**Representor Number ID 853475**

**Main Modifications**

**Ref: SBLP-MM\_044**

**In Reference to Scarborough Borough Council Local Plan, Main Modifications number SBLP-MM\_044 Part of Plan: Policy ENV3 Environmental Risk – Page Number: 115 – Proposed Change: Amendments to bullet points (a) and (b) of Policy ENV 3**

Reference the Modifications Policy ENV 3 Criteria a:

Avoiding development in high flood risk areas by following a sequential approach in giving priority to lowest risk areas as identified by the North East Yorkshire Strategic Flood Risk Assessment or any subsequent update or replacement. Where the Sequential Test cannot be passed, ~~the Exception Test should be utilized in order to demonstrate how any flood risk can be fully mitigated~~**the Exception Test should be utilized in order to demonstrate whether the development’s wider benefits to the community outweigh the flood risks, whether the development can be made safe, and whether it has, wherever possible, reduce flood risk overall;**

Criteria b:

Seeking opportunities for new development that may help to reduce the causes and impacts of flooding, **and safeguarding land which is needed for flood risk management purposes(as identified in DEFRA’s Programme of flood and coastal erosion risk management schemes and other Environmental Agency or Lead Local Flood Authority documents).**

**Response to SBLP-MM\_044.**

**In Reference to Proposed Housing Allocation Sites in Identified Flood Risk Areas.**

**In Particular, to Housing Allocation Site HA23, Filey. That is situated WITHIN a Flood Risk Management Area.**

**Assessment for any proposed Housing Allocation Site should not breach any of the National Planning Policy Frameworks and Supporting Technical Guidance Policies or Lead Local Authority Documents. Example: North East Yorkshire Strategic Flood Risk Assessments.**

**Proposed Housing Allocation Site HA23 should NOT be permitted on the following grounds:**

Proposed Housing Allocation sites situated WITHIN a designated area for flood risk management/ flood alleviation schemes SHOULD NOT BE PERMITTED. Reference is made here to:

- NPPF policies (Doc NPD1) and PPG Technical Guidance for Flood risk areas (Doc NPD2) NPPF which states: ‘Safeguard land from Development that is required for current and future flood management.’ The Proposed site HA23 has Plans Approved for Flood Management.

- The Approved Filey Flood Alleviation Scheme Construction to start January 2017. SBC Plan Number 15/02657/RG3. Area 1 Site - map 2of 4 - PB1154-9005, shows that site HA23 is within this area.

- Recommendations in the North East Yorkshire Strategic Flood Risk Assessment (SFRA Report.Doc CSD27- 11.5 to 11.5.8 Filey) which recommends that NO DEVELOPMENT take place in areas identified at risk of flooding until alleviatory measures are in place and that development on potential sites of flood storage areas should be avoided.

- Filey Town Flood Investigation Atkins (2004) Map 5002531/WA/F017. Internal and external flooding incidents, Church Cliff Farm, Filey. Storm water runoff from this site contributed to internal flooding at Church Cliff Farm Complex. See my Response to the Proposed Local Plan Submission Stage, Revised Version 15/12/2015, Appendix E, Page 37.

On these grounds site HA23 should be removed from the SBC Local Plan.

Any Proposed Housing Allocation Site should not breach any National Planning Policy Framework (NPPF) policies for areas identified as flood risk.

As described in the Technical Guidance bullet point 2. To NPPF March2012, inappropriate development in areas at risk of flooding should be avoided. These are areas identified as fluvial or ground water/ surface water runoff flood risk areas, plus any identified Critical Drainage areas. As Stated in NPPF Policies 100-103 supported by SFRA (CSD27).

Site HA23 is identified as a surface water and ground water flood risk runoff zone (CSD27 Pg. 145) and a Critical Drainage area (CSD27 Pg. 189).

This will qualify site HA23 to follow and not breach the Sequential and or Exception Test.

Less Vulnerable sites in Filey are shown with evidence to support in Matter 2 or Matter10.2 – J MOOK. Accessible in the Examination in Public Written Statements Library under WS853475.

More detailed information about these sites can be found on the SHELLA assessments on the site reference number quoted in matter 2 or matter 10.2 J MOOK

The sites listed are in the current SBC Local Plan and following the Precautionary Principles ,Policies and Methodology for site allocations the sites listed in Matter 2 and Matter 10.2 -J MOOK could easily replace site HA23 with a less vulnerable site.

Officiers have a Legal obligation to follow and not breach NPPF and PPG Technical Guidance to NPPF. North East Yorkshire Strategic Flood Risk Assessment Report (SFRA) included.

Just because SBC Officers have not formally recognized parts of the SFRA report, this does not mean it should be totally rejected from the methodology and assessment process for new Housing Allocations, as it is part of the National Planning Policy Framework.

I find this attempt by SBC officers to re-define storm water run-off and critical drainage areas to be unscrupulous.

On these grounds site HA23 should be removed from the SBC Local Plan.

And replaced with a Less Vulnerable Site. Therefore keeping within the boundaries of the NPPF.

**Supporting Evidence of a Surface Water Runoff zone and sewer flooding in the HA23 area.**

** John Mook**

**Representor Number ID853475**

**Ref: Council Response EX15R**

**Church Cliff Drive, Filey – SiteHA23 (Flooding Information).**

**SBC Refused recognition that Site HA23 is in a Surfacewater Runoff Zone and a Critical Drainage Area ,that these areas are not Formally Recognised by SBC’s Officers**

**Council Response: Map 6.3 shows a high level section and shows a diamond denoting ‘reported surface water flooding’ in the vicinity of Filey but it is impossible to determine a precise location at that scale of map. The assertion that this map (6.3) demonstrates that ’the site’ is an area of risk of surface water flooding is therefore incorrect.**

**John Mook Response to the above statement by SBC Officers, supporting the SFRA Report that the area is a Surface water Runoff Zone and is correct.**

However, superimpose map 6.3.7 of the SFRA over the top of map 6.3 using the same scale and this does give a precise location, therefore it is correct.

Map 11.11 as quoted by SBC Officers in EX15R is a totally different map.

The legends show the area to cover the proposed site HA23, and identifies reported surface water runoff flooding and reported sewer flooding in the area:

Diamond in green = Reported surface water runoff flooding

Star in pink = Reported sewer flooding

Surface water flooding and sewer flooding in this area contributed to the internal flooding of properties in Church Cliff Farm as identified in the ‘location of incidents’ Atkins map –Filey Town Flooding Investigation 5002531/WA/FO17, see my submission to the proposed plan stage Appendix E.

The storm water and sewer drainage system along Church Cliff Drive still has issues with its function, drainage engineers have attended Church Cliff Drive four times over the month of August 2016 on 10/8, 16/8, 19/8 and 22/8. A Yorkshire water engineer told me blockages are occurring regularly and cause cross contamination from sewer to surface water runoff drain.