

Rye Neighbourhood Plan Sequential and Exception Flood Risk Tests

Timeline: 2016 to 2028

www.ryeneighbourhoodplan.org.uk

Version	Comments	Date Prepared	By Whom
V1	Initial draft version	RNPSG April 2014	ATBK
V2	Second Draft	RNPSG Jan 2015	ATBK
V3	Third Draft	RNPSG Nov 2017	ATBK
V4	Final	January 2018	ATBK
V5	Draft for Submission	August 2018	CT/ATBK

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1.0 Introduction



- 1.1 The Rye Neighbourhood Development Plan seeks to achieve a thriving town for the 21st Century' by planning a strategic and coherent development of Rye with the aim of improving the economic and social well-being of the community, considering in particular its vulnerability to flooding and its role as a market town, a centre for tourism, leisure and culture; its enterprise and its commercial and fishing port, all in the context of its historic maritime character, which should be conserved.
- 1.2 The Rye Neighbourhood Plan will need to comply with legal requirements known as 'basic conditions'. These include having regard to national policy and guidance and being in general conformity with the policies in the Rother Core Strategy. The Core Strategy identifies Rye as a location for development including housing, employment and retail. As a result the Neighbourhood Plan needs to allocate sites for about 160 new homes as well as employment and retail floorspace.
- 1.3 A thorough site assessment process was undertaken looking at all the sites in the parish of Rye that had been put forward in the District Council's Strategic Housing Land Availability Assessment (SHLAA) or submitted since. These sites were then the subject of a Sustainability Appraisal which assessed each site against 16 sustainability objectives including flood risk.
- 1.4 Rye is a parish that is heavily constrained by flood risk, both from fluvial and surface water and from the sea. As a result most of the sites under consideration were within Flood Risk Zones 2 and 3. It was therefore considered appropriate to carry out a Sequential Test of all the potential sites and an Exception Test for those proposed for allocation.

2.0 Policy Framework for Flood Risk

2.1 National planning policy on managing flood risk is set out in the National Planning Policy Framework (NPPF) revised in July 2018¹. Paragraphs 155-161 of the NPPF set out the approach to flood risk and development that should be followed when seeking to allocated land for development as follows:

155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

156. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;*
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.*

158. The aim of the sequential test is to steer new development to areas with the lowest risk 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 risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

¹ <https://www.gov.uk/government/collections/planning-practice-guidance>

160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development 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.*

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

- 2.2 The Planning Practice Guidance provides further detailed advice on flood risk and how to apply the sequential and exception tests, and this is appended to this document.
- 2.3 A number of other documents were reviewed as background to complete this report, including:
- Rother Strategic Flood Risk Assessment (SFRA) Level 1 & 2 Report (2010) ²
 - Environment Agency flood risk maps for Rye.
 - JBA Consulting study of surface water risks
 - Overview of water and drainage in Sussex by Southern Water³
 - Rye Stage 1 Surface Water Management by JBA Consulting ⁴
- 2.4 For the purposes of this report, the definition of “flood risk” is taken from the NPPG and refers to a combination of the probability and the potential consequences of flooding from **all sources** including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, holding basins canals and lakes and other artificial sources. All sources of flood risk affect Rye⁵.
- 2.5 The Environment Agency (EA) provides mapping of flood risk arising from sea and river sources. This mapping does **not** take into account the presence of flood defenses nor does it account for the potential impact of climate change, including sea-level rise and extreme weather events.

² <http://www.rother.gov.uk/article/4900/Strategic-Flood-Risk-Assessment>

³ <https://www.southernwater.co.uk/sussex>

⁴ <https://www.eastsussex.gov.uk/media/6106/2014s1430-rye-stage-1-swmp-v3-july-2015-lq-2.pdf>

⁵ <http://www.anthonymkimber.org.uk/is-rye-at-risk-from-flooding/>

Flood Zone	Risk of Fluvial Flooding
1	Low probability – land assessed as having a less than 1 in 1,000 annual probability of flooding (<0.1%)
2	Medium probability – land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of flooding (1% - 0.1%)
3a	High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%)
3b	This zone comprises land where water has to flow or be stored in times of flood.

Table 1: Summary of Flood Risk Zones

2.6 Tables 2 and 3 below shows which type of development can be appropriately located in each flood zone, and where the Exception Test is required.

Flood risk vulnerability classification		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood Zone	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception test Required	✓	✓
	Zone 3a	Exception test required	✓	X	Exception test required	✓
	Zone 3b functional floodplain	Exception test required	✓	X	X	X

✓ Development is appropriate.

X Development permitted where risks are mitigated and there are wider benefits

Table 2: Flood risk Vulnerability and flood zone compatibility

Essential Infrastructure	Essential transport infrastructure and strategic utility infrastructure, including electricity generating power stations and grid and primary substations.
Highly Vulnerable	Police stations, Ambulance stations and Fire stations and Command Centres and telecommunications installations and emergency dispersal points. Basement dwellings, caravans, mobile homes and park homes intended for permanent residential use. Installations requiring hazardous substances consent.
More Vulnerable	Hospitals, residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels. Buildings used for dwellings, student halls of residence, drinking establishments, nightclubs, hotels and sites used for holiday or short-let caravans and camping. Non-residential uses for health services, nurseries and education. Landfill and waste management facilities for hazardous waste.
Less Vulnerable	Buildings used for shops, financial, professional and other services, restaurants and cafes, offices, industry, storage and distribution, and assembly and leisure. Land and buildings used for agriculture and forestry. Waste treatment (except landfill and hazardous waste facilities), minerals working and processing (except for sand and gravel). Water treatment plants and sewage treatment plants (if adequate pollution control measures are in place).
Water-compatible Development	Flood control infrastructure, water transmission infrastructure and pumping stations. Sewage transmission infrastructure and pumping stations. Sand and gravel workings. Docks, marinas and wharves, navigation facilities. MOD defence installations. Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location. Water-based recreation (excluding sleeping accommodation). Lifeguard and coastguard stations. Amenity open space, nature conservation and biodiversity, outdoor sports and recreation. Essential sleeping or residential accommodation for staff required by uses in this category, subject to a warning and evacuation plan.

Table 3: Flood risk vulnerability classification

Climate Change

- 2.7 The Rother SFRA takes account of predicted increases in rainfall, storm events and sea level rise. The PPG states that

Making an allowance for climate change in your flood risk assessment will help to minimise vulnerability and provide resilience to flooding and coastal change in the future.

*The climate change allowances are predictions of anticipated change for:
peak river flow by river basin district
peak rainfall intensity
sea level rise
offshore wind speed and extreme wave height.*

They are based on climate change projections and different scenarios of carbon dioxide (CO₂) emissions to the atmosphere. There are different allowances for different epochs or periods of time over the next century.

3.0 Flood Risk in Rye

3.1 Early on in the planning process, the EA advised that there were up to 1000 dwellings and businesses in Rye's Flood Zones 2 and 3. This is confirmed by the Southern Region Flood and Coastal Committee assessment papers (2018).

Rother Strategic Flood Risk Assessment (SFRA) ⁶

3.2 The Rother SFRA assessed Rye in two geographic parts (West of River Rother and East of River Rother) as below. The map (Figure 1) for Rye shows that the majority of the Parish is in Flood Zone 2 or 3a. Only the high ground in the centre (Zone A) and to the extreme North and extreme West is in Flood Zone 1.

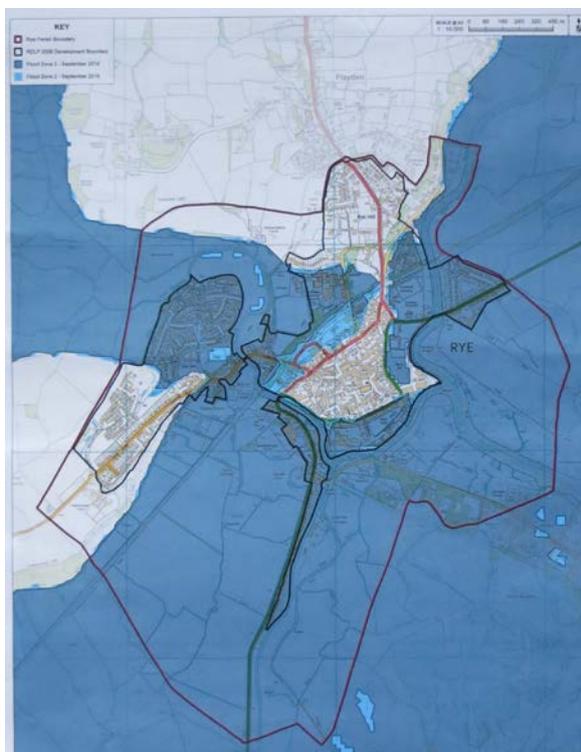


Figure 2: Rye Flood Risk

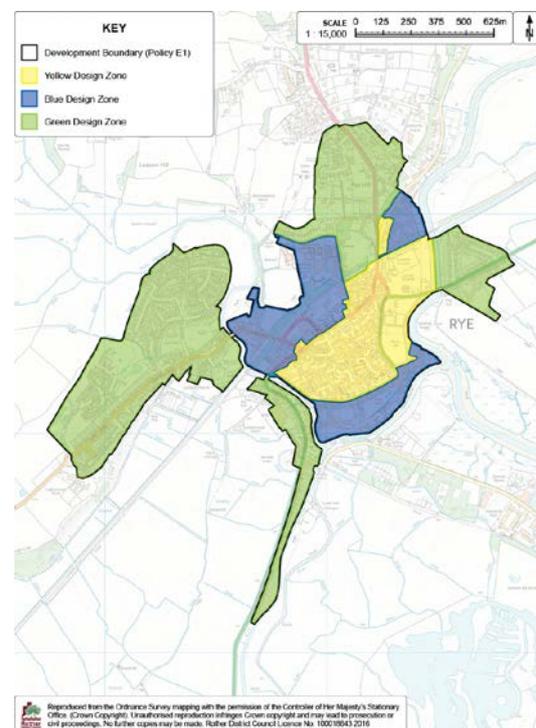


Figure 3: Rye in Character or Design Zones

3.3 Relevant issues identified in the Rother SFRA are:

- The low lying topography of Rye's Character or Design Zones Blue and Green (Figures 2 and 3) means that the area is gravity and pump-drained by a highly developed system.
- The town's flood defences on the East side of the River Rother are to be upgraded by the Environment Agency (Eastern Rother Tidal Walls Scheme) to maintain the flood defence standard of being capable of

⁶ <http://www.rother.gov.uk/article/4900/Strategic-Flood-Risk-Assessment>

dealing with a 1 in 200 year flood event, at (5.8m AOD).

- The Rivers Rother, Tillingham and Brede Catchment Flood Management Plans both identify Rye as falling within an area where further action will be taken to sustain flood risk now and in the future.
- The flood defence infrastructure will be maintained in the town for the foreseeable future.
- Computer modelling and mapping identifies those areas most at risk from the breaching or overtopping of defences.
- Whilst some areas closest to the river would be more at risk from a failure of the defences the further away from the side of the river, the lower the flood risk.
- Appropriate mitigation measures could allow development to proceed in particular locations assuming that all relevant flooding issues are taken into consideration and adequately addressed.
- Proposed new developments in the town already falling within high risk flood zones have to pass a range of criteria of the Rother SFRA and advice from the Environment Agency.

3.4 The Rye Community Resilience Team (Rye Emergency Action Community Team - REACT) has been at the forefront in ensuring that all relevant flood related issues have been tackled. The Environment Agency has provided input to planning policies for Rye Zones Blue and Green (Figure 3) to ensure flood risk issues are adequately considered and addressed.

Rye (west of the River Rother):

- 3.5 The completed Rye Tidal Walls and Embankments (2013 - western bank) give protection from the 1 in 200 year extreme tidal event. The Shoreline Management Plan is to 'hold the line' for 100 years.
- 3.6 The saved Rother District Local Plan from 2006 contained allocations of land at Rock Channel (for mixed use – Flood Zone 3), Udimore Road (residential – now substantially built – Flood Zone 1) and the former Lower School site (residential Flood Zone 3). The Core Strategy, informed by the SHLAA and Shopping Study, identified Rock Channel as one of three broad locations for development (the others being Winchelsea Road (East) and Winchelsea Road (West), while it was assumed that the Lower School site would be redeveloped as a supermarket.' All three sites have been allocated in the RNP.
- 3.7 The Rother SFRA acknowledged flood risk around Rye as "very complex". The area can be sub-divided into various compartments. Parts are susceptible to tidal flooding, parts to fluvial flooding, parts to surface water flooding and parts to all three types. Since the SFRA the Environment Agency has analysed

fluvial flooding in the Tillingham valley and surface water across Rye, where 6 spots have been identified with remedial action recommended to reduce risk. The centre of Rye is a 'Dry Island' but relies on access across flood risk areas.

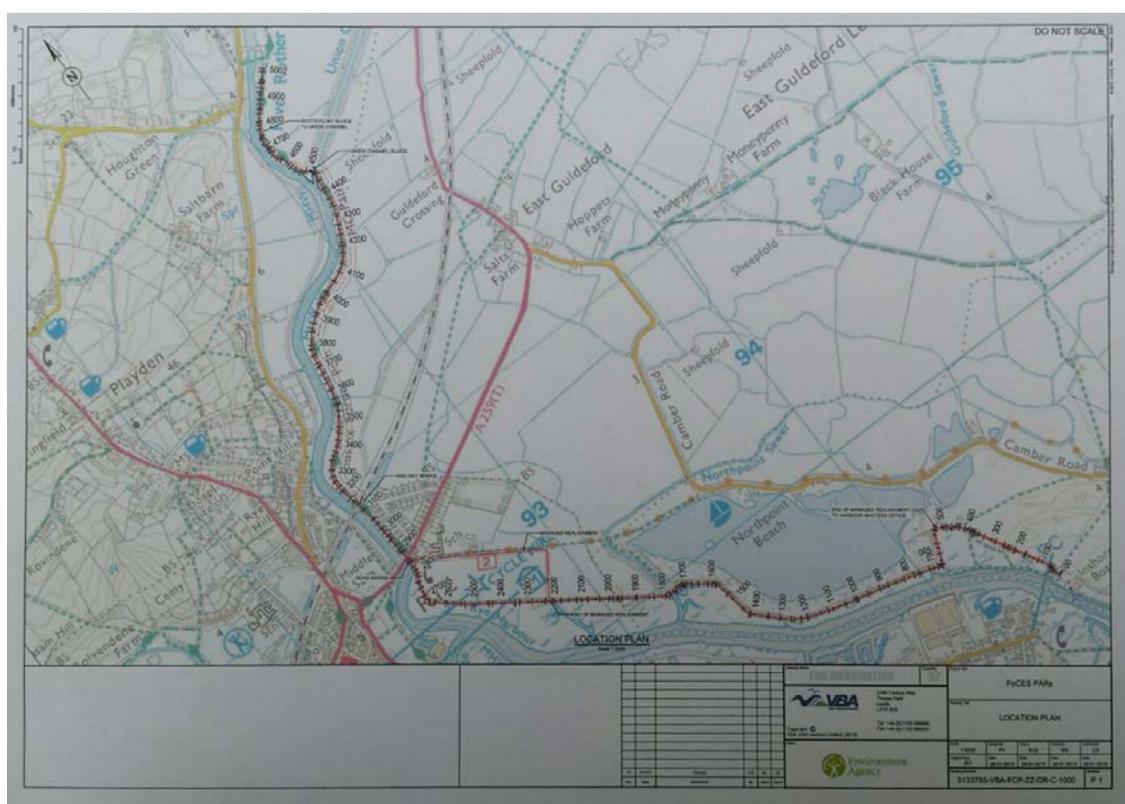
- 3.8 The Rother SFRA concluded that for "Rye (western bank) any planning application received for the redevelopment of Previously Developed Land or for 'infill', that is within a flood risk area, will require an Exception Test, which will be informed by the Level 2 SFRA. It has to be assumed that proposals within Flood Zones 2 and 3 for new residential development or other vulnerable uses, on 'greenfield' land and outside the existing Development Boundary are unlikely to pass the Exception Test. However, development essential for local community needs, such as community buildings or affordable housing for local people, may, exceptionally, be required. In such circumstances the least vulnerable flood risk location will, where possible, be chosen and the necessary mitigation measures put in place."

Rye (east of River Rother) or Rye East:

- 3.9 The main flood risk to Rye East is from the tidal River Rother. The risk is residual due to the presence of flood management measures in the form of earth embankments which protect Rye East from tidal events. However, although the Shoreline Management Plan policy is to 'hold the line' for the next 100 years, the existing level of protection is only against the 1 in 5 year extreme tidal event but there are plans to raise to the 1 in 200 year standard by 2020. This involves the Eastern Rother Tidal Walls Scheme, which features in the Folkestone to Pett Level strategy.⁷ In recent years, several emergency repairs have had to be carried out to the existing tidal embankment at Rye East.
- 3.10 All of the existing development at Rye East has taken place in the last 100 years and includes social housing at Kings Avenue and New Road, together with the former Freda Gardham School. The last is now surplus to requirements and therefore subject to disposal and future development. Rye East is entirely within Flood Zone 3a.
- 3.11 With current day scenarios all of the built up part of Rye East is either in a medium or high flood hazard zone. Scenarios taking into account the predicted increase in sea levels show virtually the whole area in the high flood hazard zone. The A259 main south coast trunk road traverses this area, while the main south coast railway (Hastings-Rye-Ashford) abuts the area to the north.

⁷ <http://www.shepway.gov.uk/webapp/lydd-airport/CORE%20DOCS/CD12/CD12.10%20Folkestone%20to%20Cliff%20End%20Strategy.pdf>

- 3.12 It is concluded that for Rye, east of the River Rother, any planning application received for the redevelopment of Previously Developed Land or for 'infill' will require an Exception Test, which will be informed by the Level 2 SFRA. However, because of the high flood hazard and the defences being of a low standard, it has to be assumed that any planning application received for residential development or other vulnerable uses, including change of use, is unlikely to pass the Exception Test, until the flood defences along the Eastern Rother have been brought up to the required standard.
- 3.13 For much of Rye's Blue Zone (Figure 3 - land west of the River Rother) there is existing flood and tidal protection to 5.8m AOD. For the Eastern side of the River Rother part of the Folkestone to Fairlight flood defence scheme (planned for completion by 2020, will also provide protection to 5.8m AOD. In recent years, in December 2013, we have seen tidal water levels (with wind and sea surge) to 5.1m AOD at the Rye Strand.



the Flood and Water Management Act 2010, East Sussex County Council became the Lead Flood Risk Authority (ESLFRA) covering period 2016 to 2026. ESCC produced a strategy as defined by legislation, which focuses on the management of flood risk from surface water, groundwater and ordinary watercourse.

- 3.15 In 2015, ESCC invited JBA Consulting to carry out a study of surface water risks around Rye. JBA produced a Surface Water Management Plan (SWMP)⁹ to understand the flood risk that arises from local flooding, which is defined by the Flood and Water Management Act 2010 as flooding from surface runoff, groundwater, and ordinary watercourses.
- 3.16 SWMPs are led by a partnership of flood risk management authorities who have responsibilities for aspects of local flooding, including the County Council, Local Authority, the Environment Agency, Sewerage Undertaker, Internal Drainage Boards and other relevant authorities. The SWMP identified specific areas of surface water flood risk around Rye: The Strand, The Grove, parts of the Tilling Green Estate and the low-lying parts of the Military Road. All these are subject to mitigation plans, which are pending partnership action.
- 3.17 It has been noted that the Southern Region Flood and Coastal Committee¹⁰ seeks a balance between resistance (flood defence) and resilience (community action) for homes, businesses and critical infrastructure on the flood plain but protected by flood defences. In setting priorities for flood defence works, it accepts that development can take place on the flood plain where it is deemed safe to do so after detailed flood risk assessment.

⁹ <https://www.eastsussex.gov.uk/media/6106/2014s1430-rye-stage-1-swmp-v3-july-2015-lq-2.pdf>

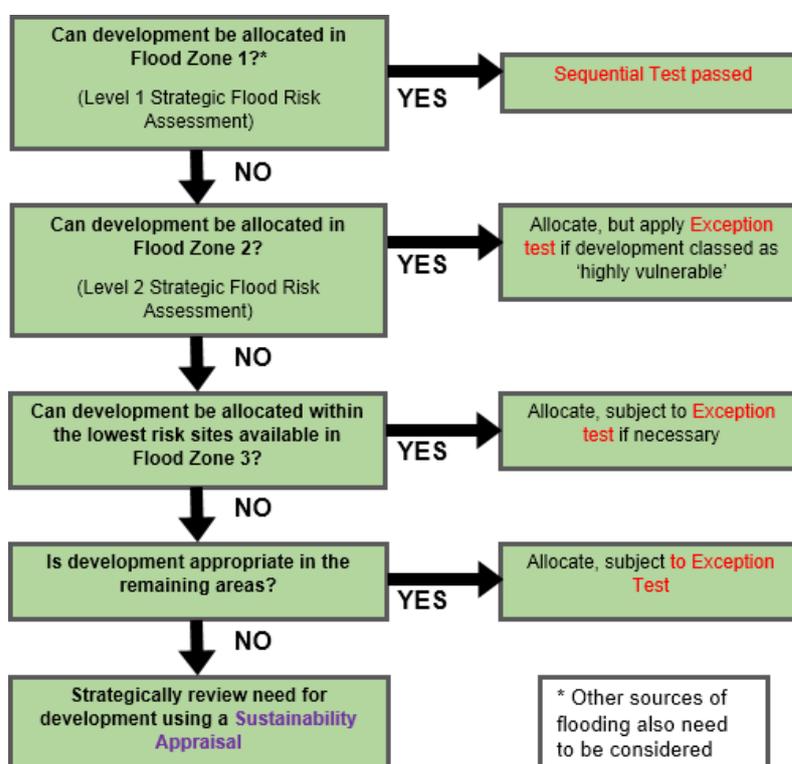
¹⁰ SRFCCC Meeting at ESCC on 23 Oct 2018

4.0 The Sequential Test

4.1 The Planning Practice Guidance states:

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. Paragraph: 019 Reference ID: 7-019-20140306 Revision date: 06/03/2014

4.2 The Rother Strategic Flood Risk Assessment, Environment Agency flood risk mapping/models and site assessments (RNP Support 2) provide the basis for applying this test, which is shown diagrammatically below.



Sites Considered for Allocation

Flood Zone 1 Sites
RY17 Land west of Oast House Drive
RY21: Land rear of Love Lane
Flood Zone 2 Sites
No SHLAA Ref: Land to the west of Station Approach
RY7: Former Council Depot, Cyprus Road
RY42: Land north of Thomas Peacock School
Flood Zone 3a Sites
No SHLAA Ref: Lower School Site, Udimore Road
No SHLAA Ref: Gibbet Marsh Car Park, Udimore Road
RY3: Rock Channel
RY12: Land North Gateborough Farm
RY18: Former Tilling Green School
RY19a and part of 19b: Former Freda Gardham School
RY22: Land east of Tilling Green Estate
RY23: Land south of Rock Channel
RY26: Land at Glencose Farm, West Undercliff
RY27: Land adjacent 136 New Winchelsea Road
RY36: Winchelsea Road East
RY38: Land South of Thomas Peacock School
RY39: Land south west of Rye
RY53: Winchelsea Road West

Sites highlighted in red are those that have been put forward for allocation in the Neighbourhood Plan.

Reasonably Available and Appropriate Sites

- 4.3 In accordance with national planning policy, development should not be allocated or permitted if there are **reasonably available sites appropriate for the proposed development** in areas with a lower risk of flooding (NPPF paragraph 158). The PPG says that “A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. **Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report**” [Paragraph: 022 Reference ID: 7-022-20140306 Revision date: 06 03 2014].
- 4.4 There is therefore a clear link between the flood risk assessment report and the sustainability appraisal. In particular it is considered that the sustainability appraisal is the best tool to determine whether sites are ‘reasonably available sites appropriate for the proposed development’.

- 4.5 The Sustainability Appraisal of the Rye Neighbourhood Plan is published alongside the Neighbourhood Plan and this supporting flood risk report. It appraises each potential site against 16 sustainability objectives, which include flood risk but also include other issues such as proximity to services and facilities and impact on the natural environment.
- 4.6 The PPG states that “Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required” [Paragraph: 019 Reference ID: 7-019-20140306 Revision date: 06 03 2014].

Flood Zone 1 Sites

- 4.7 There are two sites in Flood Zone 1 - RY17 Land west of Oast House Drive and RY21: Land rear of Love Lane.
- 4.8 RY17 Land west of Oast House Drive was assessed in the Sustainability Appraisal as unsustainable on the grounds that it is relatively remote from facilities, a greenfield site and outside the Development Boundary of Rye. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.
- 4.9 RY21: Land rear of Love Lane was assessed in the Sustainability Appraisal as a less sustainable site which is accessible but a greenfield site and outside Development Boundary. Again, these sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.

Flood Zone 2 Sites

- 4.10 There are three sites in Flood Zone 2 - No SHLAA Ref: Land to the west of Station Approach; RY7: Former Council Depot, Cyprus Road and RY42: Land north of Thomas Peacock School.
- 4.11 Land to the west of Station Approach and RY7: Former Council Depot, Cyprus Road were assessed in the Sustainability Appraisal as very sustainable sites in highly accessible locations on previously developed land within the Development Boundary. However, because their deliverability is uncertain they have not been allocated in the Neighbourhood Plan. They can still come forward as windfall development if they become available during the Plan period.
- 4.12 RY42 Land north of Thomas Peacock School was assessed in the Sustainability Appraisal as a less sustainable site which is accessible but Greenfield and outside Development Boundary. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.

Conclusion for Flood Zones 1 and 2

- 4.13 It is considered therefore that none of the potential sites in Flood Zones 1 and 2 are reasonably available sites appropriate for the proposed development. Allocations for development in Rye will therefore need to be on Flood Zone 3a land. However, it must still be considered whether development can be allocated on the lowest risk sites in Flood Zone 3.

Can Development Be Allocated On The Lowest Risk Sites In Flood Zone 3?

4.14 The Rother SFRA goes beyond the standard definitions of Flood Zones referred to above to look at the modelled flood hazards of four different scenarios where sea defenses are breached (allowing for overtopping) in a 0.5% (1 in 200 year) annual probability:

- A breach at Rye West;
- A breach at Rye South;
- A breach at North Salts; and
- A breach at Rye East¹¹.

4.15 The risk results for the Flood Zone 3 sites are set out below:

	Rye West	Rye South	North Salts	Rye East
RY23: Land south of Rock Channel	None	None	None	None
RY36: Winchelsea Road East	None	None	None	None
RY22: Land east of Tilling Green Estate	Low	Med/ High	Med/ High	None
RY53: Winchelsea Road West	Med/Low	Med/Low	Med/Low	None
RY19a and part of 19b: Former Freda Gardham School	None	None	None	High
RY27: Land adjacent 136 New Winchelsea Road	High	None	None	None
No SHLAA Ref: Lower School Site, Udimore Road	Med/Low	High	High	None
RY18: Former Tilling Green School	Medium	High	High	None
RY38: Land South of Thomas Peacock School	Medium	High	High	None
No SHLAA Ref: Gibbet Marsh Car Park, Udimore Road	High	High	High	None
RY3: Rock Channel	High	High	High	None
RY12: Land North Gateborough Farm	High	High	High	None
RY26: Land at Glencose Farm, West Undercliff	High	High	High	None
RY39: Land south west of Rye	High	High	High	None

4.16 Clearly those sites which have no risk identified for any of these breach scenarios are the lowest risk sites. Two sites fall into this category - RY23: Land south of Rock Channel and RY36: Winchelsea Road East. The latter is proposed for allocation. RY23: Land south of Rock Channel was assessed in the Sustainability Appraisal as

¹¹ Rother SFRA Maps A6.2.2, A7.2.2, A8.2.2 and A9.2.2

an unsustainable site in reasonably accessible location but a greenfield site in the Strategic Gap. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.

- 4.17 The next lowest risk sites are those which are not at high risk of flooding from any of the breach scenarios. Two sites fall into this category - RY22: Land east of Tilling Green Estate and RY53: Winchelsea Road West. The latter is proposed for allocation. RY22: Land east of Tilling Green Estate was assessed in the Sustainability Appraisal as an unsustainable site which is accessible but is a greenfield site outside the Development Boundary and within the Area of Outstanding Natural Beauty. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.
- 4.18 The next level would be sites that are only at high risk from one potential breach. Two sites fall into this category - RY19a and part of 19b: Former Freda Gardham School and RY27: Land adjacent 136 New Winchelsea Road. The former is proposed to be allocated. RY27: Land adjacent 136 New Winchelsea Road was assessed in the Sustainability Appraisal as an unsustainable site that is relatively remote from facilities, on a greenfield site and outside the Development Boundary. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.
- 4.19 The fourth level would be sites that are at high risk from two potential breaches. Three sites fall into this category - Lower School Site, Udimore Road; RY18: Former Tilling Green School; and RY38: Land South of Thomas Peacock School. The first two sites are proposed to be allocated. RY38: Land South of Thomas Peacock School was assessed in the Sustainability Appraisal as a less sustainable site which is accessible but a greenfield site and outside the Development Boundary. These sustainability issues are considered to outweigh the benefits of developing on a lower flood risk site than those selected for allocation.
- 4.20 The highest risk sites considered are those at high risk from three out of four breach scenarios. Five sites come within this category including one which is proposed to be allocated - RY3: Rock Channel. The other four need not be considered as they are at equal or higher risk than the allocated sites.

Conclusion for Flood Zone 3

- 4.21 It is considered therefore that none of the potential sites in Flood Zones 3 that are on lower risk sites than those proposed to be allocated in terms of potential breaches of sea defenses are reasonably available sites appropriate for the proposed development. However, the proposed sites for allocation must still be subject to the Exception Test.

5.0 The Exception Test

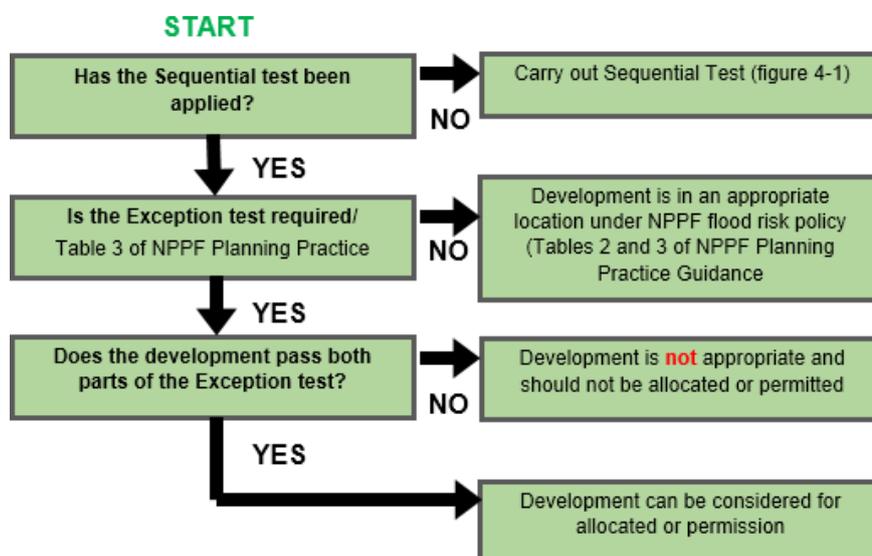


Table 8: The Exception Test Process

- 5.1 The National Planning Policy Framework paragraphs 159-160 set out when and how an Exception test must be applied as follows:

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development 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.*

- 5.2 This is supplemented by guidance in the PPG which confirms that an Exception Test must be carried out for development within Flood Zone 3a where it is classified as ‘more vulnerable’. This includes buildings used for dwelling houses. An Exception Test is not required for buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution as these are classed as less vulnerable. This is important as some of the allocation

sites are for mixed residential and business use. The Exception Test for these sites will only be carried out in respect of the residential element of the allocation. It is also noted that some of the sites are former school sites. Non-residential schools fall into the same category as dwelling houses and therefore it may be said that the proposed allocation in these cases would replace one 'more vulnerable' use with another.

- 5.3 The following tables pull together the detailed flood information about each proposed allocation site and address the two tests in NPPF paragraph 160. It should be noted that a Site-Specific Flood Risk Assessment (SSFRA) will need to be carried out at planning application stage when the details of the development and proposed mitigation are known.

RY36: Winchelsea Road East	
Existing / Former Use	Employment including petrol filling station (less vulnerable)
Proposed Use	Mixed development with 10 dwellings (more vulnerable use)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%).
Planned Mitigation	SUDS and improved surface water drainage.
Wider Sustainability Benefits	It could deliver some affordable housing for the community for both new families and the older resident, in a mixed development.
Safe for its Lifetime	One site (RR/2016/1484/P – TN317EL) in this broad location has been subject to recent proposal and has been subject to Environment Agency advice and development conditions. Subject to further SSFRA any development would be safe, protected as now by formal flood defenses, without increasing flood risk elsewhere, and with mitigation.
Conclusion	Allocate

RY53: Winchelsea Road West	
Existing / Former Use	Employment (less vulnerable)
Proposed Use	Mixed development with 20 dwellings (more vulnerable use)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%).
Planned Mitigation	SUDS and improved surface water drainage.
Wider Sustainability Benefits	It has the potential to contribute to delivering the overall housing requirement
Safe for its Lifetime	Recent developments (RR/2006/2000/P – TN31 7EL; RR/2005/2760/P - TN31 7EL; RR/2007/927/P – TN31TEL and RR/2015/2933/O – TN31 7EL) close to the broad location have been subject to SSFRA, Environment Agency advice and imposed

	conditions. Subject to further SSFRA any development would be safe, protected as now by formal flood defenses, without increasing flood risk elsewhere, and with mitigation.
Conclusion	Allocate

RY19a and part of 19b: Former Freda Gardham School	
Existing / Former Use	School (more vulnerable use)
Proposed Use	30 dwellings (more vulnerable use)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%). High Risk from Rye East Breach.
Planned Mitigation	Eastern Rother Tidal Walls scheme, SUDS and improved surface water drainage. Environment Agency advise that the duration of the planned mitigation is defined by the EA and is based on local factors, for example Dymchurch is for 100 year duration but Lydd will only be for 25 years, however both scheme offer a 1:200 standard of protection over different return periods. This means that the Environment Agency will provide whatever intervention will be required to ensure protection.
Wider Sustainability Benefits	It could deliver affordable housing for the community for both new families and the older resident. The allocation would provide self build options for a small number of homes, for which there is interest in Rye.
Safe for its Lifetime	Once the Eastern Rother Tidal Walls scheme is complete (Planning proposal October 2018) then any development would be safe, protected by improved formal flood defenses. There would be no impact on flood risk elsewhere
Conclusion	Allocate

No SHLAA Ref: Former Lower School Site, Udimore Road	
Existing / Former Use	School (more vulnerable use)
Proposed Use	50 dwellings (more vulnerable use)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%). High Risk from Rye South and North Salts Breaches, Medium to Low Risk from Rye West Breach.
Planned Mitigation	SUDS and improved surface water drainage.
Wider Sustainability Benefits	The proposed use of the site would also result in the redevelopment of an area of previously derelict land. It has the potential to contribute to delivering

	the overall housing requirement.
Safe for its Lifetime	This site has been subject to SSFRA by Sainsburys and Plutus Rye (RR/2017/1778/P – TN31 7DJ) for both commercial and residential development. In both cases the Environment Agency has provided advice and placed conditions for any future development. Subject to a further SSFRA any development would be safe, protected as now by formal flood defenses, without increasing flood risk elsewhere, and with mitigation.
Conclusion	Allocate

RY18: Former Tilling Green School	
Existing / Former Use	School (more vulnerable use)
Proposed Use	20 dwellings and community centre (more vulnerable use)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%). High Risk from Rye South and North Salts Breaches, Medium Risk from Rye West Breach.
Planned Mitigation	SUDS, surface water drainage and sewerage improvements
Wider Sustainability Benefits	It would be part housing and part community centre for which there is an identified need. It would deliver affordable housing for the community for both new families and the older resident.
Safe for its Lifetime	A SSFRA for a withdrawn proposal ((RR/2015/2581/P) has considered that the site is safe because of existing flood defenses and proposed mitigation measures.
Conclusion	Allocate

RY3: Rock Channel	
Existing / Former Use	Employment (less vulnerable use)
Proposed Use	Mixed use with 30 dwellings (more vulnerable)
Details of Flood Risk	Flood Zone 3a High probability – land assessed as having a 1 in 100 or greater annual probability of flooding (>1%). High Risk from Rye West, Rye South and North Salts Breaches.
Planned Mitigation	SUDS, surface water drainage and sewerage improvements.
Wider Sustainability Benefits	The proposed use of the site would also result in the regeneration of an area of previously under-developed land. Potential to contribute to delivering the overall Rye housing requirement with both affordable homes and homes into which the elderly

	might downsize
Safe for its Lifetime	A residential proposal for part of the location (RR/2017/2321/P for TN317HJ) has been subject to SSFRA, Environment Agency advice and imposed conditions. In addition a SSFRA for a withdrawn proposal for the location has considered that the site is safe because of the flood defenses (renewed in 2014) and subject to new mitigation measures.
Conclusion	Allocate

6.0 Conclusion

- 6.1 The Rye Neighbourhood Plan needs to allocate sites for about 160 new homes as well as employment and retail floorspace. The potential sites for these allocations have been subject to detailed site assessment and Sustainability Appraisal, which assessed each site against 16 sustainability objectives including flood risk.
- 6.2 Rye is a parish that is heavily constrained by flood risk, both from fluvial and surface water and from the sea. As a result most of the sites under consideration were within Flood Risk Zones 2 and 3. It was therefore considered appropriate to carry out a Sequential Test of all the potential sites and an Exception Test for those proposed for allocation.
- 6.3 The Sequential test showed that none of the potential sites in Flood Zones 1 and 2 are reasonably available sites appropriate for the proposed development. Allocations for development in Rye will therefore need to be on Flood Zone 3a land. It also concluded that none of the potential sites in Flood Zones 3 that are on lower risk sites than those proposed to be allocated in terms of potential breaches of sea defenses are reasonably available sites appropriate for the proposed development.
- 6.4 The Exception test was then applied to those sites proposed for allocation. This tested whether the proposed allocations met the following requirements:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development 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.
- 6.5 For each proposed allocation site it has been concluded that these tests will be met subject to appropriate mitigation and the findings of a site-specific flood risk assessment at the planning application stage. This enables the detailed development proposals for each site to be accompanied by specific flood risk assessments to provide evidence that suitable and robust measures can be incorporated into any given development plan to minimise the impact of flooding to both the properties and people to an acceptable level, over the lifetime of the design.

Appendix 1 – Planning Practice Guidance on Flood Risk (Relevant Exerts)

The sequential, risk-based approach to the location of development

What is the sequential, risk-based approach to the location of development?

This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep 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.

Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds. According to the information available, other forms of flooding should be treated consistently with river flooding in mapping probability and assessing vulnerability to apply the sequential approach across all flood zones.

Paragraph: 018 Reference ID: 7-018-20140306 Revision date: 06 03 2014

The aim of the Sequential Test

What is the aim of the Sequential Test for the location of development?

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

Paragraph: 019 Reference ID: 7-019-20140306 Revision date: 06 03 2014

What is the role of sustainability appraisal in the sequential test?

A local planning authority should demonstrate through evidence that it has considered a range of options in the site allocation process, using the Strategic Flood Risk Assessment to apply the Sequential Test and the Exception Test where necessary. This can be undertaken directly or, ideally, as part of the sustainability appraisal. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to

allocate land in areas at high flood risk in the sustainability appraisal report. The Sequential Test can also be demonstrated in a free-standing document, or as part of strategic housing land or employment land availability assessments.

Paragraph: 022 Reference ID: 7-022-20140306 Revision date: 06 03 2014

The Exception Test

What is the Exception Test?

The Exception Test, as set out in paragraph 102 of the Framework, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

Essentially, the 2 parts to the Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Paragraph: 023 Reference ID: 7-023-20140306

Revision date: 06 03 2014

How can wider sustainability benefits to the community that outweigh flood risk be demonstrated?

Evidence of wider sustainability benefits to the community should be provided, for instance, through the sustainability appraisal. If a potential site allocation fails to score positively against the aims and objectives of the sustainability appraisal, or is not otherwise capable of demonstrating sustainability benefits, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible the Exception Test has not been satisfied and the allocation should not be made.

Paragraph: 024 Reference ID: 7-024-20140306 Revision date: 06 03 2014

What needs to be considered to demonstrate that development will be safe for its lifetime?

Wider safety issues need to be considered as part of the plan preparation. If infrastructure fails then people may not be able to stay in their homes. Flood warnings and evacuation issues therefore need to be considered in design and layout of planned developments. In considering an allocation in a Local Plan a level 2 Strategic Flood Risk Assessment should inform consideration of the second part of the Exception Test. See further information on making development safe from flood risk and on what is considered to be the lifetime of development.

Paragraph: 025 Reference ID: 7-025-20140306 Revision date: 06 03 2014

What is considered to be the lifetime of development in terms of flood risk and coastal change?

Residential development should be considered for a minimum of 100 years, unless there is specific justification for considering a shorter period. For example; the time in which flood risk or coastal change is anticipated to impact on it, where a development is controlled by a time-limited planning condition.

The lifetime of a non-residential development depends on the characteristics of that development. Planners should use their experience within their locality to assess how long they anticipate the development being present for. Developers would be expected to justify why they have adopted a given lifetime for the development, for example, when they are preparing a site-specific flood risk assessment. The impact of climate change needs to be taken into account in a realistic way and developers, the local planning authority and Environment Agency should discuss and agree what allowances are acceptable.

Paragraph: 026 Reference ID: 7-026-20140306 Revision date: 06 03 2014