



WILKINSON
PLANNING

Flood Risk Statement

SITE

Land East of Pettaugh Lane, Gosbeck

PROPOSAL FOR

Change of use of agricultural land to equestrian use, including erection of associated stable block and construction of menage

PROPOSAL BY

Miss L Hillyard

August 2023

Contents

1.0	Introduction	2
2.0	Site Context	2
3.0	Planning Policy	5
4.0	Flood Zone Designation and Scope	8
5.0	Sequential Test	9
6.0	Conclusion	11

1.0 Introduction

1.1 This statement is produced for and on behalf of Miss L Hillyard in respect of an application for; Change of use of agricultural land to equestrian use, including erection of associated stable block and construction of menage at Land East of Pettaugh Lane, Gosbeck.

1.2 It will consider the national planning policy position and provide an overview of the relevant material considerations relating to the proposed development, specifically in respect to flood and water risk.

1.3 This statement should be read in conjunction with the Planning Statement accompanying the full plans planning application.

2.0 Site Context

2.1 It is only the proposed access is located in the flood zones and also affected from surface water flood risk:

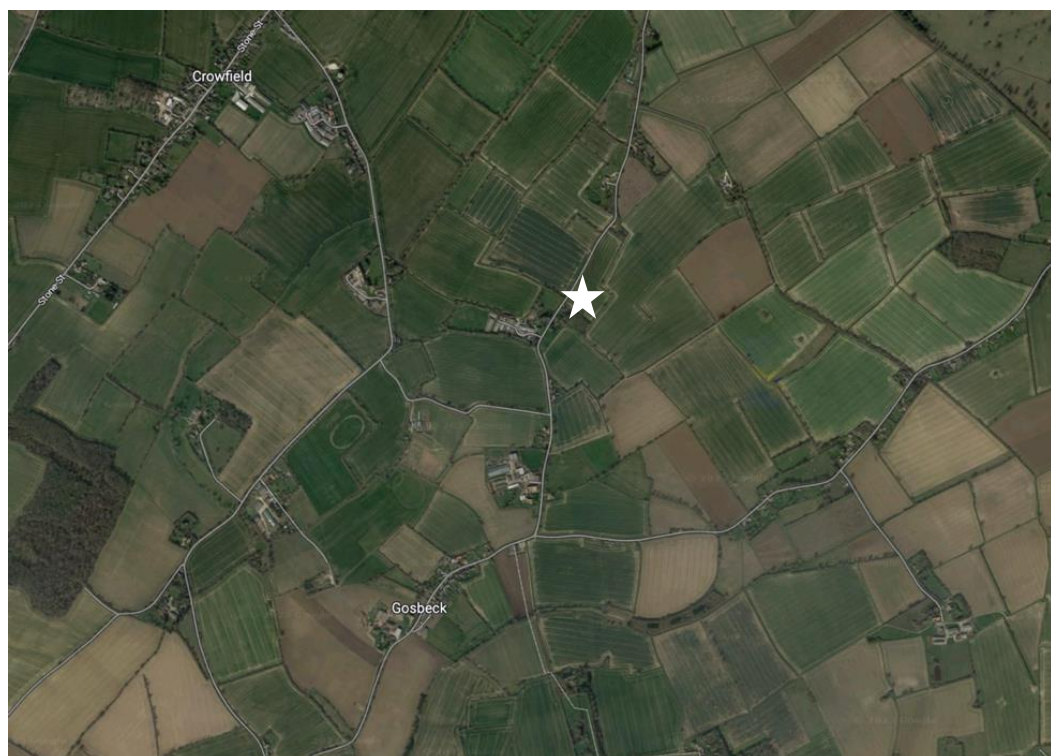


Figure 2.1.1 Aerial View

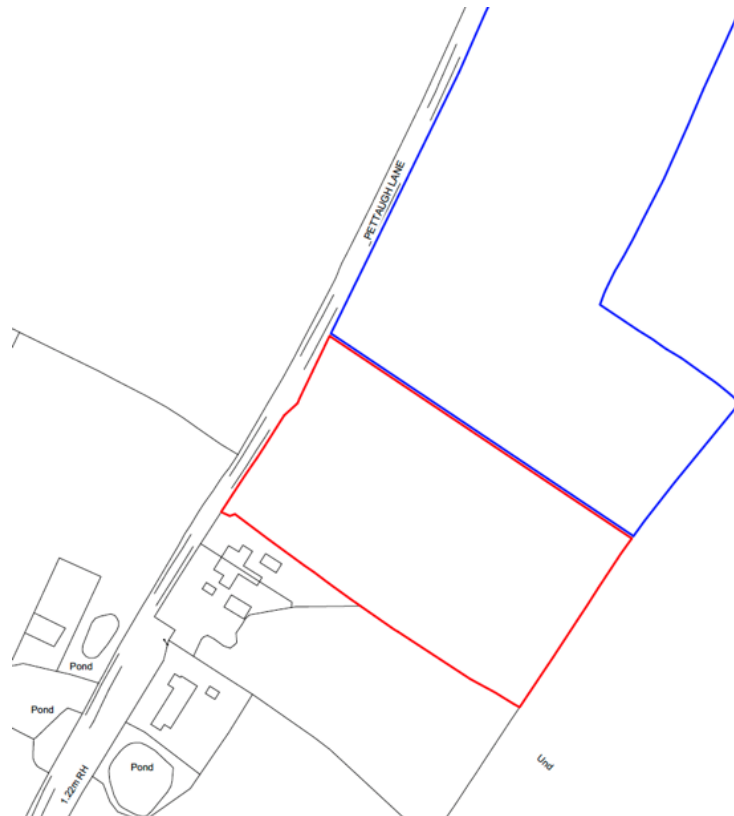


Figure 2.1.2 Site Location Plan

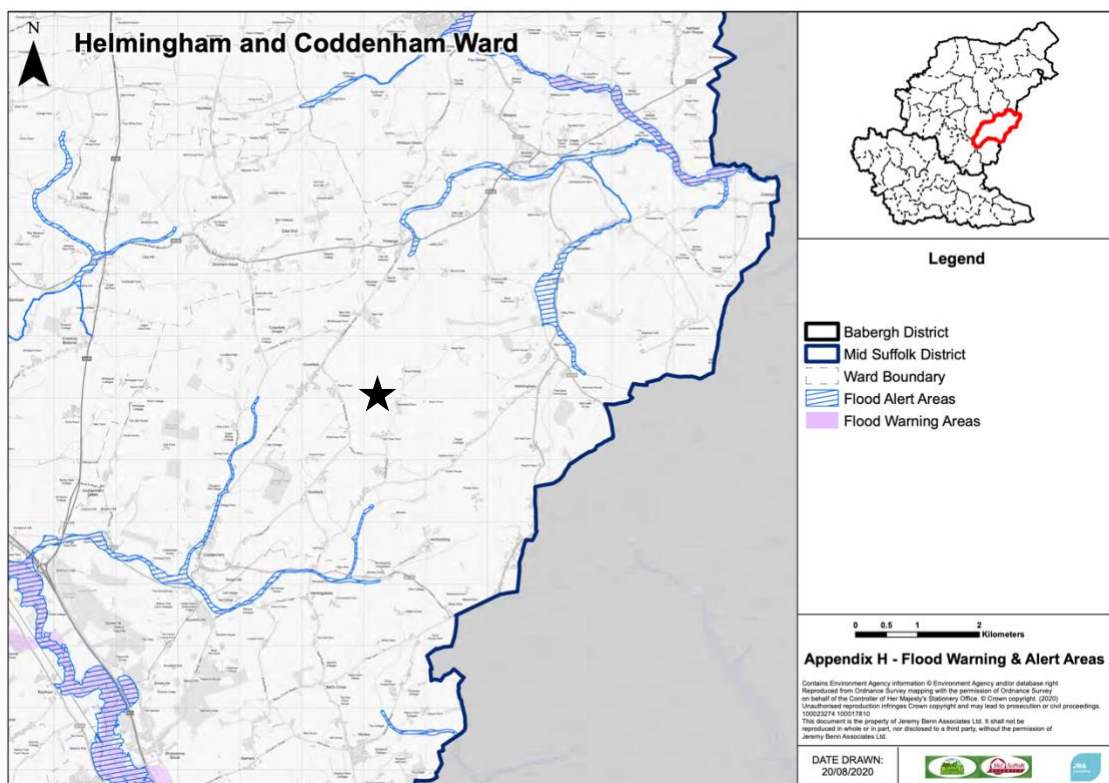


Figure 2.1.3 Babergh Mid Suffolk Strategic Flood Risk Assessment (SFRA) Map Extract (2020)

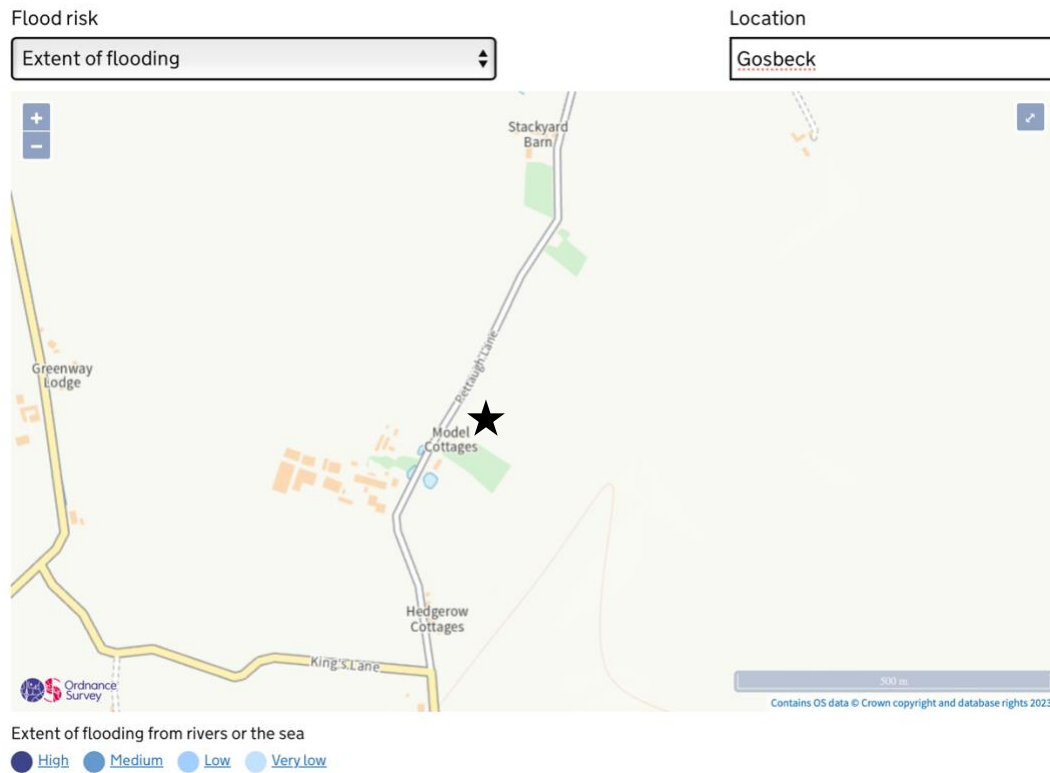


Figure 2.1.4 Environment Agency Map (Low, Medium and High Risk Depths)

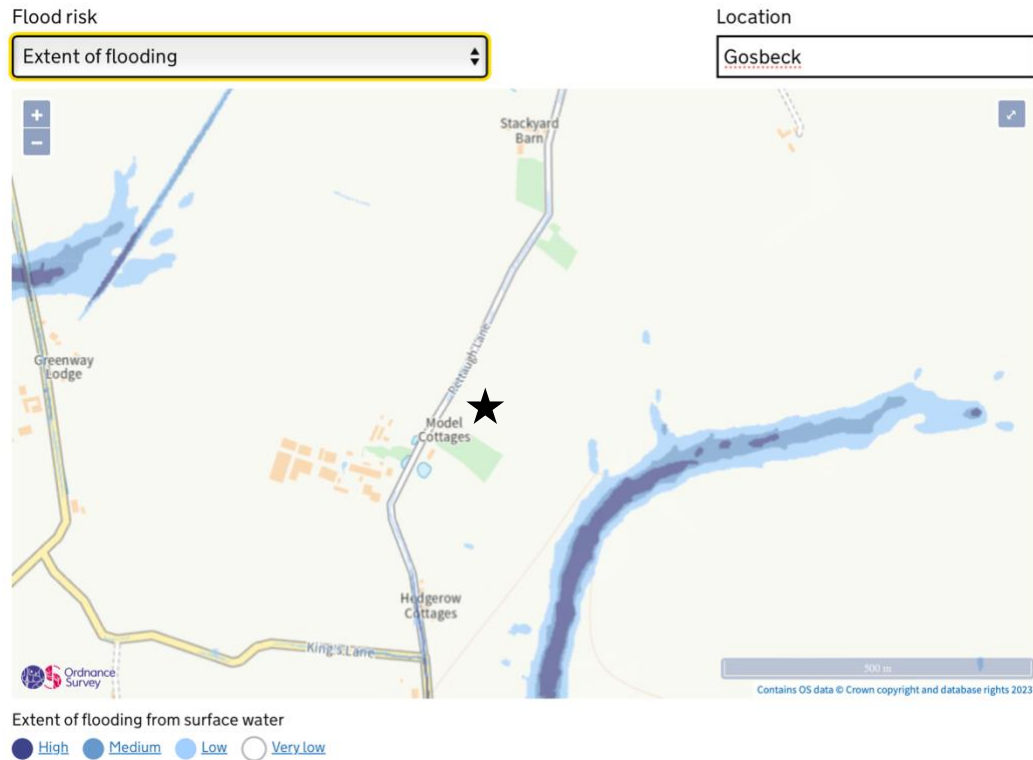


Figure 2.1.5 Environment Agency Map (Surface Water)

3.0 Planning Policy

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2 The National Planning Policy Framework 2021 (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.3 The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers in interpretation of the NPPF:
- 3.4 The Development Plan for Mid Suffolk consists of:

Babergh Mid Suffolk Strategic Flood Risk Assessment (SFRA) (2020)

National Planning Policy Framework (2021)

- Para 7: Achieving sustainable development
 - Para 8: Three dimensions to sustainable development
 - Para 10: Presumption in favour of sustainable development
 - Para 11 – 14: The presumption in favour of sustainable development
 - Para 38: Decision making
 - Para 47 – 50: Determination of planning applications
 - Para 159 – 169: Planning and flood risk
- 3.5 At a national level, the proposed development has been primarily assessed having had regard to core paragraphs 159 – 169, which state:

“159. 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.

160. 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.

161. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and 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 and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); 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.*

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. 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.

163. *If it is not possible for development to be located in areas 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 Annex 3.*

164. *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. To pass the exception test 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.*

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

166. *Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.*

167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

168. Applications for some minor development and changes of use⁵⁶ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 54.

169. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.”

3.6 At a local level, paragraph 10.4.1 of the SFRA (2020) states that; *“The NPPF states that a sequential, **risk-based approach should be applied to try to locate more vulnerable land use away from flood zones, to higher ground, while more flood- compatible development (e.g. vehicular parking, recreational space) can be located in higher risk areas.** However, vehicular parking in floodplains should be based on the nature of parking, flood depths and hazard including evacuation procedures and flood warning.”*

3.7 The rational and logical approach to the delivery of this site should therefore be endorsed, given the land available and the evident ability to utilise land set on higher ground, which is substantially lower in flood risk.

4.0 Flood Zone Designation and Scope

- 4.1 Government and Environment Agency (EA) flood maps identify that part of the site has predicted flooding, with particular focus on the proposed access point in the north eastern corner.
- 4.2 The sequential approach has been taken towards the proposal.. The nature and extent of the development is an appropriate use of the land, and would not unacceptably increase the flood risk potential of other nearby land uses. Even if the Council were to consider the proposal to cause unacceptable risk, emergency access to higher ground and therefore drier land could easily be enabled, given the size and extent of the site within the applicant's ownership.
- 4.3 The equestrian paddocks are proposed to be interlinked so any veterinary access requirements could easily be accommodated, through higher ground access. Emergency pedestrian access can be enabled also. As the application is classed as 'major', IBC water butts would be proposed to serve the stable. The access road could also be changed from type 1 to type 3 permeable surface.
- 4.4 There would be no vulnerable uses placed in the flood zone. The site could easily be managed through an effective emergency plan in the event of a flood. There is nothing before the LLFA to suggest a flood and water compliant scheme couldn't be delivered, bound by planning condition(s).

5.0 Sequential Test

- 5.1 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.
- 5.2 In demonstrating that the Sequential Test is passed, the presumption in favour of sustainable development can be engaged in respect of this proposal, in addition to the underpinning factor that this is a proportionate rural proposal both in terms of scale and nature. The proposal would present a limited area of sealed surfacing, which, could be managed as set out above. The application site is primarily in Flood Zone 1, and does not propose to locate any vulnerable uses within the surface water flood area. **The development is therefore appropriate in flood and water terms, and passes the Sequential Test:**

Table 3: Flood risk vulnerability and flood zone ‘compatibility’

Flood risk vulnerability classification (see table 2)		Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓	✓
	Zone 3a	Exception Test required	✓	✗	Exception Test required	✓
	Zone 3b functional floodplain	Exception Test required	✓	✗	✗	✗

Key: ✓ Development is appropriate.
✗ Development should not be permitted.

Figure 5.2.1 Environment Agency Vulnerability Classification

5.3 Turning to the considerations of paragraph 167, assessment is provided as follows:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

5.4 There would be no vulnerable use located on land outside of any fluvial and pluvial flood risk area.

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

5.5 The development would be resistant and resilient to flood risk, as the availability of higher ground land which is accessible is retained within the defined red line outline.

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

5.6 The stable and small barns could be fixed with IBC water butts, to capture rain water as a means of acceptable SUDs management, which would limit the rate of surface water run-off

at a greenfield rate. This will ensure that the development does not have any adverse impact on nearby land uses. Further, the drainage design has considered all four pillars of SuDS, and therefore the design will not only deliver the water based requirements of water 'Quantity' and 'Quality', but will provide an opportunity to deliver valuable enhancements to 'Biodiversity' and 'Amenity', inter-alia with the proposed landscaping.

d) any residual risk can be safely managed; and

5.7 The development would be risk managed, as discussed earlier in this statement which could in any event be imposed through planning condition by the LPA in respect of flood evacuation.

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.8 The development could be subject to a flood risk emergency plan, and is well served by access to higher ground within the landscape.

5.9 To summarise:

- The site is going to be c5% impermeable surface (hardstanding / stable). The remainder of the site is open ground, with permeable manage and access. The site will be c70% grazing land.
- The site is readily capable of accommodating the low level sealed surfacing. The site is completely free of any known surface water, therefore the site is fully able to absorb the development in flood and water terms.
- The applicant is committed to capturing water from the roof structure, through IBC water butts (planning condition advised).

5.10 In summary of the Sequential Test considerations engaged, LPAs are required to consider the merits of the proposal through a rational and logical planning approach. The national planning policy thresholds clearly signify that this is a suitable location for development, which is sequentially preferable, without any demonstrable flood and water risk.

6.0 Conclusion



- 6.1 The proposal seeks planning permission for; Change of use of agricultural land to equestrian use, including erection of associated stable block and construction of menage. The applicant acknowledges the LPA's position concerning planning conditions and welcomes discussion around agreement of conditions.
- 6.2 This assessment includes:
- The low, medium and high risk flood depth extents for each type of flood risk, extracted from the EA.
 - Impermeable and permeable surface calculations.
 - Flood risk management and capability
 - IBC water butt inclusion.
- 6.3 As concluded by the justifications provided in this statement, there are no technical reasons to refuse planning permission and there are no barriers preventing the site from delivery in respect to flood and water. There are no direct conflicts at a local or national planning policy level, when framed against Case Law.
- 6.4 Applications of this nature and extent should be determined through a proactive approach to delivering sustainable forms of development, as prescribed by paragraph 38 of the NPPF. In light of the justification expressed by this statement, it is evident that the proposal is sustainable when applying sound planning logic.
- 6.5 The factors and conclusions expressed are robust and rational. There are no reasonable alternative sites available elsewhere, and no vulnerable uses would not be located in any vulnerable flood risk area.
- 6.6 In light of this and taking account of all the considerations set out above, it is hoped that the LPA will support this sustainable development by granting planning permission in the terms requested.