

New Forest National Park Local Plan 2016 – 2036 Examination
Statement of Common Ground – Flood Risk
Policy SP25: Land adjacent to the former Fawley Power Station
September 2018

The parties to this Statement of Common Ground are:

- **New Forest National Park Authority**
 - **Fawley Waterside Limited**
 - **Environment Agency**
 - **New Forest District Council**
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1. Introduction

- 1.1 The New Forest National Park Authority is the statutory planning authority for the National Park and is responsible for the preparation of the Local Plan.
- 1.2 Fawley Waterside Ltd purchased the former Fawley Power Station site in 2015 and are currently developing their proposals for the comprehensive redevelopment of the site. They have also made representations on the Authority's Submission draft Local Plan, including on draft Policy SP25.
- 1.3 The Environment Agency is responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. The Environment Agency is also a statutory consultee on the Authority's Local Plan and accompanying Sustainability Appraisal/SEA. The Environment Agency has submitted representations on the Authority's Submission draft Local Plan (January 2018).
- 1.4 New Forest District Council is the statutory planning authority for the areas of New Forest District outside the National Park and is responsible for the preparation of the Local Plan for the District. The District Council's Submission draft Local Plan (June 2018) includes policy coverage for the brownfield element of the former Fawley Power Station site that lies outside the National Park.
- 1.5 This Statement of Common Ground (SoCG) has been prepared jointly between the parties listed above. The intention of the SoCG is to inform the Inspectors and others about the areas of agreement between the National Park Authority, Fawley Waterside Ltd, the Environment Agency and New Forest District Council on flood risk.

2. The Environment Agency's Regulation 19 Local Plan representations

- 2.1 The Environment Agency submitted representations during the Regulation 19 consultation in early 2018. Their representations on policy SP25 confirmed that parts of the proposed site allocation are located within Flood Zone 3, stating:
- It has not been sufficiently demonstrated that there are no reasonably alternative sites to the land identified in Policy SP25 in Flood Zone 1.

- Should the Sequential Test be passed there is also a requirement for the site to meet the Exceptions Test. No evidence has been provided on this.
- The NPA has not demonstrated that this particular site allocation provides wider sustainability benefits to the community that outweigh flood risk.
- Policy SP25 does not address the need for a site-specific Flood Risk Assessment which should demonstrate that the development will be safe for its lifetime and, where possible, will reduce flood risk overall.

2.2 In Summer 2018 the Inspectors appointed to examine the ‘soundness’ of the Local Plan published their list of examination matters, issues and questions. Under Matter 10 the Inspectors sought clarification on: (i) how the site is affected by flood risk & how this has been taken into account; (ii) how the sequential and, if necessary, exception tests been applied; and (iii) how the Environment Agency’s concerns have been addressed.

2.3 Following further dialogue between the National Park Authority, Fawley Waterside Ltd, the Environment Agency and New Forest District Council in Summer 2018, the following areas of common ground have been agreed prior to the examination hearings.

3. Agreements between the parties

(i) How is the site affected by Flood Risk

3.1 The National Park Authority, New Forest District Council and the Environment Agency have liaised during the preparation of the New Forest Strategic Flood Risk Assessment (JBA Consulting, October 2017, CD82). This work was jointly commissioned by the National Park Authority and New Forest District Council and the Environment Agency has signed off the flood mapping undertaken as part of the Assessment.

3.2 The New Forest Strategic Flood Risk Assessment (2017, CD82) illustrates that the former Power Station site (including the land within the National Park and the brownfield element in the District Council’s planning remit) is at considerable tidal flood risk, with a large proportion of the site within current Flood Zone 2 and 3. Circa 95% of the site is in tidal Flood Zone 3a plus climate change.

3.3 The New Forest Strategic Flood Risk Assessment concluded that the former Power Station site (combined National Park and District areas) is predicted to be significantly affected by changes in mean sea level as a consequence of climate change. As such, consideration must be given to appropriate flood risk management measures so development is safe for its intended lifetime.

3.4 Given these conclusions, it is common ground between the parties that in accordance with the requirements of paragraphs 100 – 101 of the NPPF (2012) the Sequential Test needs to be applied to assess whether there are reasonably available alternative sites appropriate for the proposed development in areas with a lower probability of flooding. It is also common ground that if, following the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied.

(ii) The application of the Sequential Test

- 3.5 A Sequential Test has been produced in accordance with the requirements of the NPPF and the NPPG by the consultants WSP working on behalf of Fawley Waterside Ltd. This has been prepared in liaison and consultation with the National Park Authority and the Environment Agency. At the start of the process, the parties agreed that the 'search area' for the Sequential Test would be the whole of the New Forest National Park area.
- 3.6 The 'Fawley Waterside Sequential Test (New Forest National Park Area) (WSP, June 2018)' is agreed to be an appropriate response to the requirements of national planning policy. The Sequential Test assessed all the potential development sites identified as part of the Authority's Local Plan review using the latest Strategic Flood Risk Assessment (SFRA) flood risk mapping, complemented by the Environment Agency's surface water flooding maps.
- 3.7 It is common ground that the methodology and modelling used in the Sequential Test Report (WSP, June 2018) is robust and meets the requirements of national planning policy and guidance.
- 3.8 Application of the Sequential Test using the SFRA flood mapping and Environment Agency data resulted in the Fawley Waterside site being ranked 152nd out of 164 potential development sites within the National Park. Of the 151 sites ranked above the Fawley Waterside site, none are considered capable of providing the type, size and scale of development proposed.
- 3.9 It is therefore agreed by the parties that there are no reasonably available sites of lower flood risk in the search area and therefore the Fawley Waterside site passes the Sequential Test.

(iii) The application of the Exception Test

- 3.10 In accordance with paragraph 102 of the NPPF (2012), the parties agree that given the conclusion that it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test must be applied. For the Exception Test to be passed:
- (i) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
 - (ii) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime.
- Both elements of the Exception Test have to be passed for site to be allocated.
- 3.11 Taking the first part of the Exception Test, Policy SP25 plays a key role in delivering the wider redevelopment proposals for the former Power Station site. It is common ground that the comprehensive redevelopment of the site for circa 1,500 new dwellings, job creation and enhancements to greenspace provision and habitats would result in significant sustainability benefits for the area. The redevelopment would deliver a range of social, economic and environmental benefits that are considered to outweigh flood risk.

- 3.12 The Authority has also proposed additional wording to Policy SP25 (below) relating to a site-specific flood risk assessment. This proposed modification to Policy SP25 is endorsed by Fawley Waterside Ltd and the Environment Agency.

Reference	Policy	Proposed Change
MAIN-09	SP25	Add an additional criterion (e) to state: <i>“A site-specific flood risk assessment will be required and measures put in place to address any flooding issues identified to ensure that the development will be safe for its lifetime.”</i>

- 3.13 It is also common ground between the parties that the proposed raising of the ground level of the site above the predicted coastal flood level assists in meeting the Exception Test. All of the development on site would therefore be located in an area that would be reclassified as Flood Zone 1 which will address the concerns raised in the Environment Agency’s Regulation 19 representation, ensuring the development will be safe for its lifetime in accordance with paragraph 102 of the NPPF.

4. Other Matters

- 4.1 The Environment Agency’s representations confirm they are generally supportive of the draft Local Plan. The Environment Agency supports the objectives of the Local Plan, particularly those relating directly to the Environment Agency’s remit such as Policy SP1 (supporting sustainable development), Policy SP5 (Natural Environment) and Policy DP8 (safeguarding and improving water resources). The Environment Agency has also made representations on the Authority’s Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) and these have been taken on board as part of the iterative SA/SEA process.
- 4.2 The Environment Agency has raised no objections to any of the other proposed housing site allocations in the Submission draft Local Plan.

5. Conclusions

- 5.1 This Statement of Common Ground confirms that the National Park Authority, Fawley Waterside Ltd, the Environment Agency and New Forest District Council consider that both the Sequential Test and the Exception Test have been met in relation to the proposed allocation in Policy SP25 of the Authority’s Local Plan.
- 5.2 The Fawley Waterside Sequential Test (New Forest National Park Area) (WSP, June 2018) demonstrates that there are no reasonable alternative sites to the land identified in Policy SP25 in Flood Zone 1 (lowest flood risk). The comprehensive redevelopment of the former Power Station site would deliver wider sustainability benefits to the community that outweigh flood risk. The Authority’s proposed modifications to Policy SP25 address the need for a site-specific Flood Risk Assessment and the proposals to raise the ground level of the site will ensure that development will be safe for its lifetime.

6. Signatures

Policy Manager
New Forest National Park Authority

CEO
Fawley Waterside Ltd

Principal Planning Officer
Environment Agency

Service Manager – Policy & Strategy
New Forest District Council