for example e-mails or letters that include company and contact details) detailing the nature and outcome of the contact with agents. The Council will not accept the use of web-based search engines or web-only site searches as the sole means of meeting this requirement.

In some cases, it may be necessary for the applicant to undertake a bespoke survey of potentially available land within the agreed parameters of the Sequential Test.

***The definition of “reasonably available”***

In accordance with national planning policy, in order for development to pass the sequential test it has to be demonstrated that there are no **reasonably available** alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Council views reasonably available sites as those that are deliverable and developable (as defined by the NPPF, para. 47 and footnotes 11 and 12) for the uses proposed and:

1. Lie within the agreed area of search; *and*
2. Are within the agreed comparator site threshold; and
3. Can accommodate the general requirements of the development; *and*
4. Are, in principle, in conformity with the objectives and policies of the Adopted Development Plan **and** the objectives and policies of the National Planning Policy Framework and its associated National Planning Practice Guidance (or similar), including those relating to flood risk and relevant aspects of climate change, where they offer more up-to-date guidance.

The Council would normally accept that a site is not reasonably available if:

1. It contains an existing operational or business use unless a planning approval for development proposes to extinguish that use; or
2. It has a valid planning permission for development of a similar type and scale which is likely to be implemented.

Evidence that a planning permission is likely to be implemented can include:

1. The discharge of conditions (or the submission of an application to discharge conditions); or
2. Indication from the landowner(s), applicant or developer that a development is being brought forward: or
3. The approval of reserved matters (or an application for reserved matters).

Where contact has been made with a landowner under (2) above, applicants should detail the nature and timing of this contact and where possible provide the name of the owner in question. If a landowner is unwilling to make the site available for the use in question, then written evidence of this should be provided where possible. The Council reserve the right to adopt due diligence in such cases and may contact landowners to verify site availability.

Applicants are advised to submit as much detail as possible on the search for alternative sites to avoid delays in the planning process. The following information should be submitted as a matter of course:

- A map and statement identifying and justifying the area of search;
- A map of all sites considered; and

- A statement detailing known relevant information on each site. This may include matters such as size, ownership and constraints. This may be presented in tabular format with a statement outlining the conclusions.

Statements on the non-availability or unsuitability of a comparator site for whatever reason, including the presence of constraints or viability issues, will need to be justified and evidenced in writing.

Applicants are reminded that this is **not** a test of relative sustainability between different sites. The fact that a comparator site is considered to be less sustainable by reference to factors such as location and proximity to local services, is **not in itself** a justification for supporting the development of a site in an area at risk of flooding. It is clear from the National Planning Policy Framework that avoiding development in areas at risk of flooding where possible and appropriate is itself an important aspect of sustainability. Evidence should be as comprehensive as possible where the presence of a constraint is being used to discount a site from the search process. Where possible a photographic record of any constraints present should be provided. The Environment Agency provides guidance on the nature of constraints that may render a site unsuitable as a comparator site. These include:

- Physical problems or limitations;
- Potential impacts of development; and
- Environmental conditions that would be experienced by potential residents.

Local plan designations may also be a constraint to development.

The Council will take a proportionate and reasonable approach to the need for supporting evidence. However, it must be borne in mind that it is for the applicant to provide sufficient information to allow the Council to make a reasoned judgement as to whether or not the sequential test has been passed. The Council may refuse applications where this information is considered to be deficient.

### **The Test of Impracticality**

As noted above, the NPPG states that when applying the sequential test a pragmatic approach to the availability of alternative sites should be taken. It gives an example of a planning application for an extension to an existing business premises and suggests that it **might be impractical to** suggest that there are more suitable alternative locations for that development elsewhere.

Not all development is stand alone or involves a cleared site. As the NPPG suggests, in some cases developments may involve an extension to an existing use. A development proposal may also involve the intensification or partial re-development (in whole or part) of an existing use.

In such circumstances, and particularly where the proposal involves an existing business premises or operation, it may well be impractical to identify comparator sites. Where possible, and by reference to appropriate evidence, this should be agreed with the Council prior to the submission of a planning application. Where the Council does agree that it is impractical to identify comparator sites, applicants should still address this issue under the

heading of “sequential test”, with appropriate evidence, such as a statement of operational circumstances, as part of the planning application. Even where it is accepted that the identification of alternative sites is impractical, applicants are reminded that consideration of the exception test may still apply.

### **Conversions, Changes of Use and Alterations**

The NPPG states that the sequential test does not need to be applied to minor development or changes of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions are not specifically considered although the NPPG states that the creation of a separate dwelling within the curtilage of an existing dwelling – for instance the sub-division of a house into flats – **cannot** be considered “minor development”.

Given that the NPPG excludes changes of use from the need to undertake a sequential test, and given the need to allow flexibility within existing stock of dwellings and other buildings to allow their efficient and effective use, for the purposes of this guidance note conversions and changes of use **are exempt** from the need to undertake a sequential test. This exemption includes the sub-division of dwellings.

It should be noted that in applying this guidance the Council will have regard to the scale of any proposed alterations. The NPPG makes it clear that only alterations that do not increase the size of a building can be classed as “minor development”. However, householder development that consists of a physical extension is an exception to this general rule and falls within the definition of minor development.

### **Applications for residential development – the 5 year land supply position and the sequential test**

NPPF Para 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply. However, the NPPF also specifically recognises that flood risk can be considered to be a constraint to development and therefore the approach to steer development away from flood risk areas in the NPPF still has considerable weight **even in the absence of a 5 year land supply**. Thus the Council will not accept a lack of five year supply as an argument for disregarding the need to address the sequential approach to development in an area of flood risk.

### **Further Advice**

Pre-application advice on the applicability and conduct of the sequential test in relation to specific development proposals is available from Wyre Council Planning Department. The Council may charge for this service. Further details of the charges to be applied in relation to the flood risk sequential test are available from [http://www.wyre.gov.uk/downloads/file/2864/flood\\_risk\\_sequential\\_test\\_charging\\_schedule](http://www.wyre.gov.uk/downloads/file/2864/flood_risk_sequential_test_charging_schedule)

## APPENDIX 3

Rother District Council  
Development Control  
Town Hall  
London Road  
Bexhill-on-Sea  
East Sussex  
TN39 3JX

**Our ref:** KT/2017/122684/01-L01  
**Your ref:** RR/2017/382/P  
**Date:** 19 June 2017

Dear Sir/Madam

**98 NO. RESIDENTIAL DWELLINGS (USE CLASS C3), NON-RESIDENTIAL FLOORSACE COMPRISING 280 SQM (USE CLASS A3) AND 920 SQM (USE CLASS B1), AND ASSOCIATED ACCESS, CAR/CYCLE PARKING, OPEN AMENITY SPACE, STRATEGIC LANDSCAPING AND GREEN INFRASTRUCTURE AND RESTORATION WORKS TO THE MILL BUILDING AND OAST HOUSE.  
HODSON'S MILL, NORTHBRIDGE STREET, SALEHURST/ROBERTSBRIDGE  
TN32 5NY**

Thank you for consulting us on the above application and apologies for the delay in responding.

We **object** to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons.

Part of the application site lies within Flood Zone 3a defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance no evidence has been provided to indicate that this test has been carried out. Although the site is defended to a standard of protection of 75 years (up to the 1.33% Annual Exceedance Probability (AEP) event), the residual risk from flooding during larger events is high with flood water depths in excess of 1m during the 100 year (1% AEP) event.

You can overcome our objection by providing evidence that the Sequential Test has been completed and demonstrates that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed. Whilst we do not generally get involved with the details of the ST, given the low standard of protection on the site and the depths of flooding that could be experienced we do not feel we have seen the evidence required to demonstrate that the development, as proposed, passes the ST. If the LPA confirms that they are satisfied the ST has been passed, we would wish to be reconsulted to comment further on the detailed aspect of the design

NPPF requires developers to sequentially test a development site both in the context

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



INVESTOR IN PEOPLE



of other available sites in lower flood risk areas and the site itself to ensure that the more vulnerable form of development is placed in the areas of lower risk. Whilst we accept that the conversion of the mill building is not subject to these tests, as the majority of the site lies within FZ1 we are disappointed to see that new residential units are to be placed in FZ3. The extension to the Mill Building, units 40 and 41 and Rother Court all lie within FZ3. Whilst the residential floor levels proposed are as previously agreed and are sufficiently above design flood level, we do not think the proposal as stands has followed the sequential approach. In a 1% AEP event residential units in FZ3 could potentially have depths of over 1m surrounding the buildings and flooding garages.

## Access and Egress

The FRA confirms that living and sleeping accommodation will be set a minimum of 600mm and 900mm above the design flood level as agreed with us in pre-planning discussions. This aspect of the design is therefore acceptable. We are however concerned with the access and egress arrangements for the site. The Retirement Flats, Rother Court and units 40 and 41 all have their access in FZ3. NPPF Planning Practice Guidance states that access requirements should include voluntary and free movement of people during a design flood event (1% annual probability). It goes on to state that the acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (Para 39). Given the potential depth of flooding here it is clear that a flood event could pose a significant risk to the safety of people and property. There has been no attempt to assess the hazard posed by the depth of flooding in the FRA other than to confirm that it will not be possible to provide a safe escape route.

We have not specifically objected on the grounds of access and egress as it is your own Authority's decision as to whether the flood warning and evacuation plan is acceptable for the development as a whole. You may consider that the risk is manageable for the majority of the site that is above the flood level in FZ1. However, we do think this is a serious consideration for the new development proposed within FZ3. Ideally all of the residential 'More Vulnerable' element would be in FZ1, with the commercial 'Less Vulnerable' development being placed in FZ3. As a minimum we would wish to see an attempt to provide safe access for all new residential units (for example both the retirement flats and Rother Court are on the edge of FZ1 but the access has been placed within FZ3).

## Main River and Flood Risk Activity Permits (FRAPs)

The submitted FRA hasn't specifically indicated what, if any, works will take place within 8m of Main Rivers both the River Rother and the Mill Lease. From the plans submitted it appears that the required 8m Byelaw margin has been left clear. Prior to any permission being granted we would want confirmation that our 8m Byelaw Margin (from the top of bank or toe of defence) will be kept clear. This is essential both for maintenance reasons and for potential improvements to the defences in the future. We will also need assurance that access to our control structure on the Mill Lease is fully maintained.

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)



Applications for a FRAP will need to demonstrate

- There is no increase in flood risk either upstream or downstream
- Access to the main river network for maintenance and improvement is not prejudiced
- Works are carried out in such a way to avoid unnecessary environmental damage

**Please Note:**

If you are minded to approve the application contrary to our objection, we would be grateful if you could re-consult us as we have comments of interest regarding Groundwater Contaminated Land and Fisheries, Biodiversity & Geomorphology.

Yours faithfully

p.p. Randeep Dhanjal

**Mrs Sophie Page**  
**Planning Advisor**

Direct dial 020 8474 8030

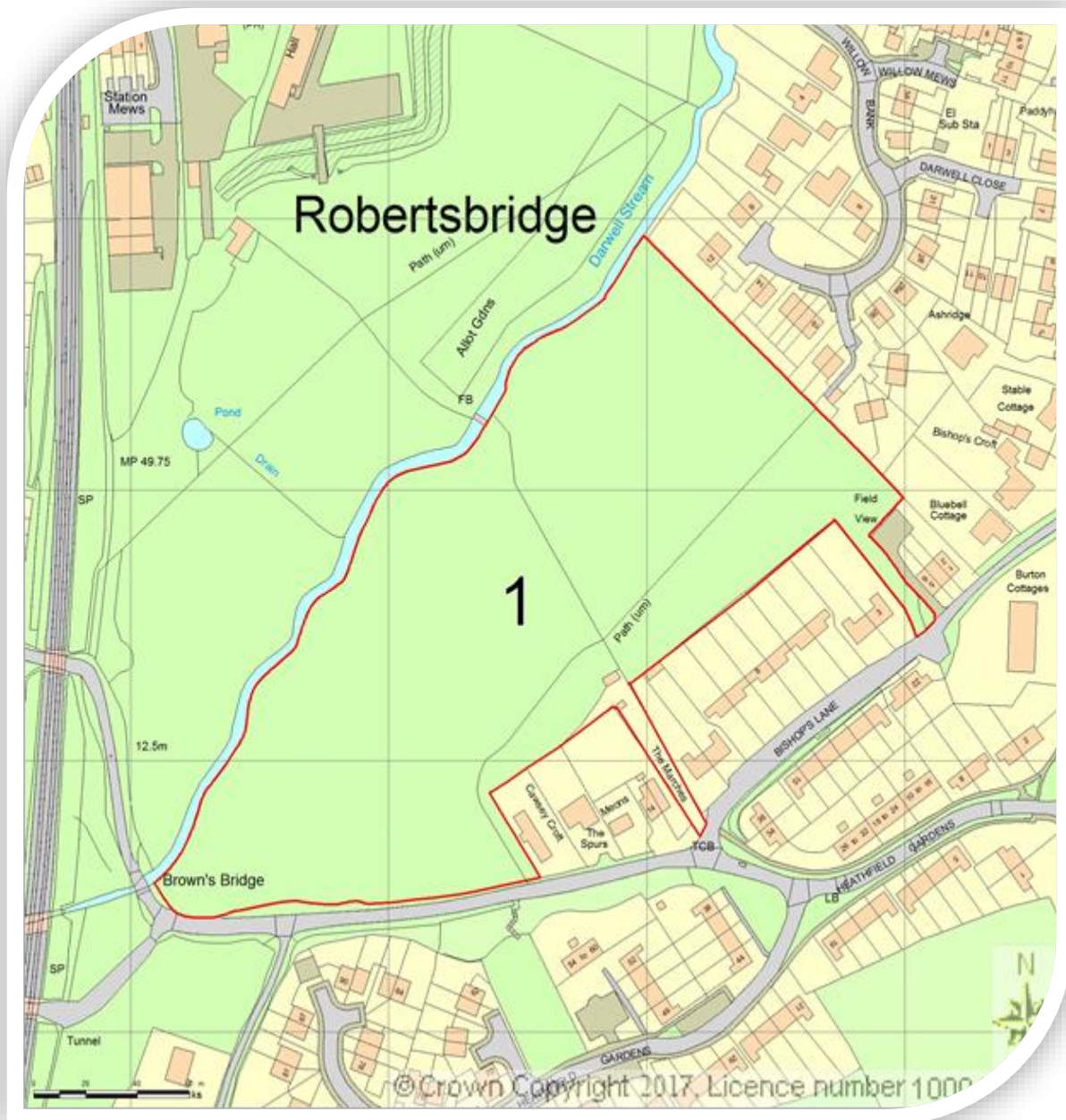
Direct e-mail [sophie.page@environment-agency.gov.uk](mailto:sophie.page@environment-agency.gov.uk)  
-agency.gov.uk

## APPENDIX 4



**MIALEX**  
Innovative Planning Solutions

**SITE 1 - BISHOP'S LANE**  
**SCALE 1:2500 on A4**





**MIALEX**  
Innovative Planning Solutions

**SITE 2 – HEATHFIELD GARDENS**  
**SCALE 1:2500 on A4**







**MIALEX**  
Innovative Planning Solutions

**SITE 3 – GROVE FARM**  
**SCALE 1:2500 on A4**



## APPENDIX 5

Site Name	Area	Approximate Capacity	Flood Classification	Status of Site	Available	Overall Assessment
Bishop's Lane	3.1ha	50 dwellings	North/West boundary falls within Zone 3 but majority within Zone 1	Greenfield	No – Site is being promoted for residential development by the landowner and Devine Homes	<p>The site is not allocated within Rother's adopted Development Plan.</p> <p>It has been assessed and dismissed as an option for residential development within the emerging Neighbourhood Plan and has been designated as open green space (Ref GS16) on the basis that it comprises locally accessible meadows.</p> <p>The majority of the site falls within Flood Zone 1 but development is restricted to an extent to towards the northern and western boundaries which fall within Flood Zone 3.</p> <p>The site was assessed within Rother Council's 2013 SHLAA (Ref RB1) as not suitable to accommodate residential development. This was on the basis that development in this location would likely diminish the locally distinctive character of the village.</p> <p>Potential access could only be achieved following extensive highways works including appropriate road widening works to provide footway connection. Appropriateness of road widening and works at this point would impact on the area's rural character and tranquillity on a road defined by the High Weald AONB as a historic routeway.</p> <p>The site is not considered to represent a suitable or available option for development. As a greenfield site, it is clearly a less sustainable option and is not large enough to accommodate the scale of development proposed.</p>

Site Name	Area	Approximate Capacity	Flood Classification	Status of Site	Available	Overall Assessment
Heathfield Gardens	1.4ha	40 dwellings	Zone 1	Greenfield	No - land being promoted for development by landowner and other parties.	<p>The site is not allocated within Rother's adopted Development Plan.</p> <p>It has been included as a preferred site for residential development within the draft Neighbourhood Plan.</p> <p>The SHLAA assesses the site as potentially suitable for residential development (Ref RB13), albeit access issues need to be resolved.</p> <p>The site is discounted on the basis that it comprises greenfield land which is considered to be less sequentially preferable in sustainability terms.</p> <p>The site is not available and furthermore, is too small to accommodate the scale of development proposed (even allowing for an appropriate degree of flexibility).</p>



Site Name	Area	Approximate Capacity	Flood Classification	Status of Site	Available	Overall Assessment
Grove Farm	Phase 1 (0.9ha)  Phase 2 (3.4ha)	Phase 1: 30 dwellings  Phase 1 and 2 combined: 65 dwellings	Zone 1	Greenfield	<p>No – land being promoted for development by landowner.</p> <p>Two planning applications for the Phase 1 site have been submitted and subsequently withdrawn (Ref 2015/1929 and 2016/1722) on the basis that they were to be recommended for refusal by the Council.</p> <p>The landowner is now actively promoting a revised scheme for Phase 1 which proposes a reduced total of 30 dwellings.</p>	<p>The smaller element of the site (Phase 1) benefits from a historic saved Local Plan allocation (Ref VL7) for residential (circa 30 units) to be bought forward in the event that the housing needs of Robertsbridge cannot be met through previously developed land including the Mill site.</p> <p>The SHLAA identifies the wider site as potentially suitable for residential development including additional land adjoining Phase 1 to the rear (Ref RB2, 4, 5 and 7 – not all of which will be developable).</p> <p>Rother DC deemed the site to represent a sustainable option on the basis of its proximity to the village core.</p> <p>Notwithstanding this, the site has been assessed and dismissed as an option for residential development within the emerging Neighbourhood Plan.</p> <p>Irrespective of availability, there are clear issues associated with Phase 1 alone which results in the site representing a less sustainable option. In assessing the most recent application, Rother DC recommended the application for refusal on various grounds including:</p> <ul style="list-style-type: none"> <li>• Unacceptable impact upon historic barn/farmstead and the wider Conservation Area;</li> <li>• Impact upon amenity of George Hill Cottages;</li> <li>• Insufficient archaeological/ecological information</li> </ul> <p>To be considered large enough to accommodate anywhere near the scale of development proposed at the Mill Site,</p>

						<p>both phases would need to be delivered together. The Phase 2 site is situated wholly outside of the development boundary of the village within open countryside.</p> <p>Whilst a historical allocation is in place for residential development, this only relates a small part of the site. In any event, the allocation is outdated and not reflective of extensive assessment work undertaken by the Neighbourhood Plan Steering Group and local community in formulating the Salehurst and Robertsbridge Neighbourhood Plan (the key planning policy document for the area once adopted).</p> <p>This is reflected by the withdrawal of two planning applications for development of the Phase 1 site in 2016 and more recently in January 2017 on the basis that they were to be recommended for refusal on various grounds.</p> <p>Irrespective of this, the policy amplification for VL7 is clear that housing should only be brought forward in association with strict assessment criteria in the event that housing needs within the area are not met on more sustainable sites such as the Mill Site (para 13.41).</p> <p>Accordingly, the site is discounted on the basis that it is not available, suitable or large enough to accommodate residential development of the scale proposed. It is a greenfield site situated partially outside of the settlement boundary within open countryside and is less sustainable.</p>
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