

**ADUR DISTRICT COUNCIL/ ENVIRONMENT AGENCY/WEST SUSSEX COUNTY
COUNCIL**

Memorandum of Understanding

Parties to the Agreement

The agreement involves the following authorities/ agencies:

- Adur District Council
- The Environment Agency
- West Sussex County Council (as Lead Local Flood Authority)

INTRODUCTION

Adur District Council (ADC) have prepared and submitted the Submission Adur Local Plan 2016 for examination. It is necessary for the Adur Local Plan to meet the requirements of the National Planning Policy Framework and Planning Policy Guidance. These include requirements in relation to flood risk, with a specific focus on the Sequential and Exception Test.

A number of sites were considered for inclusion in the plan, which, due to their location, necessitated a Sequential and Exception Test to be carried out. This, together with a Sustainability Appraisal, have played an important role in determining which sites have been allocated within the Adur Local Plan, and form an important part of its evidence base.

The parties named above have been working together for some time to ensure that the Adur Local Plan and Sequential and Exception Test, prepared and submitted by Adur DC, are fit for purpose.

In addition, updated climate change allowances were published by the Government in early 2016. These must also be taken into account and the approach to dealing with this issue is set out in the Submission Adur Local Plan Flood Risk Topic Paper (2016).

OBJECTIVES

This Memorandum of Understanding has the following aims:

- To demonstrate that the methodology and conclusions of the Sequential and Exception Test carried out and submitted by Adur District Council, which has informed the Adur Local Plan, are considered appropriate by the Environment Agency and West Sussex County Council, subject to site-specific flood risk assessments, where necessary, being prepared and submitted for approval at the detailed planning application stage.

- To demonstrate that the Environment Agency and West Sussex County Council do not raise any objections to the allocation of sites within the Submission Adur Local Plan 2016.
- To demonstrate that the approach taken by Adur District Council in relation to the Climate Change Allowances (2016) is considered appropriate by the Environment Agency and West Sussex County Council.

CURRENT POSITION

The Submission Adur Local Plan 2016 was submitted to the Planning Inspectorate on 20th October 2016. Hearing sessions will commence late January 2017.

Sequential and Exceptions Test (March 2016)

The document follows the steps outlined in the NPPF and Planning Practice Guidance.

- Chapter 2 provides information about the allocations including flood risk, flood defences, proposed and existing uses and the vulnerability classification related to these uses;
- Chapter 3 sets out the Sequential test for each location;
- Chapter 5 sets out the Exception test for development/ sites located within Flood Zone 3 and addresses the two main parts of the Exception Test which are as follows:
 - (i) Do the development proposals provide wider sustainability benefits to the community that outweigh flood risk?
 - (ii) Has a flood risk assessment been undertaken that demonstrates that the development will be safe for its lifetime, the residual risks of flooding to people and property (including the likely effects of climate change) are acceptable and can be satisfactorily managed?
- Appendix 1 of the document sets out additional sites that were considered through the Local Plan process, but not taken forward.

Several iterations of the document have been produced alongside earlier stages of the emerging Adur Local Plan; this has allowed both the Environment Agency and West Sussex County Council to comment and a number of changes have been made to the document as a result of these comments.

With regard to Part (ii) of the Exception Test, a number of recommended measures have been suggested for New Monks Farm and Shoreham Harbour based on recommendations from a number of key studies including the Adur & Worthing SFRA (2012), the Lancing Surface Water Management Plan (2015) and the New Monks Farm Interpretative Hydrogeological Report on Groundwater Levels and Influencing Factors (2014). However, given some of the complexities regarding these sites, particularly New Monks Farm, it is recognised that a significant amount of further detail will be required at the detailed design/planning application stage to satisfy the requirements of the Local Authority, the Environment Agency and West Sussex County Council.

The Environment Agency and West Sussex County Council agree that, as far as their respective remits for flood risk are concerned, they have encountered no critical uncertainties regarding the allocation of sites that would cause the Local Plan to be unsound.

Flood Risk Topic Paper

ADC have produced and submitted a Flood Risk Topic Paper (October 2016) as background evidence to help support the approach to development and flood risk in the Adur Local Plan. It builds upon correspondence and dialogue with the Environment Agency, West Sussex County Council (as the Lead Local Flood Authority) and the Council's own drainage engineers. It provides a clear overview of the following matters:

- 1) Why the Council has allocated for development a number of key sites within Part Two of the Adur Local Plan in areas at risk of flooding
- 2) How the approach to site selection and flood risk is consistent with national policy and guidance
- 3) The respective roles and responsibilities of Adur District Council, West Sussex County Council and the Environment Agency in assessing the impact of development on flood risk and the current position of these bodies in respect of flood risk in relation to the allocations in the Local Plan.
- 4) The flood risk issues involved with the allocations in the Adur Local Plan
- 5) The work that has currently been undertaken in respect of flood risk at these sites as well as ongoing and outstanding work.

In addition, a chapter is included in relation to the Climate Change Allowances (see below).

Both the Environment Agency and West Sussex County Council were consulted on draft versions of this document, and their responses taken account of in the final version.

CLIMATE CHANGE ALLOWANCES

The Government published updated guidance relating to Climate Change Allowances in February 2016, which affect fluvial flow and surface water allowances. The purpose of this guidance is to ensure an allowance for climate change is made in flood risk assessments to help minimise vulnerability and provide resilience to flooding and coastal change in the future. The allowances are based on climate change projections and different scenarios of carbon dioxide emissions into the atmosphere. There are different allowances for different epochs or periods of time over the next century. Whilst the guidance provides allowances for fluvial, surface water and tidal flood risks, the 2016 update only changed fluvial and surface water allowances.

The Adur and Worthing Strategic Flood Risk Assessment (SFRA) forms an important part of the evidence base supporting the Adur Local Plan. It was published in January 2012 to help inform the location of new development in the Local Plan area and satisfy the requirements of a Level 1 and Level 2 SFRA. The SFRA considers flooding from all sources, now and in the future, taking account of climate change (as assessed at that time). The SFRA also distinguishes between Flood Zones 3a and 3b.

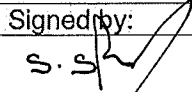


While the existing Adur SFRA will have to be amended to take account of these new allowances, the Environment Agency have advised that this update can take place next year

(2017) as it is not considered that the new allowances will have a significant effect on the allocations in the Local Plan. The reasons for this are set out in Part 9 of the Flood Risk Topic Paper.

AGREEMENT

It is agreed that:

- The Environment Agency and West Sussex County Council agree that, as far as their respective remits are concerned, the Adur Sequential and Exceptions Test is appropriate in its methodology and fit for purpose as part of the evidence base for the Adur Local Plan.
- The allocation of sites within the Adur Local Plan in areas of flood risk is considered to be justified and the Sequential Test and Exception Test (where required), as set out in the NPPF, have been passed at this stage (on the understanding that any future planning applications for these sites must be accompanied by detailed FRAs that will need to demonstrate that the final drainage strategy and flood risk mitigation meet the requirements of the relevant policies in the Adur Local Plan and the relevant paragraphs of the NPPF).
- The Flooding and Drainage Topic Paper (including Part 9: Climate Change Allowances) demonstrates that Adur District Council have adequately and appropriately taken the Climate Change Allowances fully into account.
- The Environment Agency and Adur District Council agree that, given the submission of the Adur Local Plan in October 2016, it is not necessary for the Adur and Worthing SFRA to be updated to accompany this Local Plan, or prior to commencement of the hearings.

	Signed by:	Position	Date
Adur District Council	 S. Shaw	HEAD OF BUSINESS & TECHNICAL REMITS	31 JAN 17
Environment Agency	 David Griggs	Planning Advisor	24 Jan. 17
West Sussex County Council	 R C Drabble	Flood Risk Engineer (Sustainable Drainage)	18 Jan. 17