

Camosp
NHP

Julie Betts

From: Benn, Neville <neville.benn@environment-agency.gov.uk>
Sent: 18 September 2019 08:23
To: Julie Betts
Subject: FW: 190912/OM03 - Bromham NHP Sequential Test
Attachments: LPA ST and ET Quick Guide Cams and Beds Master copy - v1 1.docx 12.08.15.pdf

Dear Julie

Yes, it is true that the Sequential Test (ST) should be applied to all proposed sites / applications in Flood Zone 2 and 3. See the attached and following link: <https://www.gov.uk/guidance/flood-risk-and-coastal-change> for further info.

However, it is for the LPA to consider this assessment, not us. We look at the detail, ie a site specific Flood Risk Assessment once (and if) the LPA determine a site has passed the ST.

Kind regards

Neville Benn
Senior Planning Advisor
Sustainable Places
East Anglia Area (West)

✉ Environment Agency, Bromholme Lane, Brampton, Huntingdon, Cambs. PE28 4NE
☎ Internal: 51906
☎ External: 0203 0251906
💻 neville.benn@environment-agency.gov.uk



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From: Julie Betts [<mailto:julie@bromhamparish.co.uk>]
Sent: 10 September 2019 16:29
To: Enquiries, Unit <enquiries@environment-agency.gov.uk>
Subject: Bromham NHP Sequential Test

BROMHAM PARISH COUNCIL

Our ref: BPC/P4/OM/KJB
9 September 2019

enquiries@environment-agency.gov.uk

Dear Sir/Madam

Sequential Test Relating to Flood Risk

Since the close of the pre-submission consultation earlier in the year, we have been considering the representations we received. One of the representations pointed out that a flood-risk sequential test had not been undertaken in support of the draft Neighbourhood Plan. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The steering group was not aware of this requirement and had received no advice about it. A sequential test has now been undertaken and a report setting out its findings can be viewed on our website: [www.bromhamparish.co.uk/Bromham s neighbourhood plan/](http://www.bromhamparish.co.uk/Bromham_s_neighbourhood_plan/)

I should be grateful for any comments your organisation has on the sequential test by close of play on Monday 21 October 2019. I would be happy to receive comments in written form at Bromham Parish Office, Bromham Village Hall, Village Road, Bromham, Bedfordshire, MK43 8JP or electronically at NHP@bromhamparish.co.uk.

Yours sincerely

K Smith

Keith Smith, Bromham Parish Council

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Julie Betts

From:
Sent:
To:
Subject:

Evans Liam <Liam.Evans@networkrail.co.uk>

27 September 2019 15:36

NHP

FW: SR190925-000251 - Sequential Test Relating to Flood Risk - In support of draft Neighbourhood Plan

Sequential Test

Good afternoon,

Network Rail have received the below referenced document for review, thank you for providing this.

We have no comment to make on the document at this time.

Kind regards,

Liam Evans CEng MICE

Senior Asset Engineer, Drainage & Off Track - Eastern

07730361844

George Stephenson House, York, YO1 6JT



everyone
home safe
every day

Our Lifesaving Rules



Subject

SR190925-000251 - Sequential Test Relating to Flood Risk - In support of draft Neighbourhood Plan

Contact Details

First: Keith
Last: Smith
Address: nhp@bromhamparish.co.uk
Contact Type: Other

Service Request Details

Account: Alexis Stevens
Comms Incident Type: Information Request
Created Time: Wed 25 Sep 2019 12:07
Product: Information Request
Staff Group: Comms CR - London North East

Service Request Notes

Type	Date	Detail
Rule	Wed 25	
Response Template	Sep 2019 12:07	Assigned automatic notification sent to Contact
	Wed 25	
Response	Sep 2019 12:07	E-mail attached and passed to local team.

Subject: Bromham NHP Sequential Test

BROMHAM PARISH **COUNCIL**

Our ref:
BPC/P4/OM/KJB
25 February 2019

5th Floor
1 Eversholt Street

Dear Sir/Madam

Sequential Test Relating to Flood Risk

Customer Entry
Wed 25 Sep 2019 12:07

Since the close of the pre-submission consultation earlier in the year, we have been considering the representations we received. One of the representations pointed out that a flood-risk sequential test had not been undertaken in support of the draft Neighbourhood Plan. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The steering group was not aware of this requirement and had received no advice about it. A sequential test has now been undertaken and a report setting out its findings can be viewed on our website:

[www.bromhamparish.co.uk/Bromham s neighbourhood plan/](http://www.bromhamparish.co.uk/Bromham_s_neighbourhood_plan/)

I should be grateful for any comments your organisation has on the sequential test by close of play on Monday 21 October 2019. I would be happy to receive comments in written form at Bromham Parish Office, Bromham Village Hall, Village Road, Bromham, Bedfordshire, MK43 8JP or electronically at NHP@bromhamparish.co.uk.

Yours sincerely

K Smith

Keith Smith, Bromham Parish Council

Location Information

Comms Imdm: Bedford
Comms Route: LNE/EM

Additional Information

Comms Calling On Behalf Of: Business/Organisation
Easting: 05008
Name: Bromham Parish Council



Martin Grant (Holdings) Ltd

*Sequential
Test*

26 September 2019

Julie Betts, Parish Clerk
Bromham Parish Council
Village Hall
Village Road
Bromham
Bedfordshire MK43 8JP

Dear Julie

Martin Grant Homes: Comments on the Sequential Test Relating to Flood Risk for the Bromham Neighbourhood Plan

Thank you for providing the opportunity to comment on the sequential test that has been carried out to support the emerging Bromham Neighbourhood Plan.

Martin Grant Homes welcomes the fact that the Neighbourhood Plan Group has carried out a sequential test for all the sites that came forward through the call for sites process. This extra work now ensures that the Neighbourhood Plan has been prepared in accordance with paragraph 157 of the National Planning Policy Framework 2019 (NPPF). The application of exception tests for the sites to be allocated for development in the emerging Neighbourhood Plan that include land within flood zone 3 complies with the requirements of paragraph 159 of the NPPF. This test confirms that the numbers of dwellings proposed to be delivered, to meet the 500 dwellings that are to be assigned to Bromham through the submission Local Plan 2030, can be done so without being at risk of flooding.

The outline application for 390 homes on the Beauchamp Park site to the west of Bromham has now been submitted to the Borough Council. The application site consists of sites 49, 51 and 52 as identified in the emerging Neighbourhood Plan. Whilst the application is outline with all matters reserved except access the illustrative masterplan demonstrates how the 390 dwellings can be accommodated within the site on land falling entirely within flood zone 1. Moreover, the illustrative masterplan demonstrates how the development will make the most efficient use of the land by accommodating the proposed sports pitches within the part of site 52 that falls within the flood plain. As the Neighbourhood Plan Group's sequential test identifies these pitches are classed as 'water compatible' uses, which are appropriate to be located within the flood plain. The outline application is also supported by a Flood Risk Assessment and a sequential test, in which the exception test is applied.

By carrying out the sequential test the Neighbourhood Plan has assured the robustness of the Neighbourhood Plan process and confirmed that the site allocation process was carried out based on sound planning principles that fully considered the impact of allocating sites for development that included small areas of flood plain. The consultation on the sequential test should now be the final stage before the draft Neighbourhood Plan is submitted to the Borough Council.

Grant House
Felday Road
Abinger Hammer
Dorking
Surrey RH5 6QP

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Directors:
C. Grant
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J.P. Malovany FCCA
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Regd. Office:
Martin Grant (Holdings) Ltd.
Grant House, Felday Road
Abinger Hammer, Dorking
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Regd. No. 1166299 England

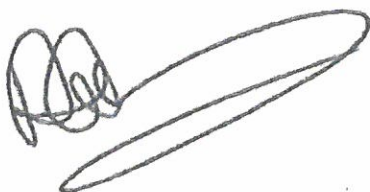


Registered house builder

It is clear that throughout the Neighbourhood Plan process due diligence has been given to ensuring that the Plan complies with local and national planning policy and the recent application of the sequential test and exception tests demonstrate this. As such it is our view that the Plan will meet the basic conditions tests of Schedule 4B of the Town and Country Planning Act 1990. We believe that the Neighbourhood Plan will be welcomed by the local community as it will provide positive direction for the future growth of Bromham by locating new homes in the most sustainable location on the western side of Bromham.

We look forward to meeting with you to discuss the outline application in due course. In the meantime, if you have any questions or queries regarding our comments please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, consisting of a series of loops and a long, sweeping horizontal stroke.

Andrew Wilson



Date: 26 September 2019
Our ref: 295221

*Sequential
Test*



Bromham Parish Council
NHP@bromhamparish.co.uk

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam,

Bromham Neighbourhood Plan - Sequential Test Relating to Flood Risk

Thank you for your consultation on the above dated 09 September 2019 .

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on sequential test.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully

Danielle Priestner
Consultations Team

Julie Betts

From: Makwana Nathan <nMakwana@anglianwater.co.uk>
Sent: 18 October 2019 10:01
To: NHP
Cc: Patience Stewart
Subject: FW: Bromham Neighbourhood Plan Sequential Test

Dear Bromham Parish Council,

Anglian Water is a statutory consultee on the preparation of neighbourhood plans given our role and responsibility for public sewers and as potable (clean) water services. In this capacity, we are therefore grateful for the opportunity to provide a response on this sequential test as part of the Bromham Neighbourhood Plan. Anglian Water is responsible for managing the risks of flooding from surface water, foul water or combined water sewer systems.

Having reviewed the Sequential Test document, the document focuses on the above sites suitability and assessment against both fluvial and surface water flooding rather than sewer flooding. Anglian Water therefore raises no comment for this specific element of the Bromham Neighbourhood Plan. We of course welcome further opportunities to comment on any aspect of the developing neighbourhood plan

Kind Regards,

Nathan Makwana
Spatial Planning Advisor

Anglian Water Services Limited

Lancaster House Lancaster Way Ermine Business Park Huntingdon Cambridgeshire PE29 6XU

Mobile: 07973780531
www.anglianwater.co.uk

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Historic England

Ms Julie Betts
Bromham Parish Council
Bromham Village Hall
Village Road
Bromham
Beds
MK43 8JP

Direct Dial: 01223 582746

Our ref: PL00558638

18 October 2019

Dear Ms Betts

Ref: Bromham Neighbourhood Plan Regulation 14 Consultation

Thank you for inviting Historic England to comment on the revised Regulation 14 Pre-Submission Draft of the Bromham Neighbourhood Plan.

We do not wish to make any comments at this time. We note that the changes relate principally to Flood Risk considerations. For further advice, should it be necessary at this stage, we would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

For further advice regarding the historic environment and how to integrate it into your neighbourhood plan, we recommend that you consult your local planning authority conservation officer, and if appropriate the Historic Environment Record at Bedford Borough Council.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England
Edward.James@HistoricEngland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



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NHP Consultation
Parish Clerk
Bromham Parish Council
Bromham Village Hall
Village Road
Bromham
MK43 8JP

By E-mail: NHP@bromhamparish.co.uk

Our ref: 28039/A3/GW/MS
18 October 2019

Dear Sir/Madam,

REPRESENTATIONS TO BROMHAM NEIGHBOURHOOD PLAN SEQUENTIAL TEST RELATING TO FLOOD RISK

These representations have been prepared on behalf of Rainier Developments Limited (Rainier) in response to the consultation regarding the 'Bromham Neighbourhood Plan Sequential Test Relating to Flood Risk' (BNDP ST). Rainier are promoting Land South of Northampton Road, known as Site 43, which is not currently allocated in the draft Bromham Neighbourhood Development Plan (BNDP).

These representations should be considered alongside the BNDP Regulation 14 Public Consultation representations submitted on behalf of Rainier and are intended to assist the Parish Council with preparing a robust neighbourhood plan.

Rainier's Regulation 14 Representations identified, inter alia, the requirement for a Sequential Test as part of the evidence based for the BNDP on the basis that it seeks to allocate sites that include land in the floodplain. The Parish Council have retrospectively produced a sequential test in support of the BNDP which is subject to this current consultation.

These representations are supported by a technical note produced by Jubb Consulting Engineers which makes the following conclusions regarding the BNDP ST:

- The BNDP ST fails to apply both the sequential and exception tests in accordance with national planning policy, SFRA guidance or as described in the report itself.
- The report and the sequential test appear to have been undertaken in a way that is tailored specifically to support the previously selected site allocations, rather than provide an objective application of the sequential and exception test evenly to the full list of identified sites. Consequently, it fails to steer new development to areas with the lowest risk of flooding.
- The report has not properly considered its own question – "Could the proposed development be alternatively located in a site wholly within Flood Zone 1, taking into account other material planning conditions, including the achievement of sustainable development?" The assessment proceeds straight to applying the exception test to justify the proposed allocation of sites with



higher flood risk, rather than considering the alternative site with a lower risk of flooding which are already identified.

- The aim of the sequential test, as set out in the NPPF, is to steer new development to the areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As shown in the technical note, the application of the BNDP ST has not adequately assessed alternative development sites at lower risk of flooding and has concluded that sites with a higher risk of flooding should be identified as the preferred sites for development.
- The consultation response from the Environment Agency of 30th September 2019 to the Beauchamp Park planning application (LPA reference 19/01904/MAO) is consistent with our view and is applicable to the BNDP ST. The Environment Agency response states:

"We are concerned over the Sequential Test (ST) methodology the applicant has utilised. For the initial ST, the whole red line boundary needs to be considered, not just that of the built development. A site that can provide the housing and its associated infrastructure completely within Flood Zone 1 should be given preference to sites that are even partially within the floodplain. This is because, even if the properties will not be directly impacted by flooding, they can still be indirectly impacted by the loss (temporarily) of recreational space or flooding of roads and paths. Once it has been demonstrated that there are no sites totally within an area of low flood risk, sites that can minimise the impact of a flood through taking a sequential approach to development layout, should be considered."

- Site 43 is shown to be a reasonably available site and in accordance with local and national planning policy can deliver sustainable housing development in an area of lower flood risk than the sites selected for development in the BNDP (including Sites 49, 52 and 53).
- It is considered the proper application of the sequential test would first steer development towards suitable alternative lower flood risk sites, such as Site 43, prior to consideration of Sites 49, 52 and 53 which have a greater risk of flooding in accordance with NPPF.

In addition to the above technical assessment and the supporting Jubb Technical Note, we also raise the following comments and concerns regarding BNDP ST.

In the context of the sites that were selected in the BNDP, paragraph 11 states that *"The steering group fully considered the impacts of flooding and the constraint of land at risk of flooding on individual sites..."*. The site selection and assessment process undertaken by the Parish Council did not 'fully' consider the impacts of flooding; the site selection was not informed by a sequential test.

Paragraph 12 states that *"As part of the Regulation 14 consultation exercise, the Steering Group also consulted the Environment Agency; the agency suggested that any comments it might have on any proposed development in the draft plan could be left until the planning application stage."* The response from the Environment Agency has not been provided in full, we also query whether the Environment Agency were aware that the sites selected in the BNDP Regulation 14 consultation were not informed by or subject to a sequential test. The comments from the Environment Agency regarding the Beauchamp Park planning application (referred to above) are relevant and equally applicable to the BNDP ST.

The conclusion of the BNDP at paragraph 21 is not the proper application of the sequential test.

"The Steering Group considered whether the proposed development in these sites could have been located in sites wholly within Flood Zone 1 but take the view that as all of the built development proposed on Sites 49, 52 and 53 would be located in Flood Zone 1 and the only development proposed for Flood Zones 2 and 3 would be the water-compatible development of Amenity Space and outdoor sports and recreation on Site 52 the requirement of steering development to areas of low flood risk are met." This is not the correct application of the sequential test. There does not appear to be any proper assessment or consideration of the availability of Site 43, which is deliverable and located in an area at a lower flood risk. Furthermore, the reason for selecting development at Sites 49, 52 and 53 does not follow the proper sequential approach. The Environment Agency response to the Beauchamp Park planning application confirms that "a site that can provide the housing and its associated infrastructure completely within Flood Zone 1 [i.e. we say Site 43] should be given preference to sites that are even partially within the floodplain. This is because, even if the properties will not be directly impacted by flooding, they can still be indirectly impacted by the loss (temporarily) of recreational space or flooding of roads and paths. Once it has been demonstrated that there are no sites totally within an area of low flood risk, sites that can minimise the impact of a flood through taking a sequential approach to development layout, should be considered."

Rainier endorse this methodology which is equally applicable to the BNDP ST.

Paragraph 21 goes on to state that *"The development of these sites would constitute the best use of available land, leaving other Grade 2 agricultural land on other sites within agricultural use or to maximise the scope for 'more vulnerable' development should it be required for development in the future."* Notwithstanding that agricultural land classification does not form part of the sequential test, Site 43 does not include any Grade 2 agricultural land, on the other hand the selected sites do include Grade 2 agricultural land.

The sustainability and community benefits attributed to the selected sites at paragraph 22 of the BNDP ST would also apply to Site 43. We query the relevance of referring to such 'benefits' in the sequential test; matters including 'wider sustainability benefits to the community that outweigh the flood risk' are relevant consideration at the exceptions test stage, (NPPF para 160) which follows the sequential test.

Without prejudice to the proper sequential approach, the benefits listed at paragraph 22 do not appear to be 'wider sustainability benefits to the community' required to pass the exceptions test; they are matters required to make development acceptable in planning terms and as such at best should be described as neutral matters rather than benefits that would weigh in favour of selecting these sites over another available site that has a lower flood risk.

By comparison, the new amenity space and facilities proposed at Beauchamp Park could be provided on Site 43 and on land that is not in the flood plain - this is better than the current site selection which locates amenity space and facilities in the floodplain.

Rainier are the only developers to be offering land for a GP surgery on their site (conscious the existing GP Surgeries in Bromham are at risk of closure); this is a wider sustainability benefit to the community.

Rainier have also suggested that the proposed amenity space and facilities at Site 43 could be used for a new primary school if needed at some stage in the future. The open space currently identified in the BNDP does not have this flexibility as it is located in the floodplain. Again, this is a wider sustainability benefit to the community.

Development of Site 43 would provide good vehicular access to the A428 and reduce the impact of vehicular traffic through the village and provides opportunities for a safer environment for pedestrian and cyclists. This matter is set out in detail in Rainier's Regulation 14 consultation response. Site 43 is also accessible to service and amenities in the village for pedestrians and cyclists.

In respect of the exiting bus route, Site 43 is within walking distance of the existing bus stop, as are the selected sites. The presence of the existing bus stops and routes is not a wider sustainability benefit to community. There is however the opportunity for Rainier to engage with the bus operator to reinstate a bus route along Northampton Road, this would be a benefit to the wider community and would be more viable for the bus operator with development on Site 43.

None of the benefits listed in the BNDP ST are considered to outweigh the flood risk of the sites selected. Development on Site 43 includes the opportunity for sustainable benefits to the wider community not offered on the selected sites.

The sequential test has not been applied properly in the BNDP ST. In accordance with NPPF the proper application of the sequential test would first steer development towards suitable alternative lower flood risk sites, namely Site 43, prior to considering sites which have a greater risk of flooding including the BNDP selected sites comprising Beauchamp Park and Stagsden Rise. This approach is endorsed by the Environment Agency consultation response to the Beauchamp Park outline planning application.

Yours faithfully,



JAMES BONNER
Planning Associate



Title: Bromham Neighbourhood Plan Sequential Test

Date: 21st October 2019

1.0 Introduction

- 1.1 The Regulation 14 consultation regarding the Draft Bromham Neighbourhood Development Plan (BNDP) ran between 25th February 2019 to 8th April 2019. The Draft BNDP included the draft allocation of two sites that include land within the floodplain including Sites 49 and 52 (Beauchamp Park) and Site 53 (Stagsden Rise Development). These sites fall partially within flood zones 2 and 3. Notwithstanding this no sequential test for flooding was conducted in respect of the BNDP at that time.
- 1.2 The representations from Rainier Developments Limited to the Regulation 14 consultation of the BNDP, amongst other matters, identified the requirement in the National Planning Policy Framework (NPPF) for all plans to apply a sequential, risk-based approach to the location of development so as to avoid flood risk to people and property which should be managed by a sequential test and then if necessary an exception test.
- 1.3 The NPPF is clear that the BNDP must direct development to reasonably available sites, where the risk of flooding is lowest, prior to allocating sites in flood zones 2 and 3. Thus the Parish Council are required to produce a sequential test that considers all reasonably available sites (including Site 43 being promoted by Rainier), prior to allocating Sites 49, 52 and 53 owing to these sites being in flood zones 2 and 3.
- 1.4 The assessment and selection of the draft housing allocation in the BNDP were not informed by a sequential test. In applying a sequential test relating to flood risk, the Parish Council are obligated to direct development to reasonably available sites (namely Site 43) prior to allocating sites in flood zones 2 and 3 (such as Sites 49, 52 and 53).
- 1.5 Following the Regulation 14 consultation the Parish Council have retrospectively produced a 'sequential test' in support of the BNDP, which is currently subject to consultation. This note provides our assessment and response to the "Bromham Neighbourhood Plan Sequential Test Relating to Flood Risk".
- 1.6 This note will set out the reasons why we consider that the Parish Council have not correctly implemented the sequential test. We also reiterate serious concerns regarding the continued reliance by the Parish Council on the Bedford Borough Council Highways Transport Access Assessment (HTAA) for assessment of access and highways matters, which has previously been raised in Rainier's representation to the BNDP Regulation 14 consultation.

2.0 Planning Policy

- 2.1 The NPPF and the Planning Practice Guidance 'Flood Risk and Coastal Change' emphasises the responsibility of Local Planning Authorities (LPAs) to ensure that flood risk is understood and managed effectively using a risk-based approach throughout all stages of the planning process.
- 2.2 The NPPF and supporting guidance requires LPAs to undertake Strategic Flood Risk Assessments (SFRAs) and to use their findings to inform strategic land use planning, including the application of the sequential test.
- 2.3 The aim of the sequential test as set out in the NPPF, is to steer new development to the areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

- 2.4 As stated in the NPPF, this general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim of this is to keep development out of medium and high flood risk areas (Flood Zones 2 & 3) and other areas affected by other sources of flooding where possible.
- 2.5 The NPPF states, the sequential test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered.
- 3.0 **Overview of the BNDP Sequential Test Relating to Flood Risk Report**
- 3.1 The BNDP Sequential Test report states at paragraph 1 that it has been produced to support the BNDP and "its purpose is to demonstrate the sites identified for development in the neighbourhood plan that contains areas of flood risk are appropriate for development in the context of the sequential and the exception tests relating to flood risk". Paragraph 158 of the NPPF states that the aim of a sequential test is to steer new development to areas with the lowest risk of flooding. The purpose of the BNDP Sequential Test is not sound and does not comply with the NPPF. The way the Parish Council have sought to apply the sequential test only considers the sites allocated at the Regulation 14 stage BNDP rather than objectively assessing reasonably available sites appropriate for development in areas with a lower risk of flooding.
- 3.2 The report considers each identified development site with regards to flood risk, with sites wholly within Flood Zone 1 screened out as being suitable for all types of development and sites which intersect with one or more flood zone screened in for additional assessment.
- 3.3 The report shows that Site 43 is located fully within Flood Zone 1 and is therefore screened out of the further assessment. Site 51 is also shown within Flood Zone 1 and is screened out of further assessment.
- 3.4 Site 49, 52 and 53 are shown to intersect with an element of Flood Zone 2 or 3 and therefore have been screened in for further consideration.
- 3.5 For the screened in sites, two further questions were considered to establish whether an exception test should be undertaken:
- Could the proposed development be alternatively located in a site wholly within Flood Zone 1, taking into account other material planning conditions, including the achievement of sustainable development?
 - Could the number of residential units proposed, and accesses to them, be accommodated wholly within the part of the site within the part of the site that falls within Flood Zone 1?
- 3.6 An exception test was undertaken on the three sites to demonstrate the sites would provide sustainability benefits to the community that would outweigh the risk of flooding.
- 3.7 The report concludes that the development of sites 49, 52 and 53 constitutes the best use of available land. Through applying the exception test, the report determined that the benefits of the developments seem to outweigh the risk of flooding and so satisfy the requirement of the sequential and exception tests with built development within these sites steered to areas of Flood Zone 1.

4.0 Review of the BNDP Sequential Test Relating to Flood Risk Report

- 4.1 The main concern with the BNDP Sequential Test report is the application of the sequential and exception tests has not been undertaken in accordance with planning policy, Strategic Flood Risk Assessment (SFRA) guidance or as described in the report itself. The report (and the sequential test) has been undertaken in a way that is tailored specifically to consider the previous site allocations, rather than applying the sequential and exception test evenly to the full list of identified sites.
- 4.2 The report identifies that the first consideration of the assessment is to apply the sequential test to the full list of identified sites, with lower flood risk sites screened out as being suitable for all types of development vulnerability in terms of flood risk. At this point Site 43 is confirmed to be in flood zone 1; accordingly, Site 43 should be considered and allocated for development prior to considering the allocation of site in flood zones 2 and 3 (such as Sites 49, 52 and 53).
- 4.3 The report however immediately moves to the question:
- Could the proposed development be alternatively located in a site wholly within Flood Zone 1, taking into account other material planning conditions, including the achievement of sustainable development?
- 4.4 This question has not been properly considered and the report proceeds immediately to apply the exception test to justify the allocation of Sites 49, 52 and 53, without properly considering or assessing the available and appropriate lower risk sites already identified.
- 4.5 If the question was fully considered, it would identify that there are alternative sites wholly within flood zone 1 that could provide the development. Site 43 to the north of Sites 49 and 51 is shown fully within flood zone 1 and can provide development in a sustainable manner taking into account other material planning conditions. The report does not adequately consider Site 43 in the same regard as the allocated sites and proceeds with assessing higher flood risk sites through the application of the exception test.
- 4.6 The NPPF states that the sequential test should ensure that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The BNDP Sequential Test has not been applied in accordance with the NPPF guidance. New development is instead steered towards sites with a higher risk of flooding and then subsequently deemed acceptable following the application of the exception test, which itself is not properly applied.
- 4.7 The BNDP Sequential Test does not include a proper assessment of Site 43 nor does it aim to steer new development to areas with the lowest risk of flooding as required by the NPPF. As with the 'purpose' of the sequential test set out in paragraph 1 of the BNDP Sequential Test, it follows that the 'conclusions' set out in paragraphs 21 to 23 are flawed.
- 4.8 The consultation response from the Environment Agency dated 30th September 2019 to the current planning application at Beauchamp Park (Sites 49, 51 and 52) endorses our concerns regarding the Sequential Test methodology which we have set out above and is relevant to the BNDP Sequential Test. The Environment Agency state the following:

"We are concerned over the Sequential Test (ST) methodology the applicant has utilised. For the initial ST, the whole red line boundary needs to be considered, not just that of the built development. A site that can provide the housing and its associated infrastructure completely within Flood Zone 1 should be given preference to sites that are even partially within the floodplain. This is because, even if the properties will not be directly impacted by flooding, they can still be indirectly impacted by the loss (temporarily) of recreational space or flooding of roads and paths. Once it has been demonstrated that there are no sites totally within an area of low flood risk, sites that can minimise the impact of a flood through taking a sequential approach to development layout, should be considered."

4.9 We have demonstrated that Site 43 is a reasonably available site and in accordance with local and national planning policy can deliver sustainable housing development in an area of lower flood risk than the sites selected for development in the BNDP (including Beauchamp Park Sites 49, 51 and 52 and Stagsden Rise Site 53).

4.10 It is noted that Site 43 is reviewed at Annex 2 – Site Profiles for the Sites in the Bromham Neighbourhood Area Assessed for Development. We raise the following matters:

- Site 43 does not include any Grade 2 Agricultural Land; the site comprises of Grade 3a and 3b; of note however Sites 49 and 51 include Grade 2 Agricultural Land and there is Agricultural Land Classification available for Sites 52 and 53, which could also include Grade 2 Agricultural Land.
- The suitability column refers to the Bedford Borough Council 2017 highways assessment regarding access and traffic impact (we understand this to be the HTAA). The Regulation 14 representations submitted by Rainier provide comprehensive commentary regarding the HTAA regarding Site 43, including a Technical Note provided by Jubb. Furthermore Rainier have advised the Parish Council of their meeting with Kim Healy, BBC Team Leader Highways and Development Control and the fact that BBC Highways agree access can be provided to Site 43 from Northampton Road and they would support a design approach that could bring positive benefits to address current road context, reduce speeds and create a new gateway to the village.

5.0 Conclusions

5.1 The Regulation 14 pre-submission consultation on the draft BNDP was not informed by a sequential test regarding the assessment of flood risk on the sites selected for allocation.

5.2 Bromham Parish Council has retrospectively undertaken a sequential test assessment in an effort to satisfy the requirements of the NPPF. The BNDP Sequential Test report, however, fails to apply both the sequential and exception tests in accordance with planning policy, SFRA guidance or as described in the report itself.

5.3 The report and the sequential test appear to have been undertaken in a way that is tailored specifically to support the previously selected site allocations, rather than provide an objective application of the sequential and exception test evenly to the full list of identified sites. As a consequence, it fails to steer new development to areas with the lowest risk of flooding.

5.4 The report has not properly considered the question - Could the proposed development be alternatively located in a site wholly within Flood Zone 1, taking into account other material planning conditions, including the achievement of sustainable development? The assessment proceeds straight to applying the exception test to justify the proposed allocation of sites with higher flood risk, rather than considering the alternative site with a lower risk of flooding which are already identified.

5.5 The aim of the sequential test, as set out in the NPPF, is to steer new development to the areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. As shown in this technical note, the application of the BNDP Sequential Test has not adequately assessed alternative development sites at lower risk of flooding and has concluded that sites with a higher risk of flooding should be identified as the preferred sites for development.

- 5.6 The consultation response from the Environment Agency of 30th September 2019 to the Beauchamp Park planning application echo's our view and is applicable to the BNDP Sequential Test. The Environment Agency confirm that the whole of a site needs to be considered and not just that of the proposed built development. The Environment Agency also state that "a site that can provide the housing and its associated infrastructure completely within Flood Zone 1 [such as Site 43] should be given preference to sites that are even partially within the floodplain (Beauchamp Park and Stagsden Rise). This is because, even if the properties will not be directly impacted by flooding, they can still be indirectly impacted by the loss (temporarily) of recreational space or flooding of roads and paths. Once it has been demonstrated that there are no sites totally within an area of low flood risk, sites that can minimise the impact of a flood through taking a sequential approach to development layout, should be considered."
- 5.7 Site 43 is shown to be a reasonably available site and in accordance with local and national planning policy can deliver sustainable housing development in an area of lower flood risk than the sites selected for development in the BNDP (including Sites 49, 52 and 53).
- 5.8 It is considered the proper application of the sequential test would first steer development towards suitable alternative lower flood risk sites, such as Site 43, prior to consideration of Sites 49, 52 and 53 which have a greater risk of flooding in accordance with NPFF.