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Our ref: 6.3a/SRNDP/Exam/SEA
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Dr Anthony Leonard
Executive Director of Business Operations

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Dear Mr Slater,

Salehurst and Robertsbridge Neighbourhood Development Plan 2016-2028 Consultation on the Revised SEA

I am writing on behalf of Rother District Council in response to the revised SEA prepared on behalf of Salehurst and Robertsbridge Parish Council and circulated by the Programme Officer on 1st November for a 4-weeks consultation.

The principal comments relate to the two areas of concern raised by the Examiner (also the subject of representations by this Council), namely the need to present a more objective assessment of the likely environmental effects of different sites and the need to undertake a 'sequential test' of potential sites, linked to conclusions about overall sustainability.

1. SEA assessment of sites

The revised SEA presents the assessment of sites in a different way to the submitted SEA in that it presents commentaries under Positive/Neutral and/or Negative headings. The reasoning is given (on page 31) as to "*allow[s] more in-depth assessment so that it is as objective as possible which means that there are times when an objective has multiple scoring but the individual comments provide the clarity.*" It also notes that: "*This means that some of the scoring may be different to the December version due to providing clarity and acquiring more up to date information on various sites.*"

A more robust approach is to be welcomed, although it appears to take it outside the 'Scoring System' set out in Table 1. Moreover, it is very difficult to be able to follow how the environmental dimension of sustainability feeds into the conclusions.

The assessment in relation to 'Access to services and facilities' was queried at the Hearing. Overall, the revised assessments appear to fairly address the concerns.

One relatively minor query is the apparent weight given to a possible creation of a footpath/cycleway to the station from the Mill site and land adjoining it, when this is not a policy requirement of the Plan nor incorporated in the current planning application.



Assessments under the Objective to 'Minimise the risk of flooding' are central to the Plan, so need to be carefully reviewed. Overall, the assessment is somewhat more refined with a number of changes being made, appearing to be based on more recognition of surface water impacts. This is assumed to explain why a number of sites, including Grove Farm, Heathfield Gardens and Bishops Lane, are now regarded as 'Neutral' rather than 'Positive'. The Mill site is the understandable focus, with new commentary under all headings and not just Negative. It appears that this presentation reflects the existence of all three flood zones across the site. However, on this basis, one may expect sites in FZ1 to also receive similar Positive commentaries. However, this is not considered a fundamental criticism. Rather, it depends on how the information is used to inform the conclusions.

Taking the 'Water Resources' objective as a related Objective, it is noted that all sites, with the exception of the Mill Site, are commented upon under the Negative heading. This is not necessarily challenged but, without an explanation, it is difficult to follow the changes, especially as the Grove Farm sites were previously 'Positive'. In contrast, the new 'Positive' comment for the Mill site: "*Development would have to ensure the flood risk is minimised, so would assist in reducing risk to the site and other adjacent properties*" seems counter-intuitive, as development in the floodplain could more likely increase rather than decrease the risk of flooding elsewhere?

2. Sequential Test and Overall Sustainability

The incorporation of a Sequential Approach section into the Revised SEA (pages 71-77) addresses what the Council believed was a significant omission from the earlier evidence base material.

Also of significance in terms of the selection of sites is the fact that the SEA now includes a wider Sustainability Appraisal (SA). This provides a basis for the Parish Council to conclude that sustainability criteria outweigh flood risk.

The key reference in national guidance is:

What is the role of sustainability appraisal in the sequential test?

A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report. The Sequential Test can also be demonstrated in a free-standing document, or as part of strategic housing land or employment land availability assessments.

Paragraph: 022 Reference ID: 7-022-20140306

The Environment Agency is better able to comment on existing defences.



While the SA Objectives are new, they appear to have a requisite broad scope and be appropriate for the purpose of considering overall sustainability.

Table 3 (on pages 68-71) presents the alternative sites against this appraisal framework. The 'Summary of SA findings' that follows the table is considered to give a reasonable commentary on the key significant social and economic impacts, subject to the comment below:

The need for affordable housing has been identified as key issue locally; this is reflected in SA Objective 3: 'Ensure the delivery of high quality, sustainably constructed, and affordable homes'. It was clear from the Hearing that the Mill Site's developers did not expect to be able to provide affordable housing in their scheme (which is confirmed by the viability appraisal accompanying its planning application). Therefore, there is a case for expecting the SA in this Objective to not "score" the Mill site as highly as others where affordable housing delivery is more certain. In fairness to the authors, it may be that this dimension is "lost" in the overall assessment of the contribution to housing supply of the Mill Site, but it nevertheless remains an important planning consideration.

The SA inevitably has an overlap with the SEA in relation to the environmental objectives. Most obviously, it is noted that, somewhat surprisingly, the SA assesses the sites (including the Mill Site) the same (as having a 'positive' impact) against the objective 'To reduce the risk of flooding'. Without some explanation about how this equates with the more refined assessment of likely impacts in the SEA (see above), the "scoring" seems not to align well with the accepted need to apply the Sequential Test.

The respective assessments relevant to the Sequential Test effectively come together in the commentary on pages 76/77. This identifies the social and economic benefits of the redevelopment of the Mill Site, notably "restoration of important buildings and heritage assets, removal of dereliction and pollution, provision of commercial premises, potential improvement in access to rail station", which are broadly accepted (notwithstanding that the reality of the last point is queried).

The same text continues:

"It is assumed that Part 1 of the Exception test would be passed for the portion of the Mill Site which is outside Flood zone 1 because of the wider sustainability benefits to the community that outweigh flood risk and demonstrate those sustainability aspects, as shown in the Sustainability Assessment of all the sites. Where sites are wholly or partly located in areas where there are other sources of flooding, a site-specific flood risk assessment will be required at planning application stage. For the Mill Site application, a sequential approach to development within the site, Part 2 of the Exception test and the use of Sustainable Drainage Systems will be necessary to avoid and mitigate any impact. Part 2 of the Exception Test requires the development to be safe, and this will need to be demonstrated in a Flood Risk Assessment. The benefits of developing this site are very much in-keeping with the NPPF and indeed the ethos of Neighbourhood Planning which is based on the SEA/SA outweighs the presumption against locating what is classed as "more vulnerable" developments in Flood Zone 2 and 3. Whilst flood mitigation measures can address the flood issues, the only thing which can address a disused historic building is re-development."



However, attention is drawn to the relevant section of the PPG on 'Applying the Exception Test in the preparation of a Local Plan'. Diagram 3 sets out that, where relevant, the Exception Test should be applied following application of the Sequential Test. ([PPG Paragraph: 027 Reference ID: 7-027-20140306 refers](#))

It is accepted that a full Flood Risk Assessment that would be necessary to support a planning application is not appropriate for a local/neighbourhood plan. Nevertheless, it is considered that, assuming the Sequential Test is passed, it should be demonstrated that there is a reasonable expectation that both parts of the Exception Test would be passed.

In relation to the second part of the Exception Test regarding safe access, it is evident that passing this relies, amongst other things, on the prospect of access for emergency vehicles. It is surprising that this is not referred to, but it is clearly part of the necessary assessment for the Plan to move forward – and one that has been properly raised by the Examiner at the Hearing.

In summary, the Revised SEA is regarded overall, as capable of meeting the 'basic conditions' and helpful to inform the Examiner of the sustainability credentials of sites, even though it is found difficult to follow the process, systematically, through the various stages.

This does mean that there must still be some question-marks over the conclusion that *"When assessed against the considerations in the SEA and SA, The Mill site, Heathfield Gardens and Vicarage Land outweigh the other sites assessed and have therefore been allocated in the NDP."* (as stated in the Conclusion at paragraph 8.3) However, there is now more information on which to make the necessary judgements.

Yours sincerely,



David Marlow
Planning Policy Manager |

