

From: Neil Underhay <Neil.Underhay@n-somerset.gov.uk>
Sent: 12 January 2022 09:23
To: Emma Reid <Emma.Reid@walsingplan.co.uk>; Jonathan Chick <Jonathan.Chick@walsingplan.co.uk>
Cc: Richard Kent <Richard.Kent@n-somerset.gov.uk>; Michael Reep <Michael.Reep@n-somerset.gov.uk>; Roger Willmot <Roger.Willmot@n-somerset.gov.uk>; Kate Jeffreys <Kate.Jeffreys@n-somerset.gov.uk>; Simon Bunn <Simon.Bunn@n-somerset.gov.uk>; Marcus Hewlett <Marcus.Hewlett@n-somerset.gov.uk>
Subject: FW: Lynchmead Farm Sequential Test

Hi Jonathan / Emma,

My comments on planning application 20/P/1579/OUT are set out below.

Biodiversity

We will not condition lighting requirements, and we have previously made it clear that this is a parameter that needs to be resolved before the application is decided. As this has not been provided to date, it means that the application will now not be going forward to the Council January Planning & Regulatory Committee. The onus remains with your client to provide this.

Sequential Test

Officers are satisfied with the further information which clarifies the reasons for not pursuing certain sites. I am satisfied from this and the other previous information that it appears that there are no other 'reasonably available' sites in a lower flood zone that could currently accommodate the proposed development.

Your clients assessment has not, understandably at this time, included a review of sites emerging through the new local plan and the Council's new SHLAA, due to the timing of this new information. Notwithstanding that, this new information is indicating that a significant range of site opportunities exist outside of the flood zones 2 and 3. Such sites will be publicised and tested in the public in the near future, but it does provide some confidence that that there is potential to accommodate housing requirements in sequentially preferable locations. This is likely to be an issue of increasing weight going forward.

Exceptions Test

As you know Para 164 of the Framework sets out the requirements to pass an 'Exceptions Test' - referred to as clauses a) and b).

For clause a) to be passed the NPPG (para 037 ID ref 7-037-20140306) says: "*Local planning authorities will need to consider what criteria they will use in this assessment*". The Council's 2019 '*Development and Flood Risk Issues*' Advice Note says "*once the Sequential Test has been passed there are still some vulnerable types of development, which should not normally be allowed in flood zones 2 and 3 unless there are **exceptional circumstances**.*" Bold text is my emphasis.

The Advice Notes considers "*What are "wider sustainability benefits to the community"*", and acknowledges this could include environmental, social or economic factors, and there needs to be certainty that they would be delivered in full. It goes on to say: "*In order to pass the Exception Test the proposal must provide sustainability benefits beyond the application site, for the community.*"

Some examples of wider sustainability beyond the application site include:

- Affordable housing to meet an identified local need in a suitable location
- Remove pollution

- Assist in the regeneration of an area
- Visually enhance a site to the benefit of the character of an area
- Relocate an existing use closer to public transport thus reducing the amount of traffic on the road.

This is not exhaustive and each case needs to be considered on its own merits taking into account the scale of the benefits compared to the scale of the development and the significance of the flood risk.

Your clients claimed wider sustainability benefits are set out in para 5.4 of their Sequential Test. They say that delivering up to 75 dwellings, including up to 23 affordable homes, against a backdrop of a 5-year housing land supply deficit, represents significant social and economic benefits. They also say sustainable construction will deliver reduce energy demand reduction and carbon emissions, and the scheme will deliver extensive green infrastructure and public open space.

Officers accept that additional housing, both market and affordable, would have significant social and economic benefits. That it is comes against the background of the Council not having a 5-year housing land supply, adds some extra weight to this. It is doubtful however that this argument is, by itself, an exception in that it could be advanced repeatedly to justify any housing development in a 'High Probability' flood zone. This does not accord with the primary objective in the Framework of avoiding development in higher risk flood zones. In my view, to pass the exceptions test, there needs to be other wider sustainability benefits to the community outweigh the flood risk, over and above the benefit of housing.

Policy CS20 (*'Supporting a successful economy'*) of the CS requires applicants for major housing proposals to make financial contributions to improve local employment opportunities. While this has the potential to generate social and economic benefits in the wider community, the object of the policy is to off-set the adverse impacts of further out-commuting from a larger local population. That your client has agreed to meet the required contributions sum commit to a local labour agreement during the construction phase is welcomed, but this is a policy compliant approach, not an exception.

The transport and landscape impacts are likely to be acceptable in planning terms, but they do not provide wider sustainability benefits or result in regeneration. In fact, both result in some level of harm.

The proposal could deliver an acceptable level of public open space and Green Infrastructure within the site to serve its residents, but this is mitigation however and not a wider sustainability benefit. The claim from the applicant that the sustainable construction is a wider sustainability benefit is also rejected, as it is mere compliance with current design policy that is expected to be met on all residential development.

I am minded to conclude that the proposal does not provide wider sustainability benefits to the community that outweigh the flood risk. It does not therefore pass part a) of the Exception test. I consider this to be a significant consideration against the proposal.

Timescale

It is good practice to close down as many issues as possible ahead of a decision being taken. I therefore suggest that every effort is made on your clients side to provide the necessary outstanding information to address biodiversity concerns (see the point above). To allow for this, I intend to refer the application to the February Planning & Regulatory Committee. If this matter is not resolved, it will still go to that committee.

Kind regards

Neil

Neil Underhay
Principal Planning Officer
Place Directorate
North Somerset Council

Tel: 01275 888811
Web: www.n-somerset.gov.uk

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