

[REDACTED]

From: Simon Davis
Sent: 08 January 2020 12:58
To: Planning Scanning
Subject: FW: BE/109/19/OUT - Shripney

[REDACTED]

From: Simon Davis
Sent: 08 January 2020 12:48
To: 'Nigel Jarvis' [REDACTED]
Cc: Graham Beck [REDACTED]
Subject: RE: BE/109/19/OUT - Shripney

Dear Nigel,

Thanks for your email of 20/12. Unfortunately, I had finished for Xmas by then so only saw your email this week. However, I have now put the request through to admin to add/change the files.

I have spoken to our Policy team regarding future flood risk and I now understand your stated position. The issue I have is that all reports to Committee are reviewed by our principal planning solicitor and checked for errors in law/procedure etc. On an application last year for a Crematorium in Yapton, my report had to be withdrawn from Committee due to it becoming evident that the site was affected by future flood risk and there being no sequential assessment/no assessment of future flooding in the report. If you are confident that a Sequential should not be required as per your comments below then that is fine and I will use your arguments in the eventual report.

Regarding the S.106 Heads of Terms, I currently have responses from WSCC (schools, libraries, fire safety) and from our Affordable Housing Officer. These are on the website. I note that the Leisure/Landscape Officer and NHS responses are overdue and so I have given them until the end of the next week to respond. Once I have these, I will be able to commence the S.106 preparation.

Please also see the attached responses from WSCC Highways and from our Ecologist.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
Location: Planning - First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LE

Please note that I typically work from home on Thursdays when I am unreachable on my work phone

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Save the environment - think before you print.

From: Nigel Jarvis [REDACTED]
Sent: 20 December 2019 19:21
To: Simon Davis [REDACTED]
Cc: Graham Beck [REDACTED]
Subject: BE/109/19/OUT - Shripney

Dear Simon,

I hope you are well and no doubt you are looking forward to the Xmas break. I set out a series of responses to points raised.

Ecology

In response to the consultation response from your ecologist please see attached the results of further investigation into the presence of Dormouse. You will see this was sent directly to Liz Annals by our ecologist for the purposes of discussion but as we have still not received a response so we now formally attach this. This follows up from the conclusion of the PEA to carry out an inspection of mature hazel within hedgerows. The report concludes that *"no further surveys are required as reasonable survey effort has been made to establish the presence/absence of a Hazel dormouse habitat within the site - within the hedges growing along the site boundaries."* I would be grateful if you were able to issue consultation to Liz asap, albeit hopefully she has already looked through it.

Application site 'area' in respect of access and visibility

Further to your email and our subsequent discussions on this matter I now enclose a revised site location plan (DLA.1948.L.02.S04), and Illustrative Masterplan (DLA.1948.L.07.P06).

The site area now takes in, per your request, all land required for access to the site from the public highway and necessary to provide the visibility splays (upto the carriageway). To be clear additional land included falls into 'highway land'. I enclose for information only drwg. 1845 07 that demonstrates this. While for the reasons we discussed I do not agree it is strictly necessary to formally serve notice on WSCC as the local highway authority we nonetheless have done so and attach a copy of the Art. 13 Notice issued and Certificate B.

Flood Risk

We have discussed for a further sequential test to be undertaken in detail with our hydrologists (Ramboll). They have clarified that;

"The site is located wholly within Flood Zone 1, at low risk of tidal and fluvial flooding. Therefore this assessment concludes that there is no need to apply the Sequential/Exceptions Test for this site. When taking into account the predicted effects of climate change over the lifetime of the development, parts of the site may be at higher risk of flooding, and therefore may fall within Flood Zones 2 and 3 in the future. Therefore, the Exception Test requirements have been detailed within the FRA report to demonstrate that the proposed development remains appropriate and safe given the predicted future flood risk."

As the FRA assesses the proposed development site only, it would not be appropriate to consider alternative sites (and consider the Sequential Test beyond flood zone compatibility) under this remit. Given the low flood risk to the site and evidence demonstrating that the proposed development will be both safe to occupants during flood events and not increase flood risk elsewhere, further assessment of flood risk is not considered necessary in this instance. Further assessment of the Sequential Test may need to be considered from a wider planning point of view but this would be a separate assessment to the FRA."

These areas referred to as falling into FZ2 or 3 in future years are referred to in the FRA and are confined to the extremities of the site only as we discussed on the phone. I come back to these later, but as they did not seem to explain to the concern in your email so I have examined the SFRA in detail. In your email you set out *"according to our climate change maps, part of the site will be zone 3a by 2061 and the rest 3a by 2061 [sic; I presume you meant 2115 here]"*. I now believe you are referring to 'LEVEL 1 SFRA: APPENDIX D CLIMATE CHANGE MAPPING' within which the site is shown on plate 21 of 46. As set out in the notes to the plan this combines all the different sources of potential flood risk. Importantly it includes tidal risk in an **undefended** scenario and this is the cause of most of the coverage of the site within flood zone 3a in future years. It is also important to set out why this is discounted by the detailed site specific FRA, as not posing a risk to the site. Indeed in an undefended tidal scenario the appended plan in the FRA does show the site within elevated risk flood zones at 2070 and 2115 as well. Crucially though the FRA sets out (para. 2.75) why that is not an issue in this instance;

"The EA also confirm that flood defences are present in the area in the form of high ground. Due to the permanent nature of the defences. i.e. the level of defence provided is not able to be adjusted, such as with a sluice gate, the modelled defended scenario is considered to be appropriate when assessing flood risk to the site." This is why the FRA concludes that *"the vast majority of the site is at low risk of tidal and fluvial flooding, with very small parts of the site borders at medium-high risk of fluvial flooding."* Under section 5.4 of the SFRA the following is set out; *"The*

probability of a failure of the sea defences occurring is reduced by the actions of the defence owners in maintaining the defences and beach, but there remains a residual risk from tidal flooding if the defences do fail or are overtopped. **The necessity for assessment of the 'residual' risk defence failure (e.g. breach) should be considered on a site by site basis."**

In other words the reason tidal flooding in future years is not a risk to the site or surrounding land in Shripney as shown in the SFRA undefended scenario is because of the permanence of defences offered by existing high ground.

Returning to the very small areas at the extremities of the site, these are identified as being at risk of flooding (from fluvial sources) in future scenarios by the FRA (see Appendix B). None of these areas, as demonstrated by the illustrative masterplan, are of consequence to the proposed land use of the site and are not needed to deliver housing. There would be no pressure to construct any dwellings or structures within these periphery areas. Finally of course, the submission is in outline and layout is reserved.

Thus, the only purpose of a sequential test would seem to be to appraise the site on the basis of it being within Flood Zone 1, with no risk of future flooding, against other sites in the same scenario. In this context Ramboll's further reply makes sense to me, having regard to the requirements and goals of national policy. Thus before we submit anything formally in the guise of a Sequential Test perhaps we could have a further conversation please?

S106 preparation

I am keen to discuss heads of terms for the preparation of the above with you. I am assuming that obligations and any commuted sums would be in the same vein as those on "The Cottage" site to the north which gained planning permission last year. If you could let me know I would be grateful.

Should you have any questions on the above or attached please do not hesitate to contact me.

Kind regards,

Nigel

Nigel Jarvis | MRTPI | Director

Luken Beck, 30 Carlton Crescent, Southampton SO15 2EW
www.lukenbeck.com

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