

Forward Planning

Harlow Council
Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG
www.harlow.gov.uk

Our Ref:
Your Ref:
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Flood Risk Sequential Test in accordance with the National Planning Policy Framework (NPPF)

The attached statement (Table1) sets out how the Local Planning Authority (LPA) has undertaken the Flood Risk Sequential Test as required by the National Planning Policy Frameworkⁱ (NPPF) when considering the suitability of the Templefields North East site for development permitted as part of a Local Development Order (LOD).

The LPA, in undertaking the Sequential Test, has taken into account the supporting Technical Guidance to the NPPF, Harlow Council's Strategic Flood Risk Assessment, guidance from the Environment Agency and the functional requirements of the Enterprise Zone initiative.

After undertaking the Sequential Test the LPA are satisfied that there are no other reasonably available sites in areas with a lower probability of flooding, that would be appropriate for the Enterprise Zone. The LPA conclude that the Local Development Order for the Templefields North East Site has satisfied the requirements of the Flood Risk Sequential Test as laid out in the NPPF.

The Templefields North East Site will be taken forward to consider on site flood risk issues as part of a detailed flood risk assessment.

Paul MacBride

Forward Planning Manager
Harlow District Council
Tel: 01279 446258
e-mail: Paul.MacBride@harlow.gov.uk

ⁱ Paragraph 101 states that the aim of the Sequential Test is to steer development to 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.

Table 1: Flood Risk Sequential Test as required by the NPPF

Note on Methodology: The LPA, in developing the methodology for the Sequential Test, has taking into account advice the supporting Technical Guidance to the NPPF, Harlow Council's Strategic Flood Risk Assessment and guidance from the Environment Agency. The approach has also been refined to reflect the nature of the Enterprise Zone initiative.

STEP 1: Define the scope of the plan or proposal being considered (objectives and spatial scope)

Enterprise Zone status is dependant on the host Local Planning Authority putting in place a simplified approach to planning; typically through the preparation of a Local Development Order (LDOs). The Enterprise Zone Prospectus sets out a number of criteria for the zones. They should be:

1. Broadly between 50 and 150 ha (depends on local circumstances).
2. Generally be based on 'clean' sites.
3. Be based on clear economic rationale and potential for growth (inc. barriers to growth, productivity impacts, strong potential for additional growth)
4. Be focused on a particular 'sector'

The Harlow Enterprise Zone will be focused on the health and allied industries and advanced manufacturing sectors which have been highlighted as potential growth sectors in for the town (Health and Allied Industries Study, 2011). These are classified as 'Less Vulnerable' in Table 3 of the NPPF.

The Harlow Enterprise Zone consists of the London Road site (23ha) which is a predominately greenfield site on the eastern side of Harlow (Image 1). This site is entirely within Flood Zone 1. The remaining Enterprise Zone would consist of land identified at Templefields North East (Image 2); this site is within Flood Zones 2 and 3. The Environment Agency guidance states that the Sequential Test should compare reasonably available sites with the application site. Therefore, the focus of this Sequential Test is to consider 'reasonably alternative sites for the proposed use' against land at Templefields North East.

Templefields North East

This site is made up of approximately 28ha of employment land in the north east part of the Harlow. The site consists of approximately 60% Flood Zone 1, with the remaining part within Flood Zone 2. There is a very small part of the site (<2% of the total) that is within Flood Zone 3).

The site is allocated in the Replacement Harlow Local Plan (adopted 2006) as an Existing Employment Area (Policy ER5/1). There are a range of existing buildings on the site but research (November 2010) indicates that there are significant vacancies across the site. The area has also been identified by the Harlow investment and Renewal Framework (2006) as an area requiring significant investment to improve the poor urban environment and to address further business decline. Further research into employment land highlights this area as a recognised employment cluster which is vital to Harlow's future growth.

STEP 2: State the geographical area over which the test is to be applied

The Sequential Test is to be applied over the whole of the Local Authority area.

STEP 3: Identify the source of reasonably available sites

The Enterprise Zone initiative is an ad hoc intervention therefore has not been considered as part of the wider plan making process. The approach to undertaking the Sequential Test has been to identify a number of 'reasonably available' sites. Because the NPPF does not define 'reasonably available' this assessment has established a series of site requirements to guide the Sequential Test process. This takes into account guidance issued by the Environment Agency as well as the 'functional requirements' of the EZ (see Step 1). The following criteria have been applied to the consideration of alternative sites:

1. The site should be at least 25ha to allow the minimum threshold of the EZ to be met.
2. The site should be 'clean'
3. the site should be based on clear economic rationale and potential for growth
4. Constraints to delivery (inc. planning policy designations such as Green Belt, physical problems)
5. Are there any other relevant planning considerations likely to impact the site

The Sequential Test has assessed reasonably available sites in Flood Zone 1, then Flood Zone 2 and finally Flood Zone 3 (see stages 5a, b and c).

NB: The identification of reasonably available sites in the district is particularly challenging in this instance because of: 1) the 'functional requirements' of the EZ are precise, and 2) Harlow is a small urban district with a limited amount of available land for development.

The following reasonably available sites in Flood Zone 1 were identified:

Site 1: Land to the North of Gilden Way (Special Restraint Area) (Image 3)

Site 2: Land at the Pinnacles Industrial Estate (Image 4)

Sites identified in Flood Zone 2 and 3 are discussed in the next stage of the assessment.

STEP 4: State the method used for comparing flood risk between sites

The Sequential Test is to be undertaken using the Council's Strategic Flood Risk Assessment (2012)

STEP 5a: Apply the Sequential Test by comparing 'reasonably available' sites to application site

Site 1: Land to the North of Gilden Way (Special Restraint Area)

Level of Flood Risk	Flood Zone 1
Capacity	38.5ha

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Is the site 'clean'?	Yes
Economic rationale/potential for growth	The site would be a clean site and has the potential to provide net additional economic growth.
Constraints to delivery	The site is designated in the RHLP (2006) as a Special Restraint Area (Policy NE5). There is a presumption against development here unless Green Belt policies are satisfied, development does not prejudice longer term development, and the land is shown to be needed resulting from a review of the Local Plan. Policy NE6 highlights other factors that should be taken into account. The delivery of the proposal in this location is not sufficiently secure to be considered reasonably available for the Enterprise Zone.
Other relevant considerations	-
<p>Conclusions of comparison</p> <p>Although the site is of sufficient size to accommodate the remaining Enterprise Zone development, the delivery of the development within the desired timeframe is uncertain given the requirements of Policy NE5. The suitability of this site for development is to be considered as part of the review of the Local Plan and therefore cannot be taken as reasonably available for the purposes of the Enterprise Zone.</p>	
<p>Site 2: Land at the Pinnacles Industrial Estate</p>	
Level of Flood Risk	Flood Zone 1
Capacity	14ha
Is the site 'clean'?	Partly
Economic rationale/potential for growth	Approximately half of the site is 'clean' and has the potential to provide net additional growth.
Constraints to delivery	The site is designated as an Existing Employment Site (Policy ER5/2) and is acceptable, in principle, for the proposed use.
Other relevant considerations	The Pinnacles Employment Area has been identified as being poorly serviced by local amenities. The site is also poorly located to the town's train stations and the strategic road network and would also be separated from the London Road site.
<p>Conclusions of comparison</p> <p>Although the proposed development would be acceptable (in principle) in this location, the site is not of sufficient size to provide the remainder of the Enterprise Zone site requirement. As a result this site is not considered available for the purposes of the Enterprise Zone.</p>	
<p>STEP 5b: Considering reasonably available sites in Flood Zone 2</p>	

Because part of the Templefields North East site is in Flood Zone 2 the Sequential Test requires that reasonably available sites in Flood Zone 2 be considered. To satisfy this requirement the assessment has identified other reasonably available sites in Flood Zone 2 for consideration. Given that Harlow is a small district there was only one other area that was identified for the purposes of the Sequential Test.

The following reasonably available sites in Flood Zone 1 were identified:

Site 4: Land along River Way

Site 4: Land along River Way (Image 5)

Level of Flood Risk	Flood Zone 2. The total area of the site covered by Flood Zone 2 is considerably more than at Templefields North East (approximately 80% of the site when compared to 40% at Templefields).
Capacity	21ha. The availability of land is further reduced by the presence of Vintner House (approximately 20% of the site) which has permission for a Resource Recovery Facility. The Council's Depot is also located in this area which is home to waste collection vehicles and other operations. The site, already less than required, would be reduced by an additional 20-25% given the presence of these occupiers.
Is the site 'clean'?	No.
Economic rationale/potential for growth	Limited additional growth potential within specified sector.
Constraints to delivery	Some existing occupiers (Council Depot and Resource Recovery Facility) would be difficult to relocate within a reasonable period of time to allow the successful delivery of the Enterprise Zone in this location.
Other relevant considerations	

Conclusions of comparison

The extent of Flood Zone 2 on the site is considerably more than that on the Templefields North East Site. The total area of the site (21ha) is less than that required to reach a scale considered necessary to meet the site size requirements set out in the Enterprise Zone prospectus. As a result this site is not considered available for the purposes of the Sequential Test.

STEP 5c: Considering reasonably available sites in Flood Zone 3

A small section of the Templefields North East Site is within Flood Zone 3. The NPPF states that only where there are no reasonably available sites in Flood Zone 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Sequential Test.

It has already been concluded by the Sequential Test that there are no other reasonably available sites at a lower risk of flooding.

For the purposes of the Sequential Test reasonably available sites in Flood Zone 3 were sought. However, the search for potential sites concluded that there are no other sites in Flood Zone 3 that satisfy the functional requirements of the Enterprise Zone. The only other sites available in Flood Zone 3 were constrained by other planning restrictions such as the Green Belt or other ecological designations. The limited availability of sites in the district is primarily down to the fact that Harlow is a small urban district with limited land available for development. Therefore, the Templefields North East Site is considered to be the only reasonable site for the proposed development and will be taken forward.

Other Flooding Considerations

A detailed Flood Risk Assessment concluded that a small area of land at Templefields North East (approx. <2% of the total site) falls within Flood Zone 3b. The Sequential Test has taken into account the vulnerability of the proposed land uses and flood zone compatibility set out in Table 3 of the Technical Guidance to the NPPF and has concluded that **development should not be permitted in the part of the Enterprise Zone that is affected by Flood Zone 3b**. The Local Development Order will therefore not grant permission for development falling within land affected by Flood Zone 3b.

The Local Development Order will be subject to a detailed flood risk assessment, in consultation with the Environment Agency, to determine detailed flooding issues onsite.

STEP 6: Sequential Test conclusion

The Sequential Test concludes that there are no reasonably available sites in areas with a lower probability of flooding, that would be appropriate to the Enterprise Zone proposal. The proposed LDO at Templefields has satisfied the requirements of the Flood Risk Sequential Test as required by the NPPF.

A detailed assessment of the Templefields North East site has identified a small part of land that is affected by Flood Zone 3b. The Sequential Test has taken into account the vulnerability of the proposed land use and flood zone compatibility set out in Table 3 of the Technical Guidance to the NPPF and has concluded that **development should not be permitted in the part of the site that is affected by Flood Zone 3b**. The LDO should contain specific provisions which exclude development in this location.

Elsewhere across the site, the proposed development is considered compatible in Flood Zones 1, 2 and 3a. The application of the Exception Test is not required for these uses.

Image 1: The London Road Site



Image 2: The Templefields North East Site



Image 3: Land to the North of Gilden Way



Image 4: Land at the Pinnacles Industrial Estate

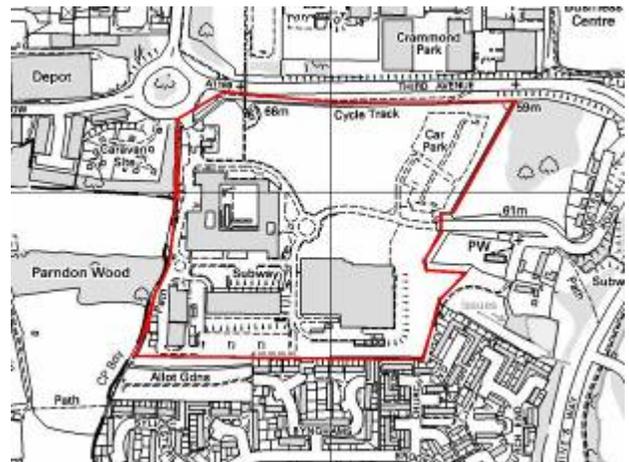


Image 5: Land along River Way

