

Mid Sussex District Plan 2021-2039

Examination (Stage 1) by Miss Louise Nurser BA (Hons) Dip UP MRTPI

Hearing Statement submitted by WILD (Respondent Number 1191800)

Matter 5: Flood Risk

WILD's response to consultation raised concerns regarding flood risk (Section 5.4). We note in the inspector's guidance that 'there is no need for participants to submit an additional hearing statement if they are content that their original representations adequately cover the issues and questions they are concerned about'. We stand by our original submission, but wish to respond further with regard to the questions in this Matter, covering:

- Specific questions raised by the inspector;
- What changes relating to this Matter would need to be made to make the plan sound.

All references are to the MSDC submission Plan and the September 2023 version of the NPPF.

Question 52

Paragraphs 159-167 of the NPPF require a flood risk assessment to be undertaken and a sequential, risk-based approach to the location of development, leading where necessary to an exception test. The Council have included a relevant criterion (2) in the site selection methodology and a relevant policy (DPS4) in the Plan. Although these reference the relevant paragraphs of the NPPF there is no evidence that these have been applied in practice in the preparation of the Plan:

- The level 1 Strategic Flood Risk assessment was issued on 11 July 2024, and the flood risk sequential and exceptions testing report and level 2 assessment are dated August 2024. These documents cannot therefore have been used to inform the preparation of the Plan, which was issued in January 2024 without them.
- Paragraphs 159 & 167 make it clear that development should not increase flood risk elsewhere - in other words, not simply on the proposed site; para 160 requires that strategic policies should consider cumulative impacts in or affecting local areas susceptible to flooding. However, the testing described in the Sequential Test and Exceptions Test document and the site summaries in the level 2 assessment appear to relate only to the sites in question and not to areas which might be affected by development on them. We have more to say about this below in response to question 53.
- Where DPA7 and DPSC6 are concerned, the application of the sequential test appears to identify possible alternatives in other locations (page 8-9). But these are rejected. The Council appears to be relying on para 163 of the NPPF in doing so,

claiming that wider sustainable development objectives apply. But testing cannot have been carried out at the point of site selection for the reasons given above; and the reason offered, in the penultimate paragraph on page 9, is obscure. Para 162 is clear that development should not be allocated or permitted if there are reasonable alternative sites in areas with low risk.

Question 53

We consider the documents we list at the beginning of our answer to Question 52, including the level 2 assessment, cannot have been used to support the building blocks of the Plan listed in this question, because they were available only after the completion of the final draft.

Moreover, the level 2 assessment is both out of date (despite being completed in August 2024) and incomplete. Appendix 1 to the document illustrates this. The proforma includes a small box headed 'Flood history'. We take as our examples DPSC3-7. The entries for DPSC3 & 4 say there are undated records of flooding on Reeds Lane. DPSC5 & 6 have no record of flooding, and DPSC7 has records of flooding in 1986 and 1994. None of these allocations has a record of sewer flooding held by the sewage providers. If these summaries apply strictly to the sites under consideration - and nothing is said to the contrary - then they have no value. These are undeveloped sites with no sewage infrastructure, and no-one to report flooding problems relating to them. What should be considered in these assessments, in line with the NPPF, is the cumulative impact, and the impact on neighbouring areas.

Residents have complained repeatedly in recent years about regular flooding in the village of Sayers Common, on Reeds Lane and the London Road, and on the B2116 at the point at which the main part of DPSC3 and the 'hamlet' intersect. They have also complained about sewage problems in Sayers Common and at the B2116 intersection point referred to above. These complaints have been made to parish, district, and county councillors and the local MP as well as to Southern Water. The inspector will be aware that individual responses to Regulation 19 consultation from residents of Sayers Common and from Albourne Parish Council have highlighted these issues.

The assessments in Appendix 1 fail to take account of recent development in Sayers Common which has increased the incidence of pluvial flooding and demonstrated the link between development, and flood and sewage problems in this area: Sayers Common sits in a bowl, with the base of the bowl in the village centre. Removal of natural drainage through development will significantly increase flood risk and should lead to a reassessment of the allocations in line with the expectations of the NPPF.

The Council has made the belated decision to masterplan DPSC3-7 together. However, the pluvial flood risk is increased by the cumulative effect of these allocations, which were considered separately in the flood risk assessments and without the benefit of up to date flood risk evidence in the area as a whole. A proper flood history would be a much better guide to the likelihood of problems caused by development in future than a predictive model which is only as good as the assumptions used in it. Failure to consider the history of flooding and sewage problems in Sayers Common is also in breach of policy DPSC4: "Particular attention will be paid to those areas that have experienced flooding in the past."

Question 54

As we noted in our original submission, the geology of the district is relevant to flood risk and the action which can be taken to mitigate its effects. The substrate in Albourne and Sayers Common is clay, which means that natural drainage and attenuation ponds will be less effective; and it is also recognised that these methods are less responsive to the unpredictable impact of climate change. Water flowing to the Adur will lead to increased flooding at Mock Bridge, where the Adur is still tidal and there is a history of flooding. The bridge carries the B2116, which is the main route west from these allocations.

Question 55

Our concern is less with the content of the relevant policies, which quote the appropriate sections of the NPPF, but rather, as we have shown here, how they have been applied in practice.

Question 56

We suggest the following changes need to be made to make the Plan sound in this regard:

- The level 2 flood risk assessment will need to be redone to ensure it is up to date and properly addresses the impact on neighbouring areas
- The site selection process will need to be reviewed for sites at risk of flooding, because an up-to-date assessment was not available at the time it was undertaken
- The conclusion regarding DPA7 and DPSC6 requires further examination to determine whether the decision to continue with their selection for allocation is justified
- DPSC3-5 and 7 should be subject to an assessment which considers both the cumulative impact of flood risk and the likely effect on neighbouring locations