



Land to the east of 29 Harbour Road, Pagham

NPPF: Sequential and Exception Tests

For Pagham Beach (Holdings) Ltd

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Land to the east of 29 Harbour Road, Pagham	
Project	NPPE: Sequential and Exception Tests
Client	Pagham Beach (Holdings) Ltd
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EXECUTIVE SUMMARY

The development proposals should be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF.

The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.

No 'reasonably available' alternative sites have been identified. In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site proposals will reuse an existing brownfield development, and is well located within the community and countryside. It will help the growth of the regional economy and will provide direct and indirect employment opportunities.

These outcomes will provide wider sustainability benefits to the community that outweigh flood risk and will deliver considerably wider sustainability benefits than could conceivably be achieved through use of the site for a residential development.

1.0 INTRODUCTION

1.1 Background

This Sequential and Exception Test has been prepared by KRS Environmental Limited at the request of Pagham Beach (Holdings) Ltd to support a planning application for the proposed development of land to the east of 29 Harbour Road, Pagham.

A Flood Risk Assessment (FRA) has been undertaken for the site. The FRA has been carried out in accordance with guidance contained in the National Planning Policy Framework (NPPF)¹ and associated Technical Guidance². The FRA identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks will be managed so that the development remains safe throughout the lifetime, taking climate change into account.

It is recognised that developments which are designed without regard to flood risk may endanger lives, damage property, cause disruption to the wider community, damage the environment, be difficult to insure and require additional expense on remedial works. The development design should be such that future users will not have difficulty obtaining insurance or mortgage finance, or in selling all or part of the development, as a result of flood risk issues.

1.2 National Planning Policy Framework (NPPF)

One of the key aims of the NPPF is to ensure that flood risk is taken into account at all stages of the planning process; to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk using the sequential risk-based approach of which the Sequential and Exception Tests are central to.

The NPPF advises that where new development is exceptionally necessary in areas of higher risk, this should be safe, without increasing flood risk elsewhere, and where possible, reduce flood risk overall.

The Sequential Test is designed to demonstrate that there are no 'reasonably available' sites in areas with a lower probability of flooding that would be appropriate for this type of development or land use. The Sequential Test will analyse the probability of flooding on alternative sites identified, and form an opinion as to the suitability of the proposed use on each of the sites given the associated flood risk to each site.

The Exception Test is designed to demonstrate that the proposed development provides wider sustainability benefits to the community that outweigh flood risk and the development will be safe for its lifetime.

1.3 Report Structure

This report has the following report structure:

- Section 2 details the sources of information that have been consulted;
- Section 3 describes the location area and the existing and proposed development;
- Section 4 defines the evidence base used in this assessment;

¹ Department for Communities and Local Government (2012) National Planning Policy Framework.

² Department for Communities and Local Government (2012) Technical Guidance to the National Planning Policy Framework.

- Section 5 details alternative sites;
- Section 6 undertakes the sequential test;
- Section 7 undertakes the exception test; and
- Section 8 presents a summary and conclusions.

2.0 SOURCES OF INFORMATION

2.1 Discussion with Regulators

Consultation and discussions with the relevant regulators have been undertaken during this FRA including the Environment Agency, the Local Planning Authority (LPA), and Sewerage Undertakers.

2.1.1 Environment Agency

The Flood and Water Management Act 2010 gives the Environment Agency a strategic overview role for all forms of flooding and coastal erosion. They also have direct responsibility for the prevention, mitigation and remediation of flood damage for main rivers and coastal areas. The Environment Agency is the statutory consultee with regards to flood risk and planning.

Environment Agency Flood Risk Standing Advice for England – National Version 2.0, the NPPF and Technical Guidance to the NPPF has been consulted and reviewed during this FRA. This has confirmed the level of FRA required and that a surface water drainage assessment is to be undertaken. Information regarding the current flood risk at the application site, local flood defences and flood water levels has been obtained from the Environment Agency.

Correspondence has been received from Jon Denman FCRM Officer at the Environment Agency (see Appendix 1).

2.1.2 Arun District Council

Arun District Council is the Local Planning Authority (LPA). Planning guidance written by Arun District Council regarding flood risk was consulted to assess the mitigation policies in place.

The Arun District Council Strategic Flood Risk Assessment (SFRA) which covers the site has been reviewed.

Discussions were held with Simon Davis of Arun District Council with regards to the application of the Sequential Test in accordance with the NPPF. It was confirmed that the geographical area used within the Sequential Test should be limited to the Pagham Parish/Ward area.

3.0 LOCATION & DEVELOPMENT DESCRIPTION

3.1 Site Location

The site is located on land to the east of 29 Harbour Road, Pagham (see Drawing 1). The National Grid Reference (NGR) of the site is 489018, 97259.

The site comprises a piece of land covering an area of approximately 0.10 hectares (ha) or 1000m².

3.2 Existing Development

The site currently comprises a boat and yacht storage compound with adjacent car parking.

3.3 Proposed Development

It is understood that the proposals are for the erection of 3 detached bungalows, each with deck, garage and parking. The finished floor and threshold levels of the dwellings will be located at 5.50mA above Ordnance Datum (mAOD).

Further details with regard to the proposed development can be found in the accompanying information submitted with the planning application.

3.4 Housing Land Supply

The NPPF requires that LPA should identify a year rolling supply of specific deliverable sites for housing, sufficient to meet their identified housing requirements as set out in the development plan (plus an additional buffer of 5%) and that Annual Monitoring Reports should be prepared confirming the availability of sufficient land to meet the targets set out in the development plan.

Arun District Council has adopted a target of 580 (average) dwellings each year over the plan period, with a target of 455 (average) dwellings each year for the period to 2018/19. However, the Coastal West Sussex sub-regional Strategic Housing Market Assessment (SHMA) was published in November 2012. The SHMA suggested housing numbers ranging from 600-750 dwellings annually based on migration trends; this reduced to 510-700 dwellings annually in the Updated Demographic Projections report. Housing numbers based on employment-led scenarios in the SHMA were higher at 760-890 dwellings annually, and these figures increased to 850-970 dwellings annually in the update.

It can be seen that in the short term at least it will be difficult to achieve these targets due to market conditions such that developers are unwilling to develop sites where the rate of house sales remain at relatively low levels. Additionally, in the present housing climate there is an increased risk of delays to building completions.

Historically, a significant proportion of housing development across the district has come forward on small sites suitable for less than 6 dwellings, comprising small infill sites, changes of use and conversions. Given the compelling evidence of historic completion rates and expected future trends of housing delivery sites suitable for less than 6 dwellings (excluding residential gardens), it is clear therefore that windfall site such as this site will remain a small but important element of the provision of the required new houses.

4.0 DEFINING THE EVIDENCE BASE

4.1 Approach

The approach identified within the Environment Agency Standing Advice: Demonstrating the Flood Risk Sequential Test for Planning Applications has been used to define the evidence base.

4.2 Geographical Area

The Sequential Test has been applied over the whole of the Pagham Parish/Ward area as discussed with Arun District Council.

4.3 Source of Reasonable Available Sites

The source of 'reasonably available' alternative sites has been taken from the site identified within the Arun District Strategic Housing Land Availability Assessment Update 2012 (see Table 1) which forms the evidence base/background documents for the emerging Local Development Framework (LDF). This document provides an overview of land in Arun District with the potential for housing development in the short and medium-to-long terms. Arun District Council has reviewed each site submitted by considering its availability, developability and deliverability.

The 'reasonably available' sites are known to the LPA and meet the functional requirements of the application which includes:

- Can be developed with the minimum adverse impacts on local communities.
- Being suitable in terms of characteristics, location and distribution for the proposed uses.

Table 1 contains a list of all the sites in the Pagham Parish/Ward submitted to, and assessed by Arun District Council for consideration in the 2012 SHLAA for the emerging Local Plan. There have been 25 sites in the Pagham Parish assessed by Arun District Council as part of the SHLAA.

4.4 Comparing Flood Risk

The flood risk between at each of the sites has been compared by using the Environment Agency Flood Zone map. The Arun District Council SFRA and the West Sussex County Council Preliminary Flood Risk Assessment (PFRA) have been used to provide detail on the flood risk at the site as well as detailing flood risk from other sources such as surface water flooding, sewer flooding and groundwater flooding.

Table 1 - Alternative Sites in Pagham as identified in the 2012 SHLAA

Site Code	Site Name/Location
P/54/08	St Ninian's Church
27	Land to the west of Osborne Refrigeration
31	Land at Sefter Road
69	Land at Pagham Road & Summer Lane
117	Land west of Pagham Road
P15	Land north west of Hook Lane
P20	Pinecroft Stables, Copthorne Way
121	Pagham Sports Ground
P1	Land south of Harbour Road
P2	Land north of Harbour Road
P3	Land north of West Front Road
P4	Sandy Road Car Park
P5	Land west of Pagham Road
P6	Land at The Green
P7	King's Haven, King's Drive
P8	7-8 Arun Way
P12	Fairhaven, Nyetimber Lane
P14	Car Park opposite Bear Inn, Pagham Road
P16	Land at Nyetimber Crescent
P18	Land at Hook Lane & Sefter Road
P19	Copthorn Caravan Park, Rose Green Road
P11a	105 Willowhale Cottage, Nyetimber Lane
P11b	Garage Compound adj to 50, 52 and 54 Elbridge
P9	Land at Valentines Garden
P10	Land to the front of 24-28 Elbridge Crescent

5.0 THE SEQUENTIAL APPROACH

5.1 Introduction

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

The NPPF and Technical Guidance to the NPPF were published in March 2012. The NPPF sets out the Government's National policies on land use and flood risk. A sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the NPPF and should be applied at all levels of the planning process.

Local planning authorities should apply the sequential approach as part of the identification of land for development in areas at risk of flooding.

The sequential approach is a simple decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. LPAs should make the most appropriate use of land to minimise flood risk, substituting land uses so that the most vulnerable development is located in the lowest risk areas. They should also make the most of opportunities to reduce flood risk, e.g. creating flood storage and flood pathways when looking at large scale developments.

The aim should be to keep all development out of medium and high flood risk areas (Flood Zones 2 and 3 and other areas affected by other sources of flooding) where possible.

However, if there are no 'reasonably available' sites in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources as indicated by the SFRA.

The test also requires demonstration of the 'reasonable availability' of sites and those sites in areas with a lower probability of flooding 'would be appropriate to the type of development or land use proposed' which would clearly include the suitability of land with a lower flood risk in terms of planning balance as well as availability.

The Sequential Test therefore seeks the allocation of land for development in flood areas of least risk where practicable (i.e. steer towards Zone 1 preferentially). It would appear that developers should also have regard to the Sequential Test when evaluating sites where LDDs have not been subject to SFRA and/or the Sequential Test and where it is necessary to demonstrate that there are no alternative sites with a lower probability of flooding for the given end use.

The site has been assessed against all other available alternative sites which could be suitable for the proposed development. In identifying alternative sites, reference has been made to the site identified sites within the SHLAA.

In undertaking the Sequential Test the consideration of flood risk against other issues including access, traffic, people, landscape, water environment, ecology, environmental and other planning issues has been undertaken. This is in line with guidance within the NPPF.

5.2 Vulnerability Classification

A review of the Environment Agency's Flood Zones indicates that approximately 50% of the site is located within Flood Zone 1 and therefore has a 'low probability' of tidal flooding as shown in Drawing 2, with a less than 1 in 1000 annual probability of sea flooding in any year (<0.1%).

However, approximately 50% of the site is located within Flood Zone 3 and therefore has a 'high probability' of tidal flooding as shown in Drawing 2, with a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

The Environment Agency Flood Zones and acceptable development types are explained in Table 2. Table 2 (highlighted in green), shows some development types are generally acceptable in Flood Zone 3.

In the Technical Guidance to the NPPF (Table 1) appropriate uses have been identified for the Flood Zones. Applying the Flood Risk Vulnerability Classification in Table 2 and 3 of the Technical Guidance to the NPPF, the proposed development is classified as 'more vulnerable'.

Table 3 of this report and Table 3 of the Technical Guidance to the NPPF state that 'more vulnerable' uses are appropriate within Flood Zone 3 after the completion of a satisfactory FRA, the application of the Sequential and Exception Tests.

Table 3 confirms that the Exception Test will need to be undertaken for this site as the proposed development is classified as 'more vulnerable'.

Table 2 - Environment Agency Flood Zones and Appropriate Land Use

Flood Zone	Probability	Explanation	Appropriate Land Use
Zone 1	Low	Less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%)	All development types generally acceptable
Zone 2	Medium	Between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% - 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% - 0.1%) in any year	Most development type are generally acceptable
Zone 3a	High	A 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year	Some development types not acceptable
Zone 3b	'Functional Floodplain'	Land where water has to be flow or be stored in times of flood. SFRA's should identify this zone (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1% flood, or at another probability to be agreed between the LPA and the Environment Agency, including water conveyance routes)	Some development types not acceptable

Table 3 - Flood Risk Vulnerability and Flood Zone 'Compatibility' as identified in Table 3 of the Technical Guidance to the NPPF

Flood Risk Vulnerability classification(see Table 1 of the Technical Guidance to the NPPF)	Essential Infrastructure	Water Compatible	Highly Vulnerable	More Vulnerable	Less Vulnerable
Zone 1	✓	✓	Yes	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	x	Exception test required	✓
Zone 3b 'Functional Floodplain'	Exception test required	✓	x	x	x

Key:

✓: Development is appropriate, x: Development should not be permitted.

5.3 The Approach

Having regard to the guidance within the NPPF with respect to the Sequential Test, the test has been approached by the applicant using the standing advice provided by the Environment Agency, which is provided via www.pipenetworking.com. This details the evidence required to demonstrate that the Sequential Test as has been properly applied. This evidence is based around four question, these are set out in Section 6.0 together with the Pagham Beach (Holdings) Ltd response.

In applying the Sequential Test, the NPPF recognises that the alternative sites being considered in the test 'would be appropriate to the type of development or land use proposed'. Insofar as sites matching the functions and land use proposed might first be sought elsewhere in the area, the Sequential Test has therefore been applied throughout the Pagham Parish/Ward area.

5.4 Criteria for Alternative Site Selection

Criteria for alternative sites have been identified in the site selection process. These criteria are based on the type of development proposed. The approach is consistent with the NPPF. The criteria adopted are as follows:

- 1) The alternative sites should be consistent with sustainability objectives. In this case, to provide a residential development with Pagham Parish/Ward area;
- 2) Alternative should not already have planning permission;
- 3) Have a comparable yield to the subject site i.e. 1 - 6 dwellings; and
- 4) Alternative sites have to be developable within a year.

5.5 The Alternative Sites Selected

In an attempt to find alternative sites, consideration has been given to the sites identified within the SHLAA.

Table 2 contains a list of all the sites in the Pagham Parish/Ward area submitted to, and assessed by Arun District Council for consideration in the 2012 SHLAA for the emerging Local Plan. There have been 25 sites in the Pagham Parish/Ward areas as assessed by Arun District Council as part of the SHLAA (see Appendix 2).

The SHLAA provides an overview of land in the Arun District with the potential for housing development in the short and medium-to-long terms. Arun District Council has reviewed each site submitted by considering its availability, developability and deliverability. Those sites that pass these three tests may be considered to meet housing supply; those that do not are rejected (see Table 4).

Of these sites, one St Ninian's Church was considered within the SHLAA as being within the built up area boundary and suitable for housing development. However, the St Ninian's Church site is not 'reasonably available'. The St Ninian's Church site is over twice the size of the site at land to the east of 29 Harbour Road and planning permission has been granted (now lapsed) for 9 flats compared to the 3 bungalow proposed for this site. Also the availability of the St Ninian's Church site for development is unknown and many schemes like the St Ninian's Church site have been delayed until the market recovers, therefore the site is currently be unviable. The SHLAA identifies that the site will only be developable within the medium term i.e. not within a year. Taking this into account the St Ninian's Church site has been rejected as an alternative site.

The SHLAA identifies six sites as being outside the built up area boundary but potentially suited to housing development. However, these six sites are not 'reasonably available'. These six sites are much larger at 1.97ha to 207.33ha and the capacity is much larger at 55 – 430 dwellings compared to the site at land to the east of 29 Harbour Road. Planning policy constraints and physical constraints have also been identified which preclude the sites as alternatives sites. Two of the sites are at risk of coastal flooding, are located within Flood Zones 2 or 3 and the six sites are at risk of flooding from other sources especially groundwater flooding. Taking this into account these six sites have been rejected as alternative sites.

Within the SHLAA the remainder 18 sites were rejected as potential for future housing development for a variety of reasons including planning policy constraints, physical constraints and are at risk of flooding.

Therefore, of the 25 sites identified within SHLAA no other sites have been identified as an alternative site to the proposed development of land to the east of 29 Harbour Road.

Further details with regards to the alternative sites are provided in Table 4.

Table 4 - Alternative Sites in the Pagham Parish/Ward area as identified in the 2012 SHLAA

Site Code	Site Name/Location	Comment	Rejected within the SHLAA	Flood Zone	Other Sources of Flooding	Alternative Site
P/54/08	St Ninian's Church	Suggest yield is 9 and size is 0.26ha. Site previously had planning permission for 9 apartments which has lapsed. Also the availability is unknown	N*	1	Y	N
27	Land to the west of Osborne Refrigeration	Suggest yield is 55 up to 2023 and size is 1.97ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site is located within a Strategic Gap (Local Plan Policy AREA10). Development of the site would require demolition of existing buildings.	N**	1	Y especially groundwater	N
31	Land at Sefter Road	Suggest yield is 330 up to 2028 and size is 13.24ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site is located within a strategic gap (Local Plan AREA10). The site is currently in use and there is potential for contamination.	N**	1	Y especially groundwater	N
69	Land at Pagham Road & Summer Lane	Suggest yield is 100 up to 2023 and size is 3.52ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site lies within the Pagham Harbour SPA buffer. There are existing trees on site. Vehicular access. Potential for contamination.	N**	1	Y especially groundwater	N
117	Land west of Pagham Road	Suggest yield is 380 up to 2023 and size is 207.13ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site is partially located within the strategic gap (Local Plan Policy AREA10). Pagham Harbour SPA and RAMSAR are partially located within the site. There is potential for contamination. There are also high water levels in Bremere Rife which means lack of adequate drainage leading to water logging of agricultural land. Access is	N**	2, 3a and 3b	Y especially groundwater and local watercourses	N

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		also limited.				
P15	Land north west of Hook Lane	Suggest yield is 430 up to 2028 and size is 17.32ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site is located with a Strategic Gap (Local Plan Policy AREA10). Proximity to Pagham Harbour SPA and RAMSAR. The site is also located within a historic surface water area.	N**	2	Y especially groundwater	N
P20	Pinecroft Stables, Copthorne Way	Suggest yield is 135 up to 2023 and size is 5.05ha. The site is located outside of the settlement boundary within countryside where development for housing is not generally permitted except in particular circumstances and for specific uses (Policy GEN3). The site is located within the strategic gap (Local Plan Policy AREA10). The site is currently in use.	N**	1	Y especially groundwater	N
121	Pagham Sports Ground	The site is allocated for open space in the Local Plan therefore, the site not considered suitable for housing development.	Y***	1	Y	N
P1	Land south of Harbour Road	No confidence in the site being available and coming forward for development, because the site is in multiple ownership and is currently not being promoted for residential development.	Y***	1	Y	N
P2	Land north of Harbour Road	The site is not considered suitable for housing development; development would result in unacceptable loss of open space.	Y***	3	Y	N
P3	Land north of West Front Road	No confidence in the site being available and coming forward for development, because the site is in use and is not currently being promoted for residential development.	Y***	3	Y	N
P4	Sandy Road Car Park	The site has planning permission for retirement homes.	Y***	3	Y	N
P5	Land west of Pagham Road	Outside but adjoining the settlement boundary.	Y***	3	Y	N
P6	Land at The Green	The site is not considered suitable for housing development. The site does not currently offer a suitable location for development as it would result in unacceptable loss of important formal open space.	Y***	1	Y	N
P7	King's Haven, King's Drive	Planning permission granted for residential development.	Y***	1	Y	N

P8	7-8 Arun Way	No confidence in the site being available and coming forward for development, because the site is in multiple ownership and is currently not being promoted for residential development.	Y***	1	Y	N
P12	Fairhaven, Nyetimber Lane	No confidence in the site being available and coming forward for development, because the site is in multiple ownership and is currently not being promoted for residential development.	Y***	1	Y	N
P14	Car Park opposite Bear Inn, Pagham Road	No confidence in the site being available and coming forward for development, because the site is not currently being promoted for residential development.	Y***	1	Y	N
P16	Land at Nyetimber Crescent	Development would result in the loss of open space.	Y***	1	Y	N
P18	Land at Hook Lane & Seftor Road	The site is unsuitable as it is in use as open space with paly area.	Y***	1	Y	N
P19	Copthorn Caravan Park, Rose Green Road	Not considered suitable for housing development, the site is currently in use.	Y***	1	Y	N
P11a	105 Willowhale Cottage, Nyetimber Lane	Not a suitable location for development because development would adversely affect the setting for the listed building.	Y***	1	Y	N
P11b	Garage Compound adj to 50, 52 and 54 Elbridge	No confidence in the site being available and coming forward for development, because the site is in multiple ownership and is currently not being promoted for residential development.	Y***	1	Y	N
P9	Land at Valentines Garden	The site does not offer a suitable location for development because it would result in unacceptable loss of important formal open space. The site has not been promoted for development and ownership details area unknown.	Y***	1	Y	N
P10	Land to the front of 24-28 Elbridge Crescent	The site is not a suitable location for development because it is important open space and is constrained by the properties fronting onto it.	Y***	1	Y	N

Notes:

* site within the built-up area boundary with potential for housing development within the SHLAA

** site outside the built-up area boundary with potential for housing development within the SHLAA

*** site rejected as being suitable for housing development within the SHLAA

5.7 Summary of the Alternative Sites Selected

No 'reasonably available' alternative sites have been identified.

5.8 Site Sequential Approach

The sequential approach has been applied within the development site by locating the most vulnerable elements of the development in the lowest risk areas. The most vulnerable use, the buildings, have been situated further away from the tidal flood risk source and on the higher part of the site at a lower risk of flooding with the more flood-compatible uses such as the car parking/landscaped areas being situated nearer the tidal flood risk source on the lower part of the site at a higher risk of flooding.

The dwellings have been located on the area of the site with higher ground levels. Ground levels rise towards the north of the site.

6.0 THE SEQUENTIAL TEST

6.1 Background

The evidence required for the Sequential Test as stated in the Environment Agency's standing advice, which is reproduced here, is based around four questions. These are set out below together with the responses that apply in the case of the site proposals.

Question 1

'Is the proposed development consistent in location, type and scale with an allocated site from a development plan which has already been sequentially tested (i.e. has the flood risk Sequential Test already been carried out for this site at a strategic level?)'

The site is located at land to the east of 29 Harbour Road, Pagham. The site has not been allocated and identified within any Arun District Council planning documents. The land has not, therefore, been the subject of a Sequential Test carried out at a strategic level.

Therefore, the answer to this question is **No**.

The Environment Agency advises that where the answer to this question is no, the Sequential Test should proceed to Question 2.

Question 2

'Does the application site fall within an area identified to take 'windfall' development that has been agreed as part of the development plan and in association with a Strategic Flood Risk Assessment (SFRA)?'

The site is located at land to the east of 29 Harbour Road, Pagham. The site has not been allocated and identified within any Arun District Council planning documents. The land has not, therefore, been the subject of a Sequential Test carried out at a strategic level.

Therefore, the answer to this question is **No**.

The Environment Agency advises that where the answer to this question is no, the Sequential Test should proceed to Question 3.

Question 3

'Does the LDD or background documents contain 'reasonably available', alternative site allocations that are situated in a lower flood risk zone?'

The Sequential Test alternative site selection process undertaken in Section 5.5 has identified a very limited range of potential residential developments sites situated in a lower flood zone. None of these are considered to be 'reasonably available'.

No other 'reasonably available' sites, situated in a lower flood zone have been identified. Therefore the answer to this question is **No**.

The Environment Agency advises that where the answer to this question is no, the Sequential Test should proceed to Question 4.

Question 4

'Does the development plan or the background documents used to identify potential development plan allocation sites, contain alternative 'reasonably alternative' sites that are within the same Flood Zone and subject to a lower probability of flooding from all sources as detailed by the SFRA?'

The Sequential Test alternative site selection process undertaken in Section 5.6 has identified a very limited range of potential sites within the same Flood Zone. None of these are considered to be 'reasonably available'.

No other 'reasonably available' sites, situated in Flood Zone 3 and subject to a lower probability of flooding from all sources have been identified.

Therefore the answer to this question is **No**.

The Environment Agency advises that where the answers to questions 3 and 4 are **No**, the Sequential Test has been passed.

6.2 Summary

The development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF.

7.0 THE EXCEPTION TEST

7.1 Introduction

If, following application of the Sequential Test, it is not possible, 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 the site 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.

7.2 Wider Sustainability Benefits

The key emphasis of the NPPF is to achieve sustainable development. The NPPF provides the following aims under the umbrella of sustainable development.

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of mineral

The development proposal sufficiently provides wider sustainability benefits to the community that outweigh the potential flood risk.

The site is sustainable and within walking distance of the local community, facilities and services. The development of the site will improve the appearance of the site and make a positive contribution to the street scene as well as providing much needed residential accommodation in a highly sustainable location well-served by public transport and close to local facilities.

It is considered that the proposals for the site offers both environmental and economic benefits which accord with the principles of design and sustainable development, as set out in the NPPF. The proposed development will contribute to the economic function of the local community.

The site will contribute to reducing emissions by providing environmentally friendly facilities. The site accords with the NPPF to assert a presumption that appropriate development may be allowed in settlement boundaries.

In respect of landscape impact and effect the scheme aims to conserve and enhance the character of the landscape. The proposals would not materially impact on the character of the landscape therefore, it would be preserved.

The landscape impact will be low on this site and surrounding area already has the infrastructure to deal with residential development. The existing transport infrastructure will be utilised and there will be no need for new infrastructure near the site.

The proposed use reflects Planning Policy (National, Regional, and Local) with respect to encouraging and retaining employment uses whilst supporting local industry.

In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site proposals will reuse an existing brownfield development, and is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities.

These outcomes will provide wider sustainability benefits to the community that outweigh flood risk and will deliver considerably wider sustainability benefits than could conceivably be achieved through use of the site for residential development.

The development proposals should therefore be considered by the LPA to satisfy the first condition of the Exceptions Test as set out in the NPPF.

7.3 Safe, with increasing flood risk elsewhere

The FRA has demonstrated that the development will be safe, without increasing flood risk elsewhere.

7.4 Summary

The development proposals should therefore be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

8.0 SUMMARY AND CONCLUSIONS

7.1 Introduction

This report presents the Sequential and Exception Tests in accordance with the NPPF for the proposed development of land to the east of 29 Harbour Road, Pagham.

7.2 Sequential Test

No 'reasonably available' alternative sites have been identified. The development proposals should therefore be considered by the LPA to satisfy the Sequential Test as set out in the NPPF.

7.3 Exception Test

In conclusion, it is felt that the development will have wider sustainability benefits to the community that outweigh flood risk. The site proposals will reuse an existing brownfield development, and is well located within the community and settlement boundary. It will help the growth of the regional economy and will provide direct and indirect employment opportunities.

These outcomes will provide wider sustainability benefits to the community that outweigh flood risk and will deliver considerably wider sustainability benefits than could conceivably be achieved through use of the site for a residential development.

The development proposals should therefore be considered by the LPA to satisfy the Exception Test as set out in the NPPF.

7.4 Conclusion

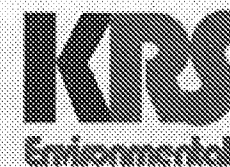
The development proposals should therefore be considered by the LPA to satisfy the Sequential and Exception Tests as set out in the NPPF.

The development should not therefore be precluded on the grounds of flood risk and is compliant with the requirements of the NPPF.



KEY

 The Site



Land to the east of 29 Harbour Road,
Pagham

PROJECT

Pagham Beach (Holdings) Ltd

CLIENT

Site Location

TITLE

KRS.0030.001

PROJECT REF

1

DRAWING NO

1:10,000@A3

SCALE

October 2013

DATE

DRAWING 2 – Environment Agency Flood Zones



KEY

-  The Site
-  Flood Zone 3
-  Flood Zone 2
-  Flood Zone 1
-  Flood Defences



Land to the east of 29 Harbour Road,
Pagham

PROJECT

Pagham Beach (Holdings) Ltd

CLIENT

Environment Agency Flood Zones

TITLE

KRS.0030.001

PROJECT REF

2

DRAWING NO

NTS@A3

SCALE

October 2013

DATE

APPENDIX 1 – Environment Agency Correspondence

Simon Davis
Arun District Council
Arun Civic Centre (1) Maltravers Road
Littlehampton
West Sussex
BN16 9SA

Our ref: HA/2013/114685/01-L01
Your ref: PAA/66/13
Date: 24 September 2013

Dear Simon

ERECTION OF 3 DETACHED BUNGALOWS EACH WITH DECK, GARAGE AND PARKING

LAND TO EAST OF 29 HARBOUR ROAD, PAGHAM

Thank you for your recent enquiry regarding the above proposed development which is partly located in Flood Zone 3, defined as having a high probability of flooding from rivers or the sea.

The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Paragraph 101 of the NPPF states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The PPS25 Practice Guide which still exists provides more detailed advice on carrying out the Sequential Test including defining the geographical area. In relation to your enquiry paragraph 4.27 of the Practice Guide clarifies that it is the responsibility of the developer to assemble the evidence for their application to allow the LPA's planning officer to carry out the Sequential Test.

Should the Sequential Test be deemed passed, as the proposal is for a more vulnerable use the Exception Test should also be applied. Paragraph 102 of the NPPF sets out the requirements of the Exception Test.

We would expect the FRA to detail how flood-proofing measures would be incorporated into the proposed development. As the site is within tidal Flood Zone 3, finished floor levels should be set no lower than the 0.5% (1in200yr) tidal peak with climate change to 2115 plus 300mm freeboard. For Pagham this would be 4.8mAOD (plus the 300mm). This would require any development to be significantly raised above current ground levels.

The second part of the Exception Test requires a site specific Flood Risk Assessment (FRA) to demonstrate that the development will be safe for its lifetime. In relation to this raising finished floor levels would act to reduce flood risk to occupants, but a suitable

Environment Agency
Guildbourne House Chatsworth Road, Worthing, West Sussex, BN11 1LD.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

Emergency Flood Plan should be put in place to ensure safe access and egress is possible in a flood event. The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the FRA. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As a guide to assess what is considered safe we would refer you to a R & D document - Flood Risk Assessment Guidance for New developments FD2320/TR2 Table 13.1. This would also need to be considered within the FRA.

I hope the above is helpful but if you have any further queries please contact me.

Yours sincerely

Catherine McLeod
Sustainable Places Planning Advisor
Environment Agency

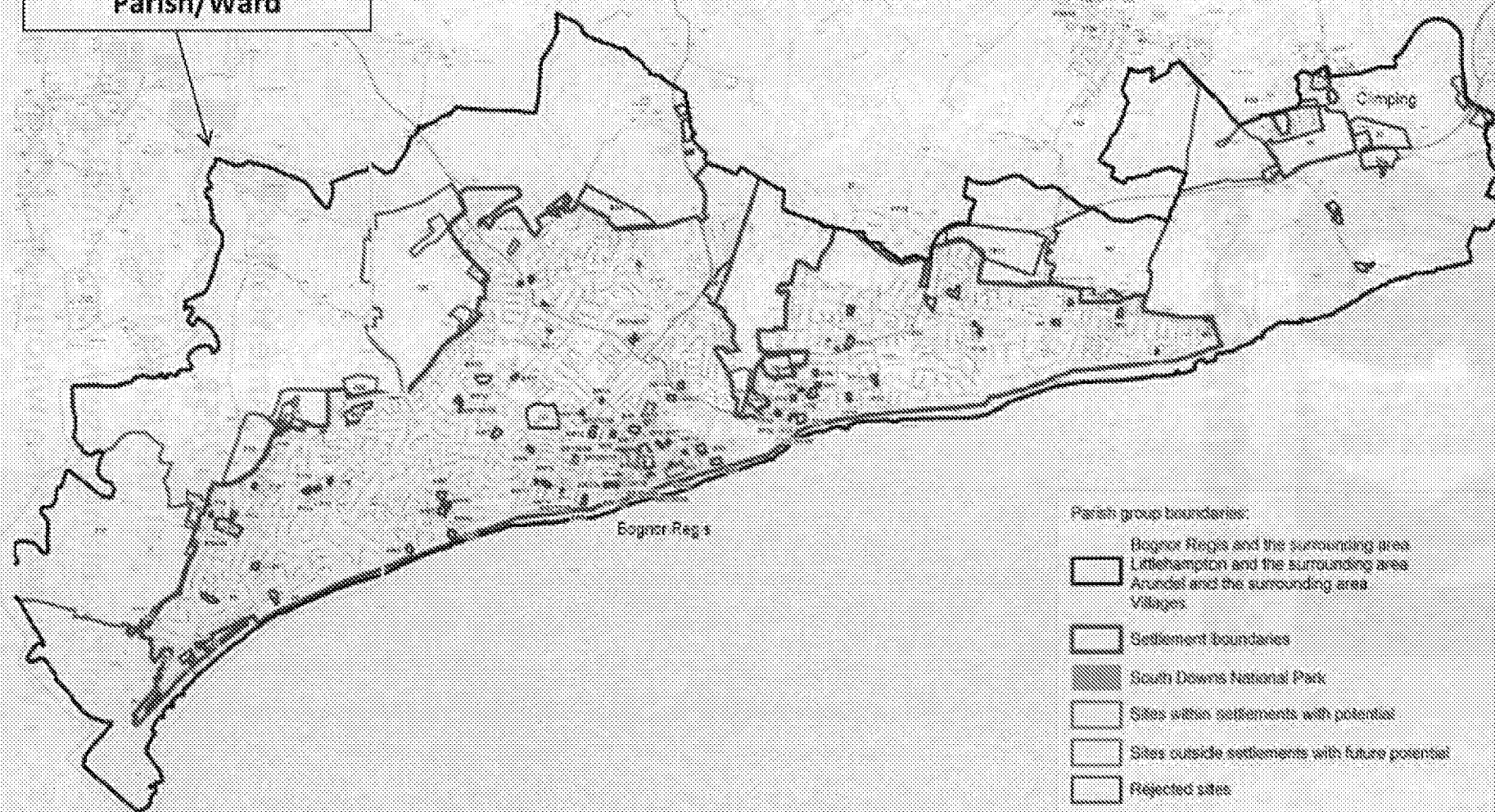


End

2

APPENDIX 2 – Alternative Sites

Sites identified within
the Pagham
Parish/Ward



Bogner Regis and the surrounding area

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