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Our ref: AE/2006/000164/OR-
04/PO1-L01
Your ref: Flood Risk Sequential Test
Date: 12 May 2017

Dear Bev

Flood Risk Sequential Test methodology

We refer to your letter dated 19 April 2017 which sets out the Council's proposed methodology for carrying out the Sequential Test in relation to the following development areas:

- Garden communities and sustainable settlements, including Colchester Town
- East Colchester/Hythe Special Policy Area

We have considered the contents of your letter and offer the following advice.

Garden communities and sustainable settlements, including Colchester Town

We are in general agreement with your proposed methodology which we consider represents a reasonable approach. The only point we would make is that in the scenario where a development proposal located in Flood Zone 2 or 3 has passed the Sequential Test, we consider that it must still be demonstrated there is a need for the site to be located in the areas of medium to high risk of flooding. This should only require some short explanatory text. It may be the case that the development proposal has an attribute or feature that relates well to sites in these areas and would assist in delivery of the aims and objectives of the areas.

East Colchester/Hythe Special Policy Area

We are also in general agreement with your proposed methodology for these two areas. Given the Council's aim of continuing regeneration for each Colchester/Hythe Special Policy Area, we consider your proposal to restrict the Area of Search on the basis outlined in your letter to represent a wholly reasonable approach. We assume that given the Council has identified the areas for regeneration, it is comfortable with the level of growth to meet the aims and objectives of these policy areas, notwithstanding most of the areas fall within Flood Zone 3.

As with the garden communities etc, we would expect a development proposal that has passed the Sequential Test to demonstrate there is a need for the site in the areas of medium to high flood risk. Again this could be done through the provision of some short explanatory site. In the case of each Colchester/Hythe Special Policy Area the development proposal may have a particular attribute or feature that relates well to the location of the development within these two areas. The attribute or feature may well contribute to the delivery of the aims and objectives of the policy position.

Although the approach for East Colchester/Hythe Special Area is reasonable and consistent with the previously agreed position, we consider that where a development proposal passes the Sequential Test, we consider it should also be demonstrated by the developer that the site is able to pass, at the allocation stage, the first limb of the Exception Test in paragraph 102 in the National Planning Policy Framework. In other words the developer should set out the benefits and enhancements they would bring to the development site by way of sustainable betterment for the community. This would accord with the aim to bring enhancements to the East Colchester/Hythe Special Area. The Exception Test can in a sense be used to justify the environmental enhancements sought by the Council.

As mentioned in your letter [passing] the Sequential Test does not preclude the need for a detailed site level flood risk assessment (FRA) where necessary. This being the case, the developer should also seek to address, at the allocation stage, the second limb of the Exception Test so that they and the Council are confident the site will be safe for its lifetime.

Sequential Approach

Your letter does not specifically address the situation where a development proposal straddles over Flood Zones. We consider the Council's flood policy should require the developer to carry out the sequential approach. Development with a higher vulnerability classification should be located in the first instance, wherever possible, in the area of lower flood risk followed by the next Flood Zone. Ideally the development should be accommodated wholly in Flood Zone 1, but where this is not possible, it may extend into Flood Zone 2 and ideally Flood Zone 3 should be utilized for amenity / open space purposes. We do, of course, recognise that there may well be reasons for a development to straddle the Flood Zones, excepting Flood Zone 3b the functional floodplain in undeveloped areas where only water-compatible development and essential infrastructure are generally regarded as appropriate uses.

Other comments

Your letter does not appear to specifically address the Sequential Test position for development sites outside the garden communities etc and East Colchester/Hythe Special Policy Area. We assume that the Council will apply a district-wide Area of Search. If so, this should be stated in the Council's flood policy.

We trust that our comments are useful.

Yours sincerely



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