

**Consultation on
Gypsy and Traveller Issues and Options
8 December 2014 – 2 February 2015**

**Report of Representations, Officer Comments and
Recommendations – UTT022 Five Acres site, Arkesden**

Introduction

The Planning Policy Working Group of 23 February 2015 received the Report of Representations following the Gypsy and Traveller Issues and Options consultation. Councillors discussed the report and noted that there were outstanding issues relating to this site. Following the Working group officers requested the following additional information from the landowner of Five Acres regarding concerns raised as part of the Gypsy and Traveller Issues and Options Consultation (December 2014 – February 2015),

- A flood risk assessment (FRA) which identifies and assesses the risks of all forms of flooding to and from the development and demonstrates how these flood risks will be managed, taking climate change into account. Please see the Environment Agency website <https://www.gov.uk/planning-applications-assessing-flood-risk> for further advice and guidance.
- The FRA needs to address the concerns raised by the Environment Agency that any proposal would need to consider the safety of people, including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements.
- How the issue regarding sewage disposal can be addressed bearing in mind that a septic tank may not be appropriate due to the site flooding.
- How any mitigation measures needed to overcome the flooding may impact on the protected lane.
- How any mitigation measures needed to overcome the flooding may impact on the viability of the site.

On the 14 April – 5 June 2015 the Council consulted on two Flood Risk Assessments for the site, one from the landowner and one from Arkesden Parish Council and FALCA (Five Acres Local Community Action). This was a targeted consultation to the following:

- Essex Highways
- Essex Historic Environment Team
- Environment Agency (Commissioned response)
- Waste Water Management Team

All of the responses were made public, and are available on the Council's website <http://www.uttlesford.gov.uk/gypsiesandtravellers>

Consultation Responses are set out in full below:

Essex County Council Highways response, received 16 April 2015

“It is not for the highway authority to comment on Flood Risk Assessments’.

Historic Environment Team response, received 21 April 2015

There is little we can add regarding the flood risk, however, this office identified this site to Uttlesford's consultants as affecting one of the protected lanes UTTLANE141. Any development on

this site will put added pressure onto the protected lane. The Lane has well preserved banks, hedges and ditches, with little damage to the verges of the lane from traffic. If the development does proceed new accesses onto the land and any hedge removal should be avoided.

Flood and Waste Water Management Response, received 7 May 2015

“The Stage 1 Flood Risk Assessment identifies the site as being within a low to medium surface water flood risk area. National policy suggests Gypsy and Traveller sites should be located outside of high flood risk areas, thus the site meets this criteria.

The Flood Risk Appraisal submitted by FALCA says at 1.5 that UDC draft policy HO11 states that “sites should not be located in areas at risk of flooding”. The Flood Risk Assessments seeks to militate against the risk of surface water flooding by siting caravans outside of that area shown to be at risk on the EA’s Flood Maps for Surface Water, as we would expect to accord with the sequential approach. Therefore, you will need to decide whether this adequately accords with policy HO11. However, we would expect to see a proposed layout plan at the submission stage to show that all access roads and parking areas are also sited outside the area at risk of flooding or mitigation provided to suitably protect against flooding.

Environment Agency response, received 3 June 2015

We consider that the Stage 1 Flood Risk Assessment does not currently meet the requirements of the NPPF for the following reasons:

1. The fluvial flood risk at the site has not been accurately defined using detailed hydraulic modelling.
2. It has not been demonstrated that all of the proposed mobile homes would be located outside the extent of Flood Zone 3. Table 3 Flood risk vulnerability and flood zone compatibility in the Planning Practice Guidance makes it clear that ‘highly vulnerable’ development should not be permitted within Flood Zones 3a or 3b.

The FRA states that a narrow strip along the along the eastern boundary of the site lies within Flood Zone 3a. However, as this area of land is shown to be undefended floodplain on our Flood Map, it is possible that part of the site also lies within Flood Zone 3b. A small part of the site is also shown to be located within Flood Zone 2.

The flood zones shown on our Flood Map are only indicative and therefore cannot be used to define the flood risk at a site-specific level. The extent of Flood Zones 2 and 3 along the eastern boundary of the site needs to be accurately defined based on hydraulic modelling of Wicken Water (as we do not hold any modelling of this watercourse). It must be clearly demonstrated within the FRA that all of the mobile homes will be located outside of Flood Zones 2 and 3. Please note that we will need to review any modelling of this watercourse to ensure the methodology used is acceptable.

We have not reviewed the surface water drainage proposals included in the FRA as we are no longer a statutory consultee, with effect from 15 April 2015, on surface water drainage for sites over 1 hectare. The Lead Local Flood Authority, Essex County Council, should be consulted on these surface water drainage proposals and any flood risk associated with surface water. We wish to make the following comments on the Flood Risk Appraisal report: This report states that the site is located

within Flood Zone 3a, defined as having a high probability of flooding. However, the majority of the site is located within Flood Zone 1, which is defined as having a low probability of flooding. Your Authority should consider whether the proposed development passes the Sequential Test given that part of the site lies within Flood Zones 2 and 3. We acknowledge the concerns raised in this report regarding the availability of safe access and egress to and from the site. This is an important issue that your authority should consider in determining any planning application. However, we are not able to comment on the adequacy of any emergency evacuation procedures as we do not carry out this role in a flood event. Your authority's Emergency Planners should be consulted on this matter. The report has correctly identified that the site is not located within a flood warning area. However, it may be possible for residents to receive notification of flooding via other means – e.g. a trigger level within Wicken Water. Please note that the Flood Response Plan included in Appendix C of the Stage 1 FRA does not include any details of a trigger that will be used to take appropriate action. As such the Flood Response Plan may not be considered adequate.

The above responses were published on the website upon receipt and Arkesden PC, Wicken Bonhunt Parish, FALCA and the landowner had until the 19th June to respond. No response was received from the landowner.

Below is a summary of their responses. To read the representations in full please go to <http://www.uttlesford.gov.uk/gypsiesandtravellers>.

Arkesden Parish Council response expressed concerns regarding:

- pressure from increased traffic on the rural road network and the erosion of verges
- detrimental to landscape character of the village
- detrimental to the historic character and surrounding landscape
- Contrary to planning guidelines
- Contrary to UDC policy regarding the protected lane
- Unsafe pedestrian and vehicular access
- Flood risk issues – flooding of the access road and issues regarding emergency vehicles accessing the site and general safety of residents.
- Contrary to UDC policy EN6 – Minimising Flood Risk
- Provision of utilities is problematic especially in relation to sewerage disposal
- The site is too large and would encourage unauthorised pitches.
- There has been inadequate information provided by the owner regarding the financial viability of the site
- Inclusion of this site would lead to rejection of the Local Plan

Wicken Bonhunt Parish response raised the following points:

- Single carriageway and impact on protected lane
- Limited public transport and unsustainable location
- Flooding issues

FALCA response raised the following points:

- The landowners FRA is deficient, misleading and inaccurate in that it fails to demonstrate the safety of the occupants
- no analysis of the increase in flood risk due to climate change
- inadequate evacuation plan
- floodwater encroachment is inaccurately mapped
- further hydraulic modelling should have been carried out
- impacts of mitigation on the protected lane have not been assessed
- inadequate drainage strategy – no evidence of soil's soakage potential/limitations, characteristics or suitability
- No details demonstrating how SuDS system would withstand the impact of run-off generated by 1:100 year rainfall event
- Foul waste water has not been adequately addressed
- The FRA has not addressed all of UDC's concerns
- Concerns regarding ownership and availability
- Surface water flooding encroaches the site
- Access into the site is in flood zone 3
- FRA does not meet NPPF requirements
- Uncertain impacts arising from mitigation measures
- Unsuitable rural roads
- Impact on the protected lane
- Unsustainable location
- Question the viability and deliverability of the site

Officer Comments

Officers recognise the importance of the protected lane and note the concerns of the Historic Environment team about potential increased pressure being placed on the lane. While there is an existing access the intensification of the access together with improvements to it would have a detrimental impact on the protected lane. This should be resisted.

The Flood and Waste Water Management Team have stated that they would expect to see all access roads and parking areas sited outside the flood risk area or mitigation provided to protect against flooding. The site access is located in Flood Zone 3 and officers feel that the FRA provided by the landowner does not set out specific mitigation measures for overcoming the flooding issue at the access point to address the concerns of the Waste Water Management Team. It would not be possible to provide a new access point which is not within the flood zone and any further access points, or alterations to it, would cause harm to the protected lane mentioned above. Therefore officers do not consider that this is the most appropriate site given the constraints and are not able to confirm that the issues raised can be overcome.

The Environment Agency has stated that the FRA does not meet the NPPF requirements. They also state that hydraulic modelling of Wicken Water is needed to accurately define the flood zones, and that they would need to review any modelling to ensure the correct methodology is used. Inadequate information has been given regarding the location of the mobile homes being outside of flood zones 2 and 3.

The Environment Agency suggests the Council considers whether the site passes the sequential test. The sequential test ensures new development is steered to areas with the lowest probability of flooding. Only where there are no reasonably available sites in zone 1 and 2 should sites in zone 3 be considered. At present the Council does not have a five year supply of Gypsy and Traveller Sites (9 pitches), as a result of the Issues and Options consultation officers recommended that 4 sites, Tandans Great Canfield, Star Green Radwinter, The Yard Bartholomew Green and Hill Top Henham, totalling 11 pitches, and 3 empty pitches at the Stansted site should be taken forward in the Local Plan process. The Council, if those 14 pitches were to be allocated/approved, would therefore have a 5 year supply. Officers are of the view that there are other reasonable alternatives to this site and therefore the sequential test is not met.

A number of the points raised by Wicken Parish, Arkesden PC and FALCA have been addressed in the Issues and Options report which was taken to the Working Group in February 2015, the report can be found on the Council's website <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=4644&p=0>.

A number of the comments relate to the accuracy of the FRA, the Council rely on the comments received by the statutory consultees above in regards to this issue and have made a recommendation based on their comments.

Officers note the comments made in relation to the lack of information provided by the landowner, it is considered that financial viability and sewage disposal have not. This therefore brings the suitability and deliverability of the site into question.

Officer Recommendation

Due to other more suitable sites being promoted, the lack of an NPPF compliant Flood Risk Assessment, concerns about safe access and egress from the site through Flood Zone 3, harm to the protected lane and lack of acceptable detail regarding mitigation measures it is recommended that the site is not taken forward in the Local Plan process.