

From: Anita Gardner
Sent: 21 February 2019 16:53
To: Planning.Responses
Subject: FW: Application CM/ 4/19/PL - Climping Crematorium

Please treat as a rep

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Save the environment - think before you print.

From: Lisa Jackson [REDACTED]
Sent: 20 February 2019 15:58
To: Anita Gardner
Cc: Simon Davis; [REDACTED]
Emma Randall
Subject: Application CM/ 4/19/PL - Climping Crematorium

Dear Ms Gardner,
Please find attached a letter and enclosure with observations and comments regarding the above application.

I would be grateful if you could please confirm receipt of this email and attachment?

Kind regards,
Lisa

Lisa Jackson
Jackson Planning Ltd
[REDACTED]

Fox Barn, Lower Chute,
Andover, Hants, SP11 9DU



JACKS N' LADN'G

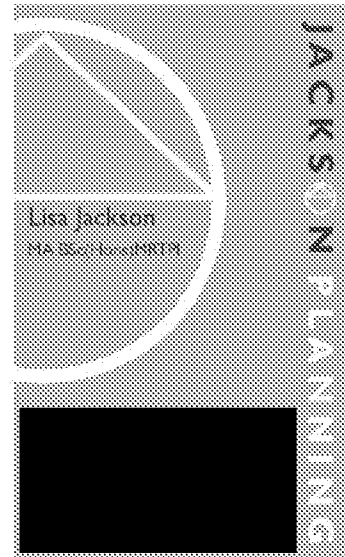
By email only

Copies to Andrew Tice, Landlink and Simon Davis ADC

Attached –Campbell Reith Letter re FRA

February 20, 2019

Anita Gardner
Arun District
Council Offices
Maltravers Road
Littlehampton
West Sussex
BN17 5LF



Dear Ms Gardner,

Planning Application CM/4/19/PL Crematorium Proposal

I refer to the above application submitted by Southern Co-op Ltd on land south of the A259 reference CM/4/19/PL. This letter and enclosures concern observations regarding the Flood Risk Assessment for the above application. I act for the applicants of the 'rival' planning application by Landlink Estates Ltd reference Y/103/18/PL.

I enclose a letter from Campbell Reith Hill LLP, Consulting Engineers, who completed the Flood Risk Assessment (FRA) for application Y/103/18/PL. The enclosed letter raises issues about the completeness of the FRA carried out on behalf of the Southern Co-op in support of their planning application. A key question over the FRA is the robustness of the so called 'sequential test' that has been applied to the application proposal.

The DEFRA and EA Standing Advice on Flooding regarding the sequential test is clear: *"The sequential test compares the site you're proposing to develop with other available sites to find out which has the lowest flood risk."* The advice goes on to explain: *"Contact your local planning authority to discuss what the search area should be for alternative sites for your development."*

Potential alternative sites

Within the area you've agreed with your local planning authority, look for sites that could be suitable for your development."

Had the applicants completed this stage they would have been able to properly meet the requirements of the sequential test by including within the alternative site assessment the application site submitted by Landlink Estates Ltd. This site is a commercially available alternative located within Flood Zone 1.

The standing advice states *"You need to conclude whether any of the alternative sites you have identified have a lower risk of flooding than your proposed site."* Had the FRA and alternative site search included the Landlink proposal it would need to conclude that there was an alternative site with a lower flood risk.

With regard to the duty to consider the sequential test the NPPG advises: *"It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential*

Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere."

Paragraph: 034 Reference ID: 7-034-20140306 Revision date: 06 03 2014

The second key point with respect to the FRA relates to the last sentence of the excerpt above and the fact that the submitted FRA appears to omit any analysis of the effect of the proposed development on off-site flood risk.

The updated need report by Peter Mitchell Associates provided in support of the Landlink Estates application (and previously copied to you) confirms that two crematoria could not both operate at the locations chosen by Landlink and Southern Co-op. The report is categorical that the market need is for only one facility.

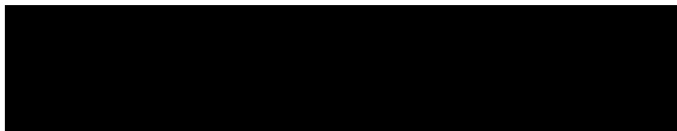
Given the need for an additional single crematorium can be met by the Landlink proposal within Flood Zone 1 there is no need to approve development for the same facility within Flood Zones 2 and 3. It would be counter to your adopted Local Plan, and national advice in the NPPF and NPPG to support the Southern Co-op proposal whilst knowing that the Landlink proposal could meet the need for the facility outside flood zones 2 and 3.

The suggestion by some commentators that permission should be given to both applications and the market should decide does not follow the National Policy Framework and Guidance and your own Adopted Arun Local Plan policy regarding the sequential test on flooding.

The Southern Co-op proposal appears to be in great difficulty when judged against the policies of the Adopted Arun Local Plan, as it cannot meet the requirements of policy with Local Plan Policy W DM2 as the proposal for a crematorium can be met outside of Flood Zones 2 and 3 as the Landlink application clearly demonstrates.

I hope this information is helpful for the determination of the application, but should you have any questions on the content of this letter or the attached letter by Campbell Reith Hill LLP please do not hesitate to contact me.

Yours sincerely

A large black rectangular redaction box covering the signature area.

Lisa Jackson MA BSc MRTPI

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DSds190220_SouthernCoop

20th February 2019

Lisa Jackson
Jackson Planning Ltd
Fox Barn
Hatchett Hill
Andover
SP11 9DU

Dear Lisa

PLANNING APPLICATION CM/4/19/PL – CLIMPING CREMATORIUM FLOOD RISK ASSESSMENT

Further to our instruction from Landlink Estates Limited (Landlink) to review the Flood Risk Assessment (FRA) in the detailed planning application submitted by Southern Co-op for a crematorium (reference CM/4/19/PL), there are three principal areas where information appears to be missing from the submitted FRA and these are precluding a thorough review of the FRA undertaken for the site.

Sequential Test

Section 3.3.3 of the FRA acknowledges that a Sequential Test is required for the Climping Crematorium because the majority of the site is within Flood Zones 2 and 3.

The FRA notes that the Sequential Test has been undertaken through the Chapman Lily Alternative Sites Assessment (undated) "...demonstrating that there are no reasonably alternative sites that are subject to a lower level of flood risk.". Based on the submitted information, we cannot see how this dual function has been achieved because the Chapman Lily report appears to have been prepared for a different purpose.

The focus of the Chapman Lily assessment is about identification of a technically and commercially suitable site for the proposed development; hence is one of refining down a search from a large area to the preferred site whereas functionally, the trigger for a Sequential Test is commonly only activated once the preferred site has been identified and an FRA has commenced (hence you would go from a single site to consideration of a wider geographic area).

This interpretation is supported by the following apparent omissions / departures from NPPF guidance regarding Sequential Tests, and Arun District Council Policy:

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- i. A requirement of the NPPF with respect to Sequential Tests is that the applicable criteria, scope of search area and location of potential allocated or windfall sites is discussed with the local planning authority. There is no evidence to suggest that the Chapman Lily assessment did this. If this is the case, the Sequential Test is not compliant with the NPPF guidance and the application is also not compliant with Local Plan Policy W DM2(a). Points (ii) to (v) below are directly linked to the scope of the Sequential Test.
- ii. Flood risk was not a locational criteria in paragraph 4.7 the Chapman Lily Alternative Sites Assessment and is only mentioned in places within some of the search area analysis.
- iii. The exclusion of some search areas (e.g. Area 1 on Page 14) appears very light on explanation ("...access is made difficult by the raised carriageway over the railway line...") and this may prematurely prohibit consideration of whether there would be any sites in such areas that are at a lower risk of flooding.
- iv. There is an inconsistent approach to criteria used to discount certain areas, which makes interpretation of why areas were discounted very difficult in the context of a Sequential Test. For example, visual impact and agricultural land quality are used on occasions but not against all of the search areas.
- v. There is no information on what 'research' was undertaken by Chapman Lily regarding the availability of land within the respective search areas. As above, this lack of established methodology makes interpretation of the adequacy of the Sequential Test very difficult.
- vi. When contact was made with a landowner as referenced in paragraph 6.20, there is no consideration or discussion of alternative sites within areas 6 and 7. The assessment just notes why the application site was selected. This falls short of the requirements to consider land at lower risk of flooding within these two areas.
- vii. There is no indication that the Applicant has considered the layout of development within the site itself (to locate development within areas of lowest flood risk).

Significantly, in paragraph 6.8, the Alternative Sites Assessment identifies that there is at least one suitable site which is at a lower risk of flooding than the Climping Crematorium site. The assertion in paragraph 6.8 that this site was not available is considered incorrect as there is an alternative Crematorium proposal by Landlink Estates Ltd (Planning Reference Y/103/18/PL) which is wholly within Flood Zone 1.

Assessment of off-site flood risk

The FRA focusses on flood resilience for the Proposed Development, particularly with respect to coastal (tidal) flood risk however there is no apparent assessment of the risk of off-site flooding from the Proposed Development, attenuation or discharge of storm water flows.

It may be the case that this is covered within other planning application documents because swales are shown on the site layout plan but the apparent lack of an assessment on the risk of off-site flooding is a substantial omission that makes interpretation of the FRA very difficult and falls short of the requirements of the NPPF and Policy W DM2(b).

In addition, as highlighted in the consultation response from Arun District Council Engineer (14 February 2019), it is noted that the conclusion within Section 2.4.2 of the FRA stating that *'...soakage rates are too low to support infiltration drainage.'* may be premature in advance of winter groundwater monitoring at relevant depths.

Climate change allowances for tidal flooding

It is not clear within the FRA whether the projections of tidal flood levels across the site have taken account of increases due to climate change. If these have not been taken into account, the projected flood levels associated with a breach could be somewhat higher than reported in the FRA. We would envisage that the District Council needs to satisfy itself that this information has been provided to allow this assessment in full.

Yours sincerely



DAVID SMITH
For and on behalf of **CAMPBELL REITH HILL LLP**