

Selby District Council
 Forward Planning Team
 Civic Centre (War Memorial Square)
 Doncaster Road
 SELBY
 North Yorkshire
 YO8 9FT

Our ref: RA/2012/122620/PO-
 01/IS1-L01
Your ref:

Date: 28 January 2015

Dear Sir/Madam

'PLAN SELBY' – THE SITES AND POLICIES LOCAL PLAN – INITIAL CONSULTATION

Thank you for consulting us on the above document, and for agreeing to an extension of the consultation period. Our comments are set out below.

SUSTAINABILITY APPRAISAL REPORT

The SA report provides a baseline description of the key sustainability issues in the District. Paragraph 2.4.3 focuses on the environmental issues.

We are pleased to see that the SA identifies that there are substantial flood risk issues within the district and highlights that a level 1 SFRA has been completed. It also states that a Level 2 SFRA was completed in February 2010, and acknowledges that this will need to be refreshed as part of the evidence base preparation for *PLAN Selby*. We welcome the opportunity to work with you in the updating of this document.

Much of the Selby area is flat and low-lying, resulting in a sizeable part of the authority area lying in flood zones 2 and 3. Therefore, avoiding development in flood risk areas may be limited for some settlements.

The initial consultation document does not explain, or make any reference to whether the constraints to communities from flood zones 2 and 3 have been considered in the determining of housing numbers. Flood risk issues could have significant impact on the ability to deliver sites/required housing numbers, as well as a site's viability, and so is a crucial consideration in both the allocation of housing numbers and in the allocation of sites to fulfil those housing numbers.

We feel this is all the more reason for a full review of the SFRA to be undertaken in order to offer a robust consideration of flood risk in the process of allocating sites for more vulnerable uses.

APPENDIX A – PLANNING POLICY REVIEW

There is no mention in this section of international plans and policies. Of particular relevance is the Water Framework Directive (WFD).

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 Cont/d..

The WFD sets out the need to protect and improve the water environment in its totality. It applies to all surface water bodies, including rivers, streams, lakes, estuaries and canals, coastal waters out to one mile from low water, and all groundwater bodies.

The Directive has two main objectives:

- It sets a target for all waterbodies to achieve "good status" by 2015.
- No deterioration in current status.

The status is determined by an assessment of chemical, physical and biological parameters and ranges from bad through poor, moderate, and good to high.

Many of the water bodies in the Selby District which are classified are currently failing to achieve good status. Most of the water bodies have an ecological status of 'moderate', with a smaller number achieving 'poor' or 'bad'. We suggest that key objectives 14.1 to 14.5 should help to improve the chemical status, however, in order to improve the ecological status we suggest key objective 13.2 should make reference to waterbodies in order to improve their status.

Under the WFD the Environment Agency has prepared River Basin Management Plans (RBMPs) for the 11 River Basin Districts in the country. These were published in 2009 and set out the current status of the waterbodies, identifying the significant water management issues and where possible setting out the actions needed to meet the objectives under the WFD. We would like to see the Humber River Basin Management Plan identified in the key sustainability issues and in the Policy Review section.

FLOOD RISK SUPPLEMENTARY PLANNING DOCUMENT

We have also been consulted separately on the 'Supplementary Planning Document – Flood Risk in Selby District: A Guide for the application of the Sequential Test'. We were previously invited to comment on this document and replied by email to Tom Ridley on 5 November 2014. The comments we made at that time have not been incorporated in this latest version of the Draft SPD. Our comments are still valid and relevant and I therefore enclose a further copy of our response.

It is important that the SPD is not used as a tool for screening site allocations and should focus on planning applications. The site selection methodology should take full account of flood risk areas to screen sites for allocation.

The document usefully explains and clarifies the scope of the search for alternative sites to consider as part of the Sequential Test process. For most residential development, the search area is limited to the community in which the development is proposed.

The document however misses the opportunity to set out the expectations/ approach required to weigh the flood risk information for sites against other sustainability criteria. Including guidance on this element of the tests would offer clarity to developers/site promoters in the provision of data/evidence to the LPA to carry out that test.

In addition there is currently no reference to how flooding from other sources - i.e. local/surface water flooding will be considered in this process. We would recommend that this is reviewed in discussion with the Lead Local Flood Authority (North Yorkshire County Council) to ensure that by avoiding development in flood zones other flooding issues are not caused.

DUTY TO CO-OPERATE

We are pleased to see that the Environment Agency has been included in the list of bodies shown in paragraph 2.1 of the Draft Duty to Co-operate statement.

We will continue to review and comment on local plan consultations and offer advice and guidance on environmental issues both specific to the district and in conjunction with our input to neighbouring authorities local plan consultations.

We would be happy to meet with you to discuss issues within our remit.

SITES AND POLICIES INITIAL CONSULTATION DOCUMENT

Chapter 3 – Key Issues

We particularly welcome the inclusion of Topic 6 – Protecting and Enhancing the Environment and consider this to be an important issue which should remain.

Key Issue Topic 1 – T1 Providing Homes

We note the 'Key messages' on page 13, explain that this consultation is not proposing any site allocations, but is focusing on how the best sites will be chosen.

Flood risk will be a major factor to consider in the site selection methodology using a sequential test approach. We agree with paragraph 3.25 on page 23 that further work needs to be undertaken on local evidence and technical information to support the site allocations, which includes flood risk. We strongly recommend that flood zone 3b is identified as an absolute constraint when screening housing and employment sites for allocation. Any sites coming forward as a result of the call for sites which lie in flood zone 3b should be discounted, unless they are for uses identified as appropriate in the NPPG table of flood zone compatibility.

In light of recent examinations that have taken place into sites and policies documents for Doncaster and the East Riding of Yorkshire, we strongly recommend that flood risk is given a significant weighting in the site selection methodology.

In the case of Doncaster, the Inspector was not convinced that the Council had sufficiently demonstrated that flood risk had been given enough weighting and did not demonstrate that it was not 'possible' to accommodate growth in areas at lower risk of flooding. He also indicated that an exception test/site specific flood risk assessment was necessary for each potential site considered for allocation in a flood risk area to fully understand the issues and risks prior to allocating the site.

In relation to gypsy and traveller sites, the NPPF sets a very clear message that these sites are classified as highly vulnerable uses and are not appropriate development in flood zones 3a and 3b, and are only acceptable subject to passing the exception test in flood zone 2. For this reason we strongly recommend that this is explained in the supporting text in paragraph 3.54 on page 35, and all potential site allocations are located in appropriate flood risk areas.

Paragraph 3.114, Page 53

We would like to see flood defences included in the list of infrastructure in this paragraph. The need for flood defences within the district has been identified in the Infrastructure Delivery Plan.

Table 8 Indicative range of environmental issues to be addressed in PLAN Selby

We are pleased to see 'Green Infrastructure and Ecological Networks' are identified. We would like to see this include river corridors which are an important part of the ecological network. Policies should consider the need to provide a buffer area along

waterways where development is restricted in order to allow wildlife to thrive undisturbed and allow space for species to move freely along networks. This links to points 3b and 4 of Core Strategy Policy SP18.

If you wish to discuss any of the above matters, or other issues pertinent to the Sites and Policies Local Plan, please contact me on the details below.

Yours faithfully

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