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**SALEHURST & ROBERTSBRIDGE NEIGHBOURHOOD DEVELOPMENT PLAN**  
December 2016

Examination by Mr Slater held at a Public Hearing on 28<sup>th</sup> September 2017

**Question 1.**

**Has the neighbouring plan applied a sequential risk based approach to the identification of its residential development sites? Would it be possible for the plan to achieve its housing requirements without proposing homes to be built in areas at risk from flooding?**

Responses prepared by Courtley Planning Consultants Ltd on behalf of Devine Homes. September 2017

## Question 1

1. NPPF state in Para 100: *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Local Plans should be supported by Strategic Flood Risk Assessment. Local Plans should apply a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property.”*

1.2 NPPF also state in par 101: *“The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allowed or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower probability of flooding”.*

1.3 SRNP has not carried any Sequential Test in consideration of the alternative available housing sites. The SRNP rely solely upon their SEA (which doesn't include a Sequential Test). We have already submitted representation separately on the SEA and consider it doesn't comply with SEA guidelines and would bring to the attention of the Examiner the recent High Court Case **Stonegate Homes Ltd vs Horsham DC and Henfield PC ( Case No CO/2515/2016)**

1.4 The screening opinion received from Rother DC state that the SRNP needs to consider a number of important environmental factors including the AONB, heritage constraints, Rother & Darwell Valleys Biodiversity Area and sites that fall within Flood Zones 2 and 3. Overall the current SEA is inadequate and deficient; lacks the appropriate and proportionate evidence base necessary for it to undertake a robust SEA that meets the requirements of the European Directive.

1.5 A number of potential housing site are available within SRNP area. This is acknowledged within Hodson Mill Ltd “Flood Risk Sequential Assessment & Exception Test” (June 2017) submitted in support of their application on the Mill Site. Note not produced independently for the SRNP. This report rejects these sites predominately based upon them being “greenfield sites”. The Sequential Test does not preclude the assessment greenfield sites nor does it suggest that the test should be focused on identifying previously developed land in order to find equivalent sites.

1.6 The suitability and deliverability of the 45 dwellings and the 1200sq m of employment space which fall within the Flood Zone 2 and 3 is unsustainable. The Turnbury submission on page12 is a robust estimate and starting point to assess the level of development affected. I would add to this figure a further 5 dwellings which fall outside the current Built up boundary to the north of the site which would lead to an overall reduction of 50 dwellings from the Mill Site.

1.7 The justification of the removal of the employment space from Zone 3 to Zone 1 is in recognition that no business are likely to invest in a site that falls within the Flood Plain. The Inspector into the Maidstone BC Local Plan (July 2017) removed a site known as the Syngenta site, Yalding (a former large employment site) for housing and employment because the site fell within Flood Zone 3a. Applying a similar approach may require the 1200sq m employment into Zone 1 and this could leave around 25-30 dwellings on the Mill Site. Alternatively, as problems on safe access and SUDs remain the whole site could be undeliverable.