



EAST RIDING
OF YORKSHIRE COUNCIL

East Riding Local Plan

Flood Risk Sequential and Exception Test

Supplementary Planning Document

Consultation Statement

November 2021

1 Background

- 1.1 In preparing Supplementary Planning Documents (SPDs), the council is required to follow the procedures laid down in the Town and Country Planning (Local Planning) (England) Regulations 2012¹, and its adopted Statement of Community Involvement (SCI) (May 2020)².
- 1.2 Regulation 12 stipulates that before adoption of a SPD, the local planning authority must prepare a statement setting out:
- The persons that local planning authority consulted when preparing the SPD;
 - A summary of the main issues raised by those persons, and;
 - How those issues have been addressed in the SPD.
- 1.3 This Consultation Statement accompanies the Flood Risk Sequential and Exception Test SPD and provides a record of consultation, comments received and actions taken to respond to comments.
- 1.4 The SPD, to which this document relates, provides guidance on the application of the Policy ENV6 Managing Environmental Hazards of the East Riding Local Plan Strategy Document. The SPD will be an important material consideration in the determination of relevant planning applications.

2 Early Consultation and Engagement

- 2.1 Preparation of the draft SPD involved consultation and engagement with internal and external stakeholders.
- 2.2 An internal steering group comprising a number of interested service areas including Development Management, Flood Risk Strategy, Flood Risk and Coastal Management, and Emergency Planning were engaged and had the opportunity to comment on an early draft of the draft SPD. As a key stakeholder, the Environment Agency (EA) also had an opportunity to comment on an early draft.

Responses and Feedback

- 2.3 Wherever possible feedback was incorporated in the emerging draft SPD. Feedback was positive. Some limited suggestions were made by the EA in terms of presentation and clarity.

Impact on the Draft SPD

¹ Available to view from: <http://www.legislation.gov.uk/uksi/2012/767/contents/made>

² Available to view from: <http://www2.eastriding.gov.uk/environment/planning-and-building-control/east-riding-local-plan/statement-of-community-involvement/>

2.4 Minor amendments were made to reflect the suggestions put forward by internal and external consultees.

3 Public Consultation on the Draft Supplementary Planning Document

3.1 The draft SPD, and Strategic Environment Assessment and Habitats Regulation Assessment Screening Opinions were made available for statutory public consultation, in line with the Council's SCI, between 18 January and 5 March 2021. A wide range of stakeholders were consulted, including the following bodies and persons:

- Town and Parish Councils;
- Individuals who have requested to be informed of Local Plan progress;
- Duty to Cooperate Bodies³;
- Elected Members;
- Planning agents registered on the Local Plan database;
- Specific Consultation Bodies³; and
- General Consultation Bodies³.

3.2 The consultation was undertaken taking into account social distancing guidelines.

3.3 The Draft SPD consultation included issuing a press release.

3.4 Notice of the consultation was reported at the Council's Planning Committee and Planning Sub-Committees.

3.5 The consultation was also advertised on the Council's social media accounts.

3.6 The draft SPD was made available for inspection on the council's website⁴. Hard copies were made available at CSCs and libraries, as advertised.

4 Main Issues Raised During Public Consultation

4.1 In response to the consultation 71 comments were received from 32 respondents. A detailed summary of the responses is attached as Appendix 1. The responses varied. There was no common topic or comment across the respondents. A broad summary the consultation responses is below:

- The document is well structured and easy to follow,
- The document is too technical and difficult to read,
- The risk of flooding and sources of flooding are not well understood in many places,

³ Listed in Appendix D of the Council's Statement of Community Involvement (SCI)

⁴ www.eastriding.gov.uk/spd

- New development will result in increased flood risk,
- The SFRA and SPD will result in no new housing in Goole,
- The sequential test should not be applied to sites allocated in the Local Plan,
- Generous mitigation measures should be required,
- Local people’s views and experience of flooding should be taken into account,
- Applicants should be asked to contribute towards flood risk management infrastructure development and maintenance,
- There should be an area of search for tourism development,
- The area of search for the sequential test is appropriate, and
- The area of search for the sequential test is inappropriate.

5 Main Changes To The SPD Following Consultation

5.1 Following the public consultation the key amendments made to the SPD were to:

- Reflect the fact that the NPPF was revised in July 2021,
- Highlight that the most up to date information on the risk of flooding should be used when considering planning applications,
- Emphasise that flood risk now and in the future needs to be considered,
- Revise the approach to the sequential test in Goole, so that it is not required on sites allocated in the Local Plan, which is consistent with the approach in other locations,
- Add the example of tourism development as a development type for the sequential test area of search,
- Add guidance on the term ‘wider sustainability benefits’, which is part of the exception test,
- Add further detail on the requirements of site-specific flood risk assessments.

6 Further Key Stakeholder Engagement

6.1 Following the public consultation, a more focused consultation with key stakeholders, including the Environment Agency, Lead Local Flood Authority and Emergency Planning

Authority was undertaken in September 2021. Minor suggestions we made by the Environment Agency, to emphasise the need to consider future flood risk in decision making, which were incorporated into the SPD.

7 Conclusion

- 7.1 Formal public consultation has been undertaken on a draft SPD. Two rounds of informal consultation have also been undertaken with key stakeholder. All responses to the draft SPD public consultation have been considered in preparing the final document and a summary of the main arising issues is stated in section 3. Changes to the draft SPD have been made where appropriate. It is not always possible or appropriate to make changes to reflect every consultation response. This is because there are often conflicting opinions and evidence on the preferred way forward.

Appendix 1: Summary of representations

Comment Number	Section	Comment	Officer Response
1	General	<p>Suggests the SFRA has “fundamental errors” and therefore the SPD preparation should be placed on hold until a review of the L2 SFRA for Goole is undertaken.</p> <p>The requirements of the L2 SFRA are not feasible. No allocations will be developed.</p> <p>The requirements are due to a change in methodology between the 2011 and 2020 SFRA. Kremer Properties have commissioned independent modelling to challenge the SFRA. Requests all data that was used in the SFRA be disclosed to them.</p> <p>The approach in the SPD and SFRA will result in the Local Plan Housing Requirement for Goole not being met. To meet the housing requirement all sites within Goole should be acceptable subject to meeting safety requirement, with no sequential test as all of Goole is flood Zone 3a.</p>	<p>Discussions with respondent in relation to the SFRA have taken place, and are separate to the production of the SPD. The Council believes the SFRA is a robust source of evidence.</p> <p>The approach to applying the sequential test to allocations in Goole has been amended.</p>
2	Step 3 The Sequential Test - Box 2	Agree with SPD box 2, remaining allocated sites in Goole which are not subject to planning permission should require sequential test.	<p>Noted.</p> <p>The approach to applying the sequential test to allocations in Goole has been amended.</p>
3	Step 3 – The Sequential Test - Para 3.15	Para 3.15 – agree area of search should be limited to the town of Goole.	Noted
4	Para 3.17	Para 3.17 – agree but limited to “proposals in Goole, including allocations, are expected to undertake the sequential test...”	Noted
5	Para 3.17 box	Para 3.17 box. Agree that even where a site is sequentially preferable in Goole there will be significant design and safety considerations to overcome.	Noted
6	Step 1 : Identify the	An accurate detailed assessment of the risk of flooding from all possible sources should be the starting point.	Noted. The level of risk is set out in the SFRA and the EA’s website. The SFRA is required by the national guidance to be based on the EA’s flood

Comment Number	Section	Comment	Officer Response
	level of Flood Risk	<p>The EA prioritises modelling of flood risk over local knowledge and continual local assessment.</p> <p>In the case of Tickton modelling of the St. Pauls estate has proved to be flawed and is currently being reassessed by the DofE.</p> <p>By way of example, of where a broad brush scheme supported by a flawed computer assessment could be disastrous, is the low point of the St. Pauls estate where there exists a high potential for surface water flooding - already experienced. In addition is the added risk associated with being in close proximity to the sewage pumping station. Any additional housing close by would result in a huge increase in surface water at the lowest end of the St. Pauls estate potentially combining with sewage from an old limited capacity sewerage system.</p>	maps. Changes are made to the EA's flood maps on a periodic basis based on a number of factors, including reassessment. The most up to date and robust information available should be considered in determining planning applications.
7	Step 2 : Identify if the proposal is compatible with the Flood Zone	<p>Comments as included in step 1 are repeated here.</p> <p>In addition, Tickton is in close proximity to the River Hull which in heavy weather is subject to both over topping and seepage resulting from high tides coinciding with high flow drainage levels.</p>	Noted. See comment on Step 1.
8	Step 3 : The Sequential Test 3.1	I would suggest the use of the sequential test in a local context should not be applied unless and until the existing infrastructure of the village (in the case of Tickton for example) is brought up to a modern and safe standard which can support further development, and that would include the seepage from the river banking.	Sequential test is required by national policy. The SPD recommends the area of search dependent on the proposed use.
9	Step 4 : The exception Test	In the context of the village of Tickton, the Parish Council have already objected to the village being designated as a Primary Village and with very good reasons for maintaining this stance.	Noted. Consultation on the Local Plan Update will take place in Spring 2021. The Local Plan is the document that sets the settlement network.

Comment Number	Section	Comment	Officer Response
10	Step 5: Applying Sequential Approach to site layout and design.	New housing can be built on footings of varying height in order to avoid ingress of flood water into the new property. This may be an acceptable solution for stand-alone developments which are located away from existing housing, however, it would seriously disadvantage those already existing close-by which will become more susceptible to flooding as a result.	Noted. The sequential test should be considered before the exception test. The exceptions test requires that proposal will not increase the risk of flooding elsewhere. This would need to be demonstrated by the applicant.
11	Step 6 : Preparing a Site Specific Flood Risk Assessment	It would be hoped than any assessment of land drainage etc and therefore suitability for development would be undertaken at a time when there is a water table level and not mid-summer for example!	The sources of information to be used are set out in step 1 (identify the level of flood risk).
12	General	Site map provided. Comments relating to drainage issues the consultee has witnessed in the surrounding area. The threat of top water flooding is very real and the balance of probability of this occurring is a worry should development go ahead, plus climate change will make the area more vulnerable. Further impervious development in the area, including caravans, will increase the risk.	The SPD is not site specific. It sets out the approach that will be used for all applications. It aims to ensure consistency in how applications are considered.
13	General	Flamborough site reference 170. The field has a history of surface water flooding. Any new development that does not allow water to soak away will result in flash flooding and increase the flash flooding that already occurs on Bempton Road. Areas of Flamborough flood regularly after heavy rainfall. Flash flooding will also effect the newly extended caravan site. Once the pandemic is over drainage issues due to the extended caravan site will only get worse.	The SPD is not site specific. It sets out the approach that will be used for all applications. It aims to ensure consistency in how applications are considered.
14	No comment	No comment.	Noted
15	General	I can't understand why Rawcliffe is classed as very high risk and therefore is not allocated any development, when other places have flooded but Rawcliffe has not.	Discussions with consultee in relation to the role of the Local Plan in setting the distribution of development and the upcoming consultation in

Comment Number	Section	Comment	Officer Response
			Spring 2021 have taken place, and are separate to the production of the SPD.
16	No comment	No comment.	Noted
17	Step1 - para 1.1	Assessing flood risk from surface water and ground water is essential but implementation is problematic. Hydrological models carry uncertainty and wide confidence intervals. Developers attention should be brought to the uncertainties so that generous mitigation measures are implemented. Climate change may make ground water more important in the future. It will be important too emphasis to developers that historical reports of groundwater should be heeded. The LPA should build up a database of documented occurrences in order to inform future development aspirations.	Noted. The council considers historic flooding, ground water and climate change as far as is reasonably practical.
18	Step 1 – para 1.2	Some areas identified on the map as being susceptible to groundwater flooding are questionable.	Areas identified are based on the EA’s map.
19	Step 1 - .25	EA areas of surface water flooding are based on a depression in the topography and presumption of ponding. Pondered water can come from other places, including ground water, overbank flow and overland flow. This should be highlighted to developers. There are examples of property flooding arising from overland flow on sloping ground and above the topographical low point and developers should be directed to assess the likelihood of run off generation that would inundate a site. This will become more important with climate change.	The SPD requires flood risk from all sources to be considered.
20	Step 1 - 3.35 (fig 12)	Reconsider the terminology indicating spectrum of most to least. There should be no incentive to develop in flood zone 3. Some will interpret ‘least preferable’ as ‘possible’. Here and elsewhere there is presumption that flood zone 1 will become flood zone 3 with climate change. However flood zone 2 will become flood zone 3 before flood zone 1 It	Although not generally supported, some development in flood zone 3 is possible. Noted, it will be made clear that climate change could make flood zones 2 become flood zone 3 in the future.

Comment Number	Section	Comment	Officer Response
		should read “Areas of flood zone 1 and 2 likely to become flood zone 3”.	
21	General	Comments regarding readability, use of acronyms. Questions relating to the current position of Hedon with regard to flood risk and request for an update on the Local Plan Review.	Readability comments noted. Consideration will be given to making the document easy to read. However, it is a technical document to be used by decision makers, agents and developers, who need to understand the detailed process. Separate correspondence was sent to discuss other comments, which were not related to the SPD.
22	General	Goole resident, concerned about the impact of developing on nearby allocations, given the risk of flooding. Hopes resident’s views will be taken into consideration when considering future development.	Noted. Residents views are taken into consideration in the preparation of the Local Plan and SPDs; and when determining planning applications. However, they need to raise relevant planning issues.
23	General	The East Riding is at risk of flooding. New development will increase the flooding of existing buildings. The EA have admitted there are mistakes in the flood zones with the area around Hull bridge being changed from zone 3 to zone 1. There are likely to be more mistakes. This is a bad plan and I will object to any building that this may fudge through the planning process.	Noted. There are requirements within national policy, the Local Plan and the SPD that require that new development does not increase flood risk elsewhere. Applicants will be required to demonstrate this. The EA Flood Maps are periodically updated to reflect the best available information. If new information comes to light it will be considered when determining planning applications.
24	General	The consultation period is too short. Recommend it is extended by at least a further 8 weeks. All town and parish councils should be consulted and provided with a list of settlements which would no longer be allowed new residential development within the development limits.	The consultation period is in line with the Council’s statement of community involvement and best practice for SPDs. All parish and town councils were informed of the consultation. It is the Local Plan which identifies the scale and distribution of development, not the SPD. Consultation on the Local Plan update will take place in Spring 2021.

Comment Number	Section	Comment	Officer Response
25	General	Greater reliance is placed on modelling than historic or actual flooding. Large areas of flood zone 1 have previously flooded. This means that areas in flood zone 1, which have previously flooded, are sequentially preferable to areas of flood zone 3, which have never flooded. The uncertainty of flood estimation is not adequately communicated.	Noted. All types of flooding are considered. Tidal and fluvial flooding usually has more severe consequences than other flooding, therefore there is more detail.
26	General	As many people as possible should understand flood risks. The presence of defences needs recognition in the assessment of actual flood risk (currently flood defences are ignored).	National Policy and guidance states that development should be directed away from areas at risk of flooding before considering areas that need to be defended. Areas that are defences retain a residual risk if defence fail.
27	General	Sequential search areas should be commensurate with the scale of development. Single dwellings should have the search area limited to the settlement development limits and surrounding area. Where search area disagreements occur these should be resolved through consultation with Local Councils and the ERYC Planning Committee not ERYC planning officers.	ERYC is the decision maker whether Councillors have delegated the decision to officers or the decision is made at planning committee. Town/parish councils are consulted on planning applications and can comment on the area of search. 10 planning applications for 1 house results in the same number of dwellings as 1 application for 10 homes. Therefore, the search area should be the same irrespective of the scale of development.
28	General	Developers should be asked to contribute to flood risk management infrastructure including maintenance. Any contributions would form a 'private contribution' to FCERM or Local Levy flood defence schemes and would be ring fenced for use	In some instances developers have contributed to flood defence infrastructure. This document relates to the sequential and exceptions test, rather than the infrastructure delivery plan.
29	Stage 1	New SFRA should not be used to rerun ST on reserved matters where outline is approved	Agree. The principle of development is secured.
30	Stage 2	No comment	Noted.
31	Stage3	Rerunning the ST on proposals that are allocated in the LP is contrary to para162 of NPPF	Amendment made to reflect that allocations do not require the sequential test to be applied.

Comment Number	Section	Comment	Officer Response
32	Stage 4	The exceptions test can be applied to allocations using the updated SFRA. This is consistent with NPPF para 162. However, it should not be applied to reserved matters applications as the risk was assessed at outline application stage and res are only able to consider access, layout, scale, design and landscaping.	The SFRA will be a material consideration and as such the safety of a proposals design will need to be demonstrated, rather than the exception test.
33	Stage 5	Unclear whether this stage would be applied to reserved matters. Whilst every effort can be made to avoid placing housing in areas of high risk through layout, if permission is granted this will be subject to a commercially viable level of housing as well.	The application of this section for reserved matters application will be dependent on the issues considered at the outline stage. The guidance applies to the majority of applications. Even where the principle is accepted in an area at risk, the sequential approach to site lay out should be taken as far as possible.
34	General	Support that the council is making the sequential and exception tests clearer. Provision should be made for housing that can design around the flood risk concerns. Clearer guidance is required relating to Goole and Hedon. It is crucial to facilitate housing delivery in Goole to support economic investment.	Noted. The future strategy for Hedon and Goole will be set through the Local Plan Update. The NPPF states that the first flood risk consideration is the sequential test, then where applicable the exception test which includes considering design.
35	Fig 2, p 6	Add consideration of developments that are not currently at risk but which will be at risk over their lifetime (as considered in para 1.13 box 2 on page 25)	Agree. Consideration of future risk added to diagram.
36	Para 1.11	Pleased that the potential conflict between the EA's and Council's data has been identified and advocates the use of both sets.	Noted
37	Para 1.45	Supportive of the approach to advise that modelling may not yet be available for some recently completed or programmed reservoirs.	Noted
37a	Para1.12	Consider reference to the fact that the Council may also hold more up to date modelling on some local sources of flooding that may be available on request.	Change made as requested.

Comment Number	Section	Comment	Officer Response
38	Para 2.2	Section would benefit from reference to sites in Flood Zone 1 that may be at risk from other sources to ensure the ST is applied consistently and linking with change suggested in Fig 2, as well as compatibility with Box 2 on page 25. Figure 12 sets out the hierarchy for flood risk applied to areas outside of Goole and Hedon and this also includes FZ1 with other sources and flood zone 1 with future risk.	This section is related to the compatibility of uses as set out in NPPF. The compatibility table in NPPF does not refer to other sources of flooding. The sequential test is considered in a separate chapter.
38a	Para 2.3	This confirms the approach that future flood zone 3 should be considered as flood zone 3a and not 3b. We have no objection to this approach, but future flood zone 3a sites should still consider how they can be developed safely and without increasing risk elsewhere.	Noted. Ensuring development can be developed safely and without increasing flood risk elsewhere is part of the exception test where relevant.
39	Box 2 p 25	This is really helpful. It clarifies that allocations in Goole will need to be reassessed	Noted
40	Footnote 11	Is ibid a typo?	Ibid means same source as above
41	Para 3.8	In the past ST has been applied on a sub-regional basis owing to the size of ER. We would like to better understand how it is intended to be applied now. Paras 3.16 and 3.17 suggest that for sites in Goole it will be applied in the town and it is clear that there may be significant design and safety considerations to overcome. We are not clear whether the 1950 houses required in Goole over the plan period are for the town only or the sub area. Should they not be able to be provided will they be provided elsewhere in the subarea? We want to avoid a situation where there is a reliance on windfall in Goole.	It is for the Local Plan Update to identify the strategy for development, including alternative locations for development outside Goole. Consultation will take place in Summer 2021.
42	3.14	Fully support this clear statement that housing should be directed to areas at lowest risk and FZ1 is the principal component of this	Noted
43	General	Also suggest: <ul style="list-style-type: none"> Inclusion of a link to the Level 1 SFRA. Where detailed modelling of the watercourses are not 	Noted. Link added.

Comment Number	Section	Comment	Officer Response
		<p>presented in the SFRA (i.e. where the fz3a/b interface may not be well established, or where climate change impacts are not fully presented), this may have relevant on the outcome of the ST and ET. The advice in the L1 SFRA should be followed in such cases (or your planning authority can contact us).</p> <ul style="list-style-type: none"> • Provision of a link to the latest climate change allowances. Provision of a link will mean guidance gets updated the SPD will still be correct. www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances 	
44	General	<p>No specific comments. However, flooding and its prevention, as well as management of water resources, can have impacts on the historic environment and the significance of assets, including their setting. This should be taken into consideration when managing water.</p>	Noted. The Local Plan ensures that all sustainability issues are considered.
45	General	<p>On the whole a very robust and easy to navigate document. Hopefully the comments below will assist in the developing the final version.</p>	Noted
46	Consideration the SPD does and does not cover p7, 2 nd para	<p>Planning applications will continue to be determined on a case-by-case basis..... This approach does not take into account the aggregating effects of development in an area potentially creating flooding risks. Where individual applications are considered in isolation, and not examined in a holistic approach, this could lead to a systemic failure of flood risk analysis for a specific geographical area.</p>	All planning applications are determined on their merit based on the development plan and material considerations.
47	Appendix 3 Table on pages 53 58 and 61, "Surface Water	<p>Current text is: Any SuDS design should take due account of groundwater and geological conditions.</p>	Suggestion noted however the table is a replication of a table in the already published Strategic Flood Risk Assessment, and therefore cannot be amended at this point.

Comment Number	Section	Comment	Officer Response
	and Site Drainage” section	To emphasise importance change text to read: All SuDS design should take due account of groundwater and geological conditions.	
48	Table on page 55 “Other” section	<p>Current text is: The proposed development must not result in an increase in flood risk to neighbouring properties and communities downstream.</p> <p>To emphasise importance change text to read: The proposed development must NOT result in an increase in flood risk to neighbouring properties and communities downstream.</p> <p>Current text is: Sites may be at risk from multiple sources of flooding. These risks should be considered both independently and cumulatively to ensure that this will not increase flood risk elsewhere.</p> <p>To emphasise importance change text to read: Sites may be at risk from multiple sources of flooding. These risks MUST be considered both independently and cumulatively to ensure that this will not increase flood risk elsewhere.</p>	Suggestion noted however the table is a replication of a table in the already published Strategic Flood Risk Assessment, and therefore cannot be amended at this point.
49	General	It seems wrong to allow development on the least worst sites rather than say no development. Pocklington has enough development.	The SPD sets out the process for considering flood risk. The amount and location of development is set through the Local Plan.
50	Sequential test/allocations Page 24 para.3.3	<p>Decisions should be made in line with the development plan. The ST was already undertaken for allocated sites. Neither the Local Plan nor the NPPF require the ST to be undertaken on allocated sites. The current wording of this paragraph is a departure from and in conflict with the Plan, NPPF and PPG.</p> <p>Regulation 8 of the 2012 regulations states SPDs must not conflict with the adopted development plan. Local Policy supports the SPDs requirement to apply the ST to not allocated sites. However, there is no policy support in the</p>	Noted. The SPD no longer requires the sequential test on allocations.

Comment Number	Section	Comment	Officer Response
		<p>Strategy of allocations document for sequential test on allocated sites.</p> <p>Para 162 of the NPPF states ta the correct approach when new evidence comes to light is to reapply the exceptions test rather than sequential test.</p> <p>Any action to circumvent the policies in the adopted development plan through this SPD are susceptible to challenge.</p>	
51	Sequential Test Area of Search P26, 3.8 P27, 3.12 3.15	<p>There is no guidance in NPPF or PPG for determining what area of search for a sequential test is acceptable. The only reference in PPG states that this will depend upon the catchment for the type of development proposed (para33). The Draft SPD needs to be consistent with the adopted Local Plan and other aspects of the Draft SPD if it is to comply with regulation 8 of the 2012 regulations.</p> <p>The requirement to consider housing proposals on a subarea basis, rather than settlement, could undermine the settlement network in policy S3 of the adopted Strategy Document. By focusing development to less sustainable locations. It is therefore suggested that paragraph 3.12 to 3.14 are amended to ensure the area of search is limited to the settlement.</p> <p>The sub area approach in 3.12 is also inconsistent with the approach in para 3.15, which seeks to ensure development in is concentrated in areas which will sustain the existing community, such as Goole. In Goole only reasonably available sites in Goole should be considered in the ST. This is in accordance with Policy S3</p>	The draft SPD aims to give clarity and consistency on the starting point for the area of search will be appropriate is particular circumstances. This does not conflict with the Local Plan and allocations are not required to be tested.
52	Reasonably available Page 25 para 3.39	The identification of reasonably available sites cannot be severed from the adopted development plan and its sustainability objectives. The criteria in para 3.39, to include larger, smaller and less sustainable sites when identifying	The sequential test is not required on allocations. Para 3.28 of the draft SDP explained that alternatives should not be contrary to planning policies.

Comment Number	Section	Comment	Officer Response
		<p>reasonably alternative sites is therefore too broad. Large allocations can provide schools etc. The ability of allocated sites to bring forward benefits should be part of the considerations in identifying reasonably available sites. Reasonably available sites should only be considered reasonably available if on balance there is evidence to suggest that the alternative site 1) is available at the time of the planning application, 2) complies with the policies in the adopted development plan, 3) is commensurate in scale and 4) can provide the same associated benefits of the subject site.</p>	
53	Step 3 – Outcome p37	<p>Text relating to RIZ and defence buffer seems contrary to the rest of the section. The SPD indicates they are within FZ3 where the ST would apply.</p> <p>The final para suggests that any development in fz3a would not be contrary to policy.</p> <p>The Strategy Doc requires ST to be applied in Fz3a. Therefore this paragraph introduces a whole new dm policy and conflict with the Local Plan. SPD cannot be used to introduce new policy.</p> <p>Reference to RIZ should be removed from outcome of step 3 entirely.</p>	Noted. This text relates to the exception test not the sequential test.
54	General	<p>Maps are correct for Pocklington.</p> <p>The Town Council supports the SPD as it seeks to restrict development in areas with high flood risk.</p>	Noted
55	Step 1	<p>Applicants may decide to instruct flood risk engineer to carry out additional modelling of a potential source of risk, particularly if there are gaps in existing data sets. This can result in sites being at a different level of flood risk that shown on the EA’s flood map. The EA’s flood map isn’t an instant process so mapping doesn’t always reflect the latest position. Updated modelling should be taken into account.</p>	Additional sentence added to clarify that any additional information submitted should be referred to the relevant flood authority.

Comment Number	Section	Comment	Officer Response
		Once the level of risk is established, any further action should be proportionate to the risk on the site.	
56	Step 2 - Identify if the proposal is compatible with the flood zone	No, do not support the automatic classification of land uses into vulnerability criteria. If mapping has been produced to show that flood zones are incorrect.	The criteria and uses are taken from Planning Practice Guidance/ now NPPF. Other issues may be considered as material considerations. Also see comment to response 56.
57	Step 3 - The Sequential Test Area of search	<p>Support that area of search is not the local authority area and is determined on a case by case basis.</p> <p>Support principle of using housing market areas for residential development. However, further flexibility should be applied to different areas within the sub market e.g. a settlement might have a need for affordable housing or new housing which the proposed development would seek to address.</p> <p>Do not support the statement that the Local Plan identified sufficient land to meet the housing needs to 2029, that proposals in flood zone 2 and 3 will fail the sequential test. Housing supply and the requirement should be kept under review. Just because a council believes it has a strong housing supply position should not mean that the sequential test is not carried out.</p>	<p>For each application the area of search will be determined based on the particulars of the proposal the examples are based on the most usual types of development. If a particular need is being met then this would be considered when determining the area of search.</p> <p>Housing supply is kept under review and the Council has a 5+ year supply. The housing requirement is being reviewed through the Local Plan Update. The sequential test is required but it is likely that allocations will provide sequentially preferable sites.</p>
58	Step 3 - The Sequential Test – Reasonably available alternative sites	<p>Site size should be considered. If a site is too large or too small it does not meet the functional requirements of the proposed development.</p> <p>Larger sites may cost more and so will not be viable for a smaller scale of development.</p> <p>A series of small sites may not provide the same as a single proposal e.g. they may be under the s106 threshold.</p> <p>Alternative sites may have other technical constraints that render them undeliverable or unsustainable locations. Flood</p>	<p>Noted however the SPD states that alternatives do not need to provide the same sustainability benefits as the proposal as long as they are not contrary to policy. Alternatives must be deliverable.</p> <p>Sites with permission are still available and part of the supply, until they have been completed.</p> <p>The application of the sequential test does not consider whether the alternatives are available to a particular developer but whether they are available</p>

Comment Number	Section	Comment	Officer Response
		<p>risk should not be the only consideration taken into account when determining reasonably available alternatives. The SPD should include a step where all sites which are of an appropriate size and at lower risk of flooding are assessed to determine if there are other technical constraints that prevent development of the site.</p> <p>Object to sites with planning permission not being dismissed where development has not begun or is partially complete.</p> <p>Ownership of the site should have a bearing on the sequential and exception tests. Land owners may not be willing to sell or sites may be controlled by other developers. Proposals cannot be delivered on land outside the control of the developer.</p>	to any developer. This is to ensure that the alternatives can come forward, not to ensure that the specific applicant can bring the site forward.
59	Step 4 - Exception Test	The Local Plan SA should be used as a starting point for sustainability considerations, not as a definitive list. There might be site specific benefits to a site that are not captured by the SA. Sites should be considered on a site by site basis.	The sustainability appraisal objectives define what the Council considers sustainability to encompass in planning terms. All sustainability consideration should link to a sustainability objective.
60	General	No comments	Noted
61	General	Support the steps. Very thorough document.	Noted
62	General	No comments.	Noted
63	General	The Parish Council would like to see the views of the Council taken into account when determining the level of flood risk.	National policy requires that we use particular information. Most of which is provided by the Environment Agency and the SFRA.
64	General	Public knowledge of local flooding is very valuable when assessing potential flooding. Therefore, there should be greater public consultation.	National policy requires the use of particular information. Most of which is provided by the Environment Agency and the SFRA. Public consultation is undertaken on draft planning documents e.g. the SPD and Local Plan and on planning applications.
65	General	The plans need improvement as they are not very clear and are difficult to read.	Contact details for Yorkshire water are shown in the draft document. The Draft document also provides a link to the up to date contact details for IBDs.

Comment Number	Section	Comment	Officer Response
		Contact details (telephone and email) should be included for Yorkshire Water and IDBs.	Consideration was given to improving plain English. However, this is a technical document to be used by applicant, agents and decision makers. Some technical language is inevitable.
66	Step 2 – Identify if the proposal is compatible with the level of risk	The compatibility classifications are in line with NPPF. However, outdoor sports covers a wide range of facilities and ask for caution to be used in the siting of some facilities that would fall within the category. For example, grass pitches are water compatible. However, flood lit, rubber crumb artificial grass pitches or synthetic floodlit running tracks are costly and difficult to repair if they sustain water damage.	Contacted consultee and the EA to consider a solution. No solution was reached. Compatibility classifications in the SPD reflect NPPF.
67	General	No comments	Noted
68	General	Guidance should be a reflection of government policy. So many iterations of the document does not inspire confidence in the concept. Development has recently taken place in on lying land, such as Lowfield road, which will be under water in the future.	Noted. Iterations of the document have been produced because of updated policy and/or evidence that results in the guidance needing to be updated.
69	General	The document is not accurate or reflective of flood risks in Elloughton cum Brough and therefore has no value.	Noted. The SPD directs users to where to find information on local flood risks. It only specifically refers to those areas at most significant risk of flooding.
70	General	Typos and clarifications, as well as a request for area of search for tourism development	Noted and amended where appropriate.
71	General	Typos and clarifications.	Noted and amended as appropriate.