

John Mook

Representor Number ID 853475

Matter 1 issue1.6 (HA23)

WRITTEN HEARING STATEMENT

The Inspector has raised question item No 15: ‘Have all the sites allocated in the Plan been subject to flood risk assessments, this is unclear?’¹

It is the contention of residents that HA23 has been grossly mis-assessed because the officers have not followed the guidelines laid down in the NPPF, PPG and SFRA. In particular the HLSMA Question 4 “Does the site lie within an area considered unsuitable due to its position within a Flood Risk Zone?” The answer should be YES, this links into question 7: consequently HA23 should be immediately dismissed. To support this, reference is made to the SFRA that directly address HA23:

The methodology and procedures followed have been deficient.

Scarborough Borough Council is in agreement with Arup the Independent experts commissioned to undertake the Northeast Yorkshire Strategic Flood Risk Assessment (SFRA) that Filey is considered a flood zone 3 until determined otherwise.²

When the SFRA was compiled, HA23 was not considered within Filey’s settlement limits. Therefore there was no need to report or document any flooding that had previously taken place on the HA23 site. Even within settlement limits the area was defined as flood zone 3. Yet officers in the HLSMA have allocated the site as flood zone 1. This is erroneous as there have been documented flooding on previous occasions.³ In addition there is the key statement in SFRA Filey Section 11.5.8 ‘Guidance on Land Use Planning and Flood Risk’ which states: “Development on the potential sites for flood storage areas upstream of Filey should be avoided, in order to ensure that potential for future flood alleviation works is not compromised”.

To further support the proposal that the officers have mis-assessed the site and not considered pertinent facts, reference is made to the following sections in the SFRA:

Section 5.2.4.3: Surface water flooding within Scarborough Borough in particular surface water runoff problems have been reported in Filey, over the proposed site HA23.

Section 6.2: Mapping PPS25 Flood Zones; The Environment Agency Flood Zone Maps DO NOT Identify flood zones 3a and 3b. and therefore are not consistent with the SFRA.

¹ Reference EXR1.

² See Examination Doc [CSD27] SFRA page 96, Filey sections 11.5 to 11.5.8. Also see my submission to the proposed plan stage Appendix A5 dealing with SHELAA (Sept 2014).

³ Also see my submission to the proposed plan stage and Appendix A4 that refers to the statement by Mr Hand, Scarborough Forward Planning Officer in Filey Town Council minutes 1st Sept 2014 who made the point that it is in a flood zone 3. This is a continuation of the statements in the SFRA which point out that no new developments should take place in areas of flooding or areas that have previously flooded.

It is important to consider, as stated above, that the SFRA considers Filey to be in a flood zone 3, subdivided into zones 3a and 3b. This is significant because in the SFRA:

Section 6.2.1: All currently developed sites within a flood zone 3 are defined as zones 3a(i) 3a(ii) and 3a(iii) sites within a developed area. For example the adjoining streets Wooldale Drive and Church Cliff Farm are defined as zone 3a(i).

Section 6.2.2: Defines a flood zone 3b as: “all areas within Flood Zone 3 which are LOCATED OUTSIDE of currently developed sites and are not defended to a proven standard of protection of at least 5%”. This includes all floodplain areas behind agricultural flood banks and land to provide flood storage and conveyance. HA23 meets the criteria of being in a flood zone 3b.

Even with the Filey Flood Alleviation Scheme in place, the southern end of HA23 will be exposed to flood protection flood water storage/ ponding ⁴. So development will incur costs of a storm water attenuation system, which links to the viability of the development.

Table 7.1 and 7.2: Provides information that developments should meet. PPS25 states that Flood Zone 3b is appropriate for ‘Water Compatible’ development types only (see table 7.1). ‘Essential Infrastructure’ development types are only considered appropriate if the requirements of the Exception Test are passed. According to SFRA table A1 and A2⁵ a housing development is not classified as ‘Essential Infrastructure’.

Due to the technical design of the Filey Flood Alleviation Scheme the residential areas around site HA23 will be fully protected from potential flooding. However, according to the Lidar Model⁶ submitted it is clear that HA23 will be subject to flood protection flood water storage/ ponding and will therefore still remain classified as a flood zone 3b.

Sections 6-8.6: Irrespective of whether or not a development is within or outside a settlement limit, the guidance and policy set down for new developments in flood risk zones should meet the criteria as set down in sections 6 to 6.5 Approach and Methodology; 7 to 7.7 Forward Planning Policy Recommendations and 8 to 8.6 Development Control Guidance. HA23 should be subject to the same policies and guidance.

Section 11.5.8 Recommends that NO DEVELOPMENT take place in the areas identified at risk of flooding until alleviatory measures are in place and that development on the potential sites for flood storage areas should be avoided, which links to 6.2.2 above. Clearly it has been identified that area HA23 floods, and flood water from this site contributed to the internal flooding of many properties at Church Cliff Farm flowing over Church Cliff Drive and the entrance to Country Park.⁷

Not only have officers given an incorrect response to Question 4 in the HLSMA but it is clear they have ignored the subsequent explanation presented in BP-3 pages 52-53 and they have failed to comply with Matter 1, Issue 1.6.

Summary.

⁴ See Appendix 1.

⁵ PPS25 Flood Risk Vulnerability and Flood Zones Compatibility.7.1 and Flood Risk Vulnerability Classification.7.2 Doc [CSD27].

⁶ See Appendix 1.

⁷ Atkins Map Filey Town Flooding Investigation 5002531/WA/FO17 and see my submission to the proposed plan stage Appendix A6.

The document SBC Sustainability Appraisal Doc [EX6R(SA)] states that the target is for NO new development given in High Risk Flood Zones and that any plan should be consistent with National Policy.

The issues raised in my statements have been presented to officers on numerous occasions, for example at the consultation meetings held in Filey Town Council Offices 1st Sept 2014. During the Draft Stage and Proposed Submission Stage as well as at the Drop in Day held in The Evron Centre, Nov 2015.

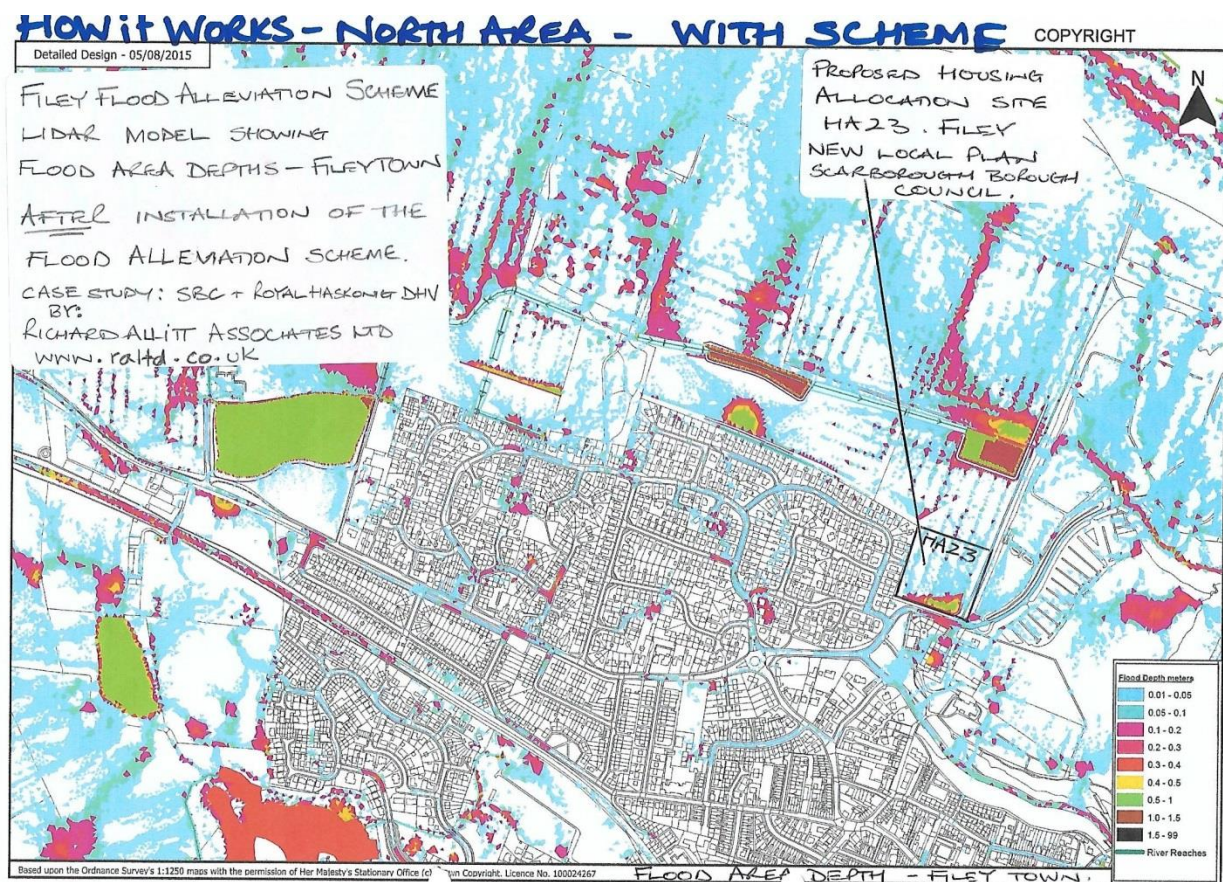
It is clear that officers have failed to comply with Matter 1, Issues 1.5 and 1.6, Matter 5 Issue 5.4 raised in previous written statements and in consequence the suitability of HA23 raised in Matter 10, issue 10.2 is compromised. These observations are supported by Barrister Anthony Verduyn, who's statement is presented in Appendix 2.

For the above reasons the proposed housing allocation site HA 23 should be dismissed.

Appendix 1 .

From Filey Town Council. Filey FAS. Presentation to Planners 15.02.2016.

SBC and Royal Haskonig DHV. Page 21, How it works – North Area – With Scheme.



Appendix 2

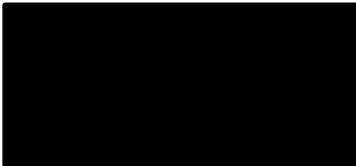
Scarborough Borough Council (new) Local Plan – Representor no.: 960166

Re.: - HLMSA – HA23 – Filey

This is my written representation, which I would wish to be placed before the Inspector for the Examination, Mr W.J. Fieldhouse. Although I am a barrister-at-law (1993 call) specialising in property litigation from Chambers in Birmingham, Leeds and London, this letter is written in my private capacity as a home owner in Filey (ADDRESS REDACTED).

I have had the privilege of discussing the facts and matters set out in the statement of Mr John Mook (Representor Number ID 853475), accompanying this statement. Given the significance of the points he raises concerning flood assessment of the site in question, I emphasise the points that he makes: it is my professional experience that management of water in potential development sites needs to be a central consideration, both by reason of its particular environmental impact and to accommodate climate change. It is absolutely imperative to follow national policy; that sites rendered unsuitable for development by reason of water management issues (and it seems to me that the current site is a prime example of this) are not simply built out in the hope that the risks identified do not eventuate. I would urge that the proposed Housing Allocation site HA23 is rejected on this basis and having regard to the issues raised by Mr Mook,

Yours sincerely,

A large black rectangular box redacting the signature of Dr Anthony Verduyn.

Dr Anthony Verduyn BA Hons (Dunelm), Dip. Law., D.Phil (Oxon)