



TOWN AND COUNTRY PLANNING ACT 1990

(As Amended)

Appeal by Persimmon Homes Severn Valley against the non-determination of the outline planning application for up to 190no. homes (including 50% affordable homes) to include flats and semi-detached, detached and terraced houses with a maximum height of 3 storeys at an average density of no more than 20 dwellings per net acre, 0.13ha of land reserved for Class E uses, allotments, car parking, earthworks to facilitate sustainable drainage systems, orchards, open space comprising circa 70% of the gross area including children's play with a minimum of 1no. LEAP and 2no. LAPS, bio-diversity net gain of a minimum of 20% in habitat units and 40% in hedgerow units, and all other ancillary infrastructure and enabling works with means of access from Shiners Elms for consideration. All other matters (means of access from Chescombe Road, internal access, layout, appearance and landscaping) reserved for subsequent approval.

Land at Rectory Farm (north), Chescombe Road, Yatton, North Somerset

Marcus Hewlett BA (Hons)

North Somerset Council, Planning Policy Team Lead – Delivery

SUMMARY PROOF of EVIDENCE

addressing the Flood Risk Sequential Test

Planning Inspectorate reference: APP/D0121/W/24/3343144

Local Planning Authority reference: 23/P/0664/OUT

EXECUTIVE SUMMARY

1. The appeal proposal includes residential and other uses in an area at risk of flooding, high-probability flood zone 3, and accordingly, the flood risk sequential test (FRST) is engaged as required by local and national planning policy. My evidence addresses the FRST.
2. A key objective of national planning policy is to avoid inappropriate development in areas at risk of flooding. This is essential in terms of delivering wider sustainable development objectives. The sequential test is an important mechanism to ensure that new development is steered to land that has a lower risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Recent Government announcements on planning policy changes re-emphasise the importance of avoiding flood risk areas as one of the 'hard constraints' when assessing opportunities to meet housing needs.
3. The proposed description of development is relevant to the application of the sequential test, since any alternative site(s) is required to accommodate the proposed development, subject to appropriate flexibility. Relevant case law cited in my evidence has addressed the question of how precisely the description of development needs to be replicated when considering reasonable alternatives. This is relevant in terms of the suitability of any alternative site or sites to accommodate the development.
4. Consideration of any alternative site or combination of sites needs to take into account national guidance on what might represent 'reasonably available' alternative sites. This requires that such sites are in a suitable location for the type of development, with a reasonable prospect that the site is available to be developed, at the point in time envisaged for the development. Where it is

concluded that such alternative sites are present, the sequential test is failed, and this weighs against the development proposal as part of the wider planning balance.

5. In this appeal I consider the sequential test should be applied on the basis of seeking alternative sites that can accommodate residential development generally, for between 143 and 190 dwellings. I have considered the extent to which the other proposed uses can be accommodated on sequentially preferable sites also and I conclude that they can be. As part of this I consider that there is no necessity to accommodate all of the proposed development on a single site, or to precisely match the form of development proposed.
6. North Somerset Core Strategy Policy CS3 is the relevant policy regarding the sequential test. Policy CS3 specifies the search area for the purposes of the sequential test and, for proposals outside of the towns such as the appeal site, the area will be the whole of the district unless it can be demonstrated that there is a specific need within a specific area for a particular use. In this case, a district-wide search is an appropriate basis and the appellant has provided this.
7. The appellant has considered an extensive range of alternative sites, including single sites deemed sufficiently large enough and a series of sites where they are located together, or well-related, but not necessarily adjoining. This has largely drawn upon information from the North Somerset Strategic Housing Land Availability Assessment as required by national policy.
8. The fundamental objective of the sequential test is to identify the availability of sequentially preferable land, not the deliverability of such, as that is a separate exercise.
9. Availability itself is measured as a 'positive indication' to make land available. That is not to say that such sites may not still have constraints, or features that may influence delivery, and flexibility is required when considering alternative

sites to reflect this.

10. National planning guidance allows for alternative sites to comprise a series of smaller sites or as part of a larger site so far as they are appropriate for the proposed development. In my assessment of the proposed development and the suitability of alternative sites, I have concluded that disaggregation of the elements is justified. Taking into consideration relevant case law, I have considered the relationship between separate sites and whether they are collectively appropriate to accommodate the proposed development. In doing this I have concluded that a spatial relationship is justified that considers the contribution of separate sites in meeting development needs across individual settlements or locations with a close geographic relationship.
11. This approach reflects the need to take into account the overarching spatial strategy and important constraints in identifying suitable land for development. The appellant's simplistic, and in my view flawed, approach does not factor in constraints, notably flood risk, failing to reflect the importance national and local policy attaches to this.
12. My analysis has identified 36 sites that are 'reasonably available' in areas at a lower flood risk. The sequential test is therefore failed. The proposal is thus contrary to Policy CS3 and government guidance on the approach to flood risk and the sequential test set out in the NPPF read together with the PPG.
13. My schedule of sites includes a range of sites where there is a positive indication that they are available and can accommodate the proposed development, including a mix of residential typologies. This includes sites that are able to accommodate all of the proposed uses in a single, more sustainable location, such as at Wolvershill. This is a large-scale development proposed to contain a mix of residential units, green open space comprising various uses, and E classes well-related to the main town of Weston-super-Mare. As the emerging local plan is at an 'advanced stage' (Regulation 19) I consider that weight can be attributed to this proposal for the purposes of the sequential test.

14. The appellant makes the case that housing need pressures are so significant that this should weigh in favour of the proposal, against any failure of the sequential test. This is set against a wider argument that the emerging Local Plan generally is undersupplying housing.
15. The emerging North Somerset local plan has a clear spatial strategy for the delivery of sustainable development, including the avoidance of development in flood risk areas. This is a robust approach which, through the plan making process, has been applied to different scales of development. If additional growth is required in the future, then the spatial strategy remains fit for purpose and sites will be assessed in accordance with the sequential approach. The land availability information I have referred to in my evidence identifies a range of housing site options that do not involve land at risk of flooding and which numerically are sufficient to deliver the potential new requirement set out in the consultation on the proposed revised NPPF and Standard Method.
16. I see no basis in the evidence to conclude that it is necessary for future housing needs, either now or in the future, to be met on land on land at a greater risk of flooding. It is therefore wholly inappropriate for the appellant to suggest that the failure of the sequential test on the appeal site should be outweighed by the need for housing.
17. As such, **very substantial weight** should be afforded to the failure of the sequential test in this case. This is addressed as part of the wider *planning balance* in the evidence of Mr Smith for the Council.