



WORTHING LOCAL PLAN 2020- 2036

**Worthing Borough Council /
Environment Agency**

Statement of Common Ground

SUBMISSION

June 2021



**WORTHING BOROUGH
COUNCIL**

Worthing Borough Council / Environment Agency

Statement of Common Ground

Signatories:

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WORTHING BOROUGH
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1. Introduction

1.1 The purpose of this document is to address the issues raised by the Environment Agency in their representations to the Regulation 19 Submission Draft Local Plan. This includes comments relating to the flood risk sequential test more widely which have been separated out from comments relating to individual site allocations. The site allocations are listed below:

- Site Allocation A1 Beeches Avenue
- Site Allocation A2 Caravan Club, Titnore Lane
- Site Allocation A5 Decoy Farm
- Site Allocation A6 Fulbeck Avenue
- Site Allocation A7 Grafton
- Site Allocation A11 Stagecoach, Marine Parade
- Site Allocation A12 Teville Gate
- Site Allocation A13 Titnore Lane

1.2 In each section the concerns raised by the Environment Agency in their representation are copied along with a response from the Council and finally any proposed modifications to resolve the soundness issues raised.

2. The Sequential Test

2.1 Environment Agency Representation

In accordance with the National Planning Policy Framework (NPPF) [paragraph 14, footnote 9] inappropriate development in locations at risk of flooding should be restricted. This should be done by directing development away from areas at highest risk (NPPF para. 100) through the application of the Sequential Test (NPPF para. 101). Paragraph 022 of the Planning Practice Guidance requires that through the Sequential Test and Sustainability Appraisal process that where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decisions to allocate land in areas at high flood risk given in the Sustainability Appraisal report.

Whilst we acknowledge the supporting Flood Risk Sequential and Exceptions test paper, it is not clear in the emerging local plan as submitted how these sites have been through the process of sequential testing with regard to flood risk, and then ultimately taken forward within this plan.

At the very least the local plan should be signposting to any relevant supporting evidence which demonstrates that this process has been adhered to. However, as it stands the plan does not give that clarification or extra detail to demonstrate that the sequential test has been passed and therefore we find it unsound.

2.2 Council Response

2.2.1 The SDWLP Flood Risk Sequential and Exception Test was published alongside the Local Plan as a supporting document. This follows the methodology in the Planning Practice Guidance and has sought to develop this further to more fully consider all sources of flooding. In addition advice was sought and received from the Environment Agency to further develop the methodology for addressing windfall sites in response to their comments on the Sequential and Exception Test which accompanied the Draft Worthing Local Plan (2018).

2.2.2 In undertaking the sequential and exceptions test information has been drawn from and extracts copied from the published Sustainability Appraisal and Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) (2020). The Environment Agency were consulted on the Scoping Report for the Sustainability Appraisal and earlier iterations of the Report. We also worked closely with the Environment Agency in preparing the brief and technical specification for the SFRA.

2.2.3 The sequential test concluded that the majority of sites are located in Flood Zone 1 and these are the most sequentially preferable. However, due to the limited number of sites available, to ensure that every effort has been made to meet Worthing's full local housing need as far as is practicable and reasonable, all suitably available sites are required including those at risk of flooding. Even with these there is still insufficient capacity to meet

Worthing's full local housing need. Therefore it is considered that all the sites tested pass the sequential test, as required by the NPPF.

2.2.4 It also recognised that the majority of sites are only partly located in areas of high risk and so it may be possible to direct more vulnerable development uses to parts of the site where the risks are lower. This is included as a requirement in policy DM20 - Flood Risk and Sustainable Drainage.

2.3 Proposed Modifications to the Worthing Local Plan

2.3.1 To clearer signpost the process sequential testing with regard to flood risk and to demonstrate that the sequential test has been passed within the Local Plan the following modification is proposed to paragraph 4.1 of the Local Plan:

4.1 All sites included in this section have been assessed in detail through the Council's Strategic Housing Land Availability Assessment (SHLAA) ~~and~~, the Local Plan Sustainability Appraisal, **and the SDWLP Flood Risk Sequential and Exception Test.** Supported by these documents and other evidence, a conclusion has been reached that they should be allocated for development. **The sequential test concluded that the majority of sites are located in Flood Zone 1 and these are the most sequentially preferable. However due to the limited number of sites available, to ensure that every effort has been made to meet Worthing's full local housing need as far as is practicable and reasonable, all suitably available sites are required including those at risk of flooding. Even with these there is still insufficient capacity to meet Worthing's full local housing need. Therefore it is considered that all the above sites pass the sequential test, as required by the NPPF.**

3. Site Allocation A1 Beeches Avenue

3.1 Environment Agency Representation

The vulnerability of groundwater to pollution is determined by the physical, chemical and biological properties of the soil and rocks, which control the ease with which an unprotected hazard can affect groundwater.

Groundwater Source Protection Zones indicate the risk to groundwater supplies from potentially polluting activities and accidental releases of pollutants. Designated to protect individual groundwater sources, these zones show the risk of contamination from any activities that might cause pollution in the area. In this context they are used to inform pollution prevention measures in area which are at a higher risk and to monitor the activities of potential polluting activities nearby.

The EA divides groundwater source catchment into three zones. SPZs are identified depending on how the groundwater behaves in that area, what constructions there are to get the water into the public water supply and the process for doing this:

Inner Zone (SPZ1) – Defined as the 50 day travel time from any point below the water table to the source. This zone has a minimum radius of 50 meters. These zones represent areas where groundwater (including drinking water supplies) is at its greatest risk from potentially polluting activities.

Inner Zone (SPZ1C) – intended to show areas where we may seek to limit or control ‘subsurface activities’ only

Outer zone (SPZ2) – Defined by a 400 day travel time from a point below the water table. The previous methodology gave an option to define SPZ2 as the minimum recharge area required to support 25 per cent of the protected yield. This option is no longer available in defining new SPZs and instead this zone has a minimum radius of 250 or 500 meters around the source, depending on the size of abstraction.

Outer zone (SPZ2C) – intended to show areas where we may seek to limit or control ‘subsurface activities’ only

Total catchment (SPZ3) – defined as the area around a source within which all groundwater recharge is presumed to be discharged at the source. In confined aquifers, the source catchment may be displaced some distance from the source. For heavily exploited aquifers, the final Source Catchment Protection Zone can be defined as the whole aquifer recharge area where the ratio of groundwater abstraction to aquifer recharge (average recharge multiplied by outcrop area) is >0.75 . There is still the need to define individual source protection areas to assist operators in catchment management.

As you have rightly identified this site is in a SPZ1, however we do not feel this this policy goes far enough to protect the integrity of ground water and therefore find it unsound.

The policy should ensure the risks are considered upfront and can demonstrate that development will not impact groundwater quality in line with Groundwater Protection: Principles and Practice (GP3) which sets out our approach to groundwater protection and management and what we want others to do which could include the following:

Desktop study with remediation strategy and verification plan

Monitoring

Piling risk assessment

Groundwater Protection: Principles and Practice (GP3) sets out our high-level approach, the technical background to our work and an introduction to the tools we use. It also describes the legal framework we work within and the approaches and positions we take to regulate and influence certain activities and issues: Groundwater protection: principles and practice GP3 - Publications - GOV.UK

3.2 Council Response

3.2.1 The site is located in a SPZ1 and this is recognised by the Site Constraints within Policy A1. Development requirement f) requires that a Sustainable Drainage Scheme is provided which includes measures to protect groundwater quality for drinking water. In addition Policy DM21 - Water Quality and Protection states that new development within Groundwater Source Protection Zones will only be permitted provided that it has no adverse impact on the quality of the groundwater source or a risk to its ability to maintain a public water supply. Paragraph 5.296 highlights the Groundwater Protection Position Statements (2018) (GP3) and the potential requirement for risk assessments.

3.3 Proposed Modifications to the Worthing Local Plan

3.3.1 To ensure the protection of groundwater and ensure any necessary risk assessments are undertaken the following modification is proposed to development requirement f):

f) Provide a Sustainable Urban Drainage System (SuDS) that ~~includes measures to protect~~ **has been informed by a hydrogeological risk assessment to ensure and demonstrate the system does not pose an unacceptable risk to groundwater quality for drinking water in line with Position Statement G10 of Groundwater Protection: Principles and Practice (GP3).**

4. Site Allocation A2 Caravan Club, Titnore Lane

4.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA identifies the eastern section of the site as being at a high risk of groundwater flooding. The SFRA recommends that a SuDS scheme should be developed for the site to provide mitigation and opportunities to achieve a reduction in overall flood risk”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

4.2 Council Response

4.2.1 The sequential test assesses the site: A2 Caravan Club, as high risk based on Appendix L of the SFRA which found 18% of the site is located in an area where groundwater levels are either at or very near (within 0.025m of) the ground surface. As the site is located in Flood Zone 1, according to Table 3 of the flood risk Planning Practice Guidance (067 Reference ID: 7-067-20140306), there is no requirement for the Exception Test to be undertaken. However for completeness as the site is identified as being at a high risk of flooding from groundwater the site was included.

4.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

4.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the Sustainability Appraisal demonstrates that the development would provide wider sustainability benefits to the community through the provision of housing that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

4.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall.

4.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake this part of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document also makes clear that although overall it is considered that both elements of the Exception Test have been satisfied for development to be allocated.

4.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.3 Proposed Modifications to the Worthing Local Plan

4.3.1 To clearer signpost the exception test work that has been undertaken the following modification is proposed which inserts an additional bullet point under the site constraints list:

- **The SFRA identifies the eastern section of the site as being at a high risk of groundwater flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).**

4.3.2 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modification is proposed to amend criteria b), and replace criteria c) as follows:

b) adopt the sequential approach so the most vulnerable uses are located in the areas at lowest risk of flooding **and maintain a suitable buffer to the lake.**

c) **A site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk.**

5. Site Allocation A5 Decoy Farm

5.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria D of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

Small parts of the site are also shown as at a high risk of surface and groundwater flood risk. The SFRA recommends that the most vulnerable development types are located in the lowest risk parts of the site and that a SuDS scheme should be developed.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

5.2 Council Response

5.2.1 The sequential test assesses the site: A5 Decoy Farm, as high risk based on Appendix L of the SFRA which found 13% of the site is located within Flood Zone 3, 2% is at a greater than 1 in 30 chance in any given year of surface water flooding and 12% is located in an area where groundwater levels are either at or very near (within 0.025m of) the ground surface. As explained in paragraph 3.1.6 of the SDWLP Flood Risk Sequential and Exception Test, this site is allocated for employment land which is defined as a less vulnerable use in Table 2 of the flood risk Planning Practice Guidance (Paragraph: 066 Reference ID: 7-066-20140306). Therefore there is no requirement for the Exception Test to be undertaken. However for completeness the site was included.

5.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

5.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the

Sustainability Appraisal demonstrates that the development would provide wider sustainability benefits to the community through economic growth and remediation of a former landfill site that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

5.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall

5.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake this part of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document makes clear that although it is considered that both elements of the Exception Test have been satisfied for development to be allocated any planning application will still need to be supported by a site specific Flood Risk Assessment.

5.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This is also reflected in Criteria d) of the site requirements for this allocation. In addition Criteria c) requires the sequential approach to the layout of development.

5.3 Proposed Modifications to the Worthing Local Plan

5.3.1 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modifications are proposed to the fourth site constraint and development requirement d):

- The Teville Stream (partially culverted) and a number of watercourses run along the site boundaries. **There The SFRA identifies areas of Flood Zone 3 associated with these and that small parts of the site are at a high risk of surface and groundwater flood risk. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).**

d) demonstrate how flood risk will be safely managed across the lifetime of the development, taking climate change into account, and not increased elsewhere; A site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS

scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk.

6. Site Allocation A6 Fulbeck Avenue

6.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria D of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA shows a small section of the site in the north and centre is located within Flood Zone 3b. A further northern section of the site is also located within Flood Zone 3a. In addition 1/4 of the site is at a high risk of surface water flooding and approximately 1/3 of the site is at high risk of groundwater flooding. The SFRA also found that Somerset Lake posed a risk to the site in event of breach resulting in 38% of the site being affected on a dry day with depths up to 1.4m and on a wet day over half the site affected with depths up to 1.6m. Therefore development in this location would place additional people at risk of flooding. The SFRA recommends that any FRA considers other sources of flooding, the most vulnerable development types are located in the lowest risk parts of the site and that mitigation will be required to ensure development is made safe and to reduce the overall level of flood risk at the site”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity is needed around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

6.2 Council Response

6.2.1 The sequential test assesses the site: A6 Fulbeck Avenue as high risk based on Appendix L of the SFRA which found 25% of the site is located within Flood Zone 3, 25% is at a greater than 1 in 30 chance in any given year of surface water flooding, 36% is located in an area where groundwater levels are either at or very near (within 0.025m of) the ground surface, and 38% of the site would be affected in the event of a breach of Somerset Lake on a dry day.

6.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

6.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through

the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the Sustainability Appraisal demonstrates that the development would provide wider sustainability benefits to the community through the provision of housing that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

6.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall

6.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake this part of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document also makes clear that although overall it is considered that both elements of the Exception Test have been satisfied for development to be allocated, at the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed to make development safe and reduce flood risk overall through a site specific Flood Risk Assessment.

6.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

6.3 Proposed Modifications to the Worthing Local Plan

6.3.1 To provide clarity around the exception test the following modification is proposed which amends the third bullet point under the site constraints list and inserts an additional bullet point:

- ~~Partly within an area with a high chance of flooding from surface water and at medium risk of groundwater flooding. The site would be at risk from a breach scenario at Somerset Lake and failure of the flood storage facility to the north. These have previously caused flooding in the local area.~~ **The SFRA shows a small section of the site in the north and centre is located within Flood Zone 3b. A further northern section of the site is also located within Flood Zone 3a and parts of the site are at a high risk of surface water flooding and groundwater flooding. The SFRA also found that Somerset Lake posed a risk to the site in event of breach resulting in 38% of the site being affected on a dry day with depths up to 1.4m**

and on a wet day over half the site affected with depths up to 1.6m. Therefore development in this location would place additional people at risk of flooding.

- This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment.

6.3.2 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modification is proposed to amend criteria c) of the development requirements as follows:

c) adopt the sequential approach so the most vulnerable uses are located in the areas at lowest risk of flooding. **A site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk.**

7. Site Allocation A7 Grafton

7.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“Parts of the site lie within Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. The SFRA recommends that mitigation will be required to ensure development is made safe and to reduce the overall level of flood risk at the site”.

A site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

7.2 Council Response

7.2.1 The sequential test assesses the site: A7 Grafton as high risk based on Appendix L of the SFRA which found 72% of the site is located within Flood Zone 3. As the site is located in Flood Zone 1, according to Table 3 of the flood risk Planning Practice Guidance (067 Reference ID: 7-067-20140306), there is no requirement for the Exception Test to be undertaken. However for completeness as the site is identified as being at a high risk of flooding from surface water the site was included.

7.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

7.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the Sustainability Appraisal demonstrates that the development would provide wider

sustainability benefits to the community through the redevelopment of a brownfield site and the regeneration that will bring to the seafront and town centre through the provision of housing and economic growth that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

7.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall

7.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake part b) of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document also makes clear that although overall it is considered that both elements of the Exception Test have been satisfied for development to be allocated, at the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed to make development safe and reduce flood risk overall through a site specific Flood Risk Assessment.

7.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This is also reflected in criteria c) of the development requirements for the site.

7.3 Proposed Modifications to the Worthing Local Plan

7.3.1 To provide clarity around the exception test the following modification is proposed which amends the first bullet point of the site constraints list:

- **The majority of the site is in Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment.**

7.3.2 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modification is proposed to replace criteria c) of the development requirements with the following:

c) A site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk.

8. Site Allocation A11 Stagecoach, Marine Parade

8.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“Parts of the site lie within Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. The SFRA recommends that mitigation will be required to ensure development is made safe and to reduce the overall level of flood risk at the site.”

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

8.2 Council Response

8.2.1 The sequential test assesses the site: A11 Stagecoach, Marine Parade as high risk based on Appendix L of the SFRA which found 21% of the site is located within Flood Zone 3.

8.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

8.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the Sustainability Appraisal demonstrates that the development would provide wider sustainability benefits to the community through the redevelopment of a brownfield site and the regeneration that will bring to the seafront and town centre through the provision of housing and economic growth that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

8.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall

8.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake part b) of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document also makes clear that although overall it is considered that both elements of the Exception Test have been satisfied for development to be allocated, at the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed to make development safe and reduce flood risk overall through a site specific Flood Risk Assessment.

8.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This is also reflected in criteria c) of the development requirements for the site.

8.3 Proposed Modifications to the Worthing Local Plan

8.3.1 To provide clarity around the exception test the following modification is proposed which amends the first bullet point of the site constraints list:

- ~~Part of the site is within Flood Zone 2 and parts lie in Flood Zone 3. Parts of the site lie within Flood Zone 3 the site is therefore at a high risk of coastal flooding and the SFRA states that climate change will have a significant impact on this site with Flood Zone 3 covering the whole site in the future. Therefore development in this location would place additional people at risk of flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020). This concluded that both parts of the Exception Test had been satisfied for the site to be allocated. At the planning application stage Part b) of the Exception Test will need to be reapplied to take into account more detailed information about the proposed development and the specific mitigation proposed through a site specific Flood Risk Assessment.~~

8.3.2 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modification is proposed to replace criteria c) of the development requirements with the following:

- c) **A site specific Flood Risk Assessment should consider all sources of flooding and demonstrate that the development will be safe for its lifetime taking account of**

the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk.

9. Site Allocation A12 Teville Gate

9.1 Environment Agency Response

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, criteria C of this draft policy should also include or reference the outputs of the SFRA level 2 for this site.

“The SFRA shows 1/3 of the site is at a high risk of surface water flooding. This is a brownfield site. The SFRA recommends that a SuDS scheme should be developed for the site to provide mitigation and opportunities to achieve a reduction in overall flood risk.”

A site specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity is needed around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

Any development around the station area should take into account the culverted watercourse that runs through the site and has historically resulted in flooding. The course and capacity of this should be taken into account. Opportunities where appropriate to de-culvert and create a biodiversity net gain should be sought.

9.2 Council Response

9.2.1 The sequential test assesses the site: A12 Teville Gate as high risk based on Appendix L of the SFRA which found 33% of the site has a greater than 1 in 30 chance in any given year of flooding from surface water. As the site is located in Flood Zone 1, according to Table 3 of the flood risk Planning Practice Guidance (067 Reference ID: 7-067-20140306), there is no requirement for the Exception Test to be undertaken. However for completeness as the site is identified as being at a high risk of flooding from surface water the site was included.

9.2.2 The Exception Test is set out in the SDWLP Flood Risk Sequential and Exception Test. According to the NPPF, the Exception Test consists of two parts. Both elements of the exception test should be satisfied for development to be allocated or permitted.

9.2.3 Part a) of the Exception Test is whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. This was tested through the Sustainability Appraisal as part of the assessment of the total effects of the Local Plan. The appraisal results are set out in Appendix D of the Sustainability Appraisal Report of the

Submission Draft Worthing Local Plan and a copy is also included in Appendix A of this SDWLP Flood Risk Sequential and Exception Test. Overall it is considered that the Sustainability Appraisal demonstrates that the development would provide wider sustainability benefits to the community through the redevelopment of a vacant brownfield site and the regeneration that will bring to the town centre through the provision of housing and economic growth that outweigh the flood risk; thereby demonstrating that Part a) of the Exception Test has been satisfied.

9.2.4 To satisfy part b) of the Exception Test the NPPF states it must be demonstrated that:

- Development will be safe for its lifetime;
- Not increase flood risk elsewhere; and
- Where possible, reduce flood risk overall

9.2.5 The Adur & Worthing Level 2 SFRA (2020) provides site specific summaries which include the relevant evidence to undertake this part of the Exception Test in accordance with the Planning Practice Guidance. These are included in Appendix B SDWLP Flood Risk Sequential and Exception Test. The document also makes clear that although overall it is considered that both elements of the Exception Test have been satisfied for development to be allocated.

9.2.6 Paragraph 4.8 of the Local Plan makes clear that proposals for development will need to comply with all relevant Strategic Policies and Development Management policies set out elsewhere in the Local Plan as well as any site specific development requirements. Policy DM20 - Flood Risk and Sustainable Drainage point c) requires site specific Flood Risk Assessments to demonstrate that development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.2.7 In relation to the culverted watercourse the SFRA (2020) identifies the possible presence of a culverted watercourse and this is also highlighted in the site constraints list. Policy DM18 - Biodiversity requires a 20%+ onsite net gain for previously developed sites.

9.3 Proposed Modifications to the Worthing Local Plan

9.3.1 To clearer signpost the exception test work that has been undertaken the following modification is proposed which replaces the second bullet point under the site constraints list:

- **The SFRA shows 1/3 of the site is at a high risk of surface water flooding. This site was included in the SDWLP Flood Risk Sequential and Exception Test which was informed by the Level 2 SFRA (2020).**

9.3.2 To more clearly highlight the outputs of the Level 2 SFRA for this site, the following modification is proposed to replace criteria c) as follows:

c) A site specific Flood Risk Assessment should demonstrate that the development will be safe for it's lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. This should include the measures identified in the Level 2 SFRA (2020) and a SuDS scheme to provide mitigation and opportunities to achieve a reduction in overall flood risk and protect water quality.

9.3.3 To ensure the opportunity is identified and considered to de-culvert any onsite watercourses the following modification is proposed as an additional development requirement:

g) Any development around the station area should take into account the culverted watercourse that runs through the site and has historically resulted in flooding. The course and capacity of this should be taken into account. Opportunities where appropriate to de-culvert and create a biodiversity net gain should be sought.

10. Site Allocation A13 Titnore Lane

10.1 Environment Agency Representation

Notwithstanding our concerns with regards to the sequential test there would also be a requirement for the site to meet the Exceptions Test. We have seen no evidence of this.

The LPA have not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.

Furthermore, this site has been identified as high flood risk in table 2.1.3 of the Flood Risk Sequential and Exception Test for the Submission Draft Worthing Local Plan document but there is no mention of producing a site specific flood risk assessment in the policy.

A Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Further clarity is needed around the sequential test process, if relevant the exception test and the addition of the measures identified in the SFRA level 2 to be included as part of a site specific flood risk assessment.

10.2 Council Response

10.2.1 The sequential test assesses the site: A13 Titnore Lane as high risk based on Appendix L of the SFRA which found 2% of the site is located within Flood Zone 3, 4% is at a greater than 1 in 30 chance in any given year of surface water flooding and 2% is located in an area where groundwater levels are either at or very near (within 0.025m of) the ground surface. Paragraph 3.1.5 of the SDWLP Flood Risk Sequential and Exception Test states that this site was not included taken forward to the Exception Test due to the small percentages of the site area affected (less than 5%).

10.2.2 The final bullet point in the list of site constraints highlights the high risk of flooding to small parts of the site and Criteria h) of the development requirements set out the need to adopt the sequential approach to site layout so the most vulnerable development types are located in the areas of lowest flood risk first, taking account of all sources.

10.3 Proposed Modification to the Worthing Local Plan

10.3.1 To ensure any flood risk is properly assessed the following modification is proposed to development requirement h):

h) Adopt the sequential approach to site layout so the most vulnerable development types are located in the areas of lowest flood risk first, taking account of all sources. **Should any development classified as a more vulnerable use be located in Flood Zone 3 the Exception Test must be applied. A Flood Risk Assessment should demonstrate that**

the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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