

Hearing Statement: Matter Policy J27, Issue 11

11 Does provision need to be made for compensatory floodplain?

11.1 Background

The first issue which should be considered is the change in land use allocation which facilitates the bringing forward of a substantial development at J27 and the fact that this has NOT triggered any re-examination of the Strategic Flood Risk Assessment for the WHOLE local plan. The fundamental objection is that MDDC is ignoring the need to make a catchment based assessment of the developments proposed within the overall plan and the fact that the Local Plan once examined will be fundamentally changed by the Garden village proposal (not an issue for this hearing).

The second fundamental objection is to the piecemeal responses to the question raised where responders have looked at the flood zone status of the land allocation at J27 in ISOLATION and concluded that no compensatory floodplain is required. This dismisses completely any consideration of catchment dynamics, hydrological implications or even consideration that a substantial development (with very large paved areas) at J27 just might have an impact on developments downstream at J28.

The third fundamental objection is that any master-planning at J27 needs not to be solely reliant on an FRA for this development as again this ignores the impact of the development on the wider catchment.

11.2 GL Hearn/FLL response to Issue 11

This response highlights the significant issues that emerge when a development is taken in isolation and consideration of flooding is limited to the development area per se. It is not important (at a catchment level) that this development parcel is in FZ1 or that the footbridge proposed is in FZ1 too. What will become important if the development proceeds is how all the surface water will be managed and will any SuDS scheme at J27 be of sufficient scale to ensure that NO SURFACE WATER ever escapes the development i.e such that it won't contribute anything to downstream flooding AND who will be the guarantor of the SuDS scheme, who will maintain it and who will indemnify the houses directly downstream so there is no fundamental change to flood risk insurance for those properties once the development has been completed?

The GL Hearn/FLL response at their point 11.2 (page 1 of their statement) acknowledges the Environment Agency response of February 2017 and then seeks to dismiss it by using the EA statement from 7th August 2017 (suggesting compensatory floodplain is unlikely to be needed). This completely demonstrates the WEAKNESS of looking at individual (but substantial) developments in isolation rather than adopting a catchment based approach. The letter from the sustainable places planning specialist at the EA to the Forward Planning and Conservation team at MDDC (7th August 2017) answers a specific point in relation to the proposed footbridge across the M5 and the unlikely need for compensatory floodplain to be required to compensate for this structure. It is not a detailed response to the issue of all the proposed developments within the Local Plan and whether or not if they are taken "in toto" there is a need for compensatory floodplain.

11.3 Conclusion

11.3.1 The responses to Issue 11 have (as far as I can see) taken an isolationist approach and only looked at the issue in relation to the specific development proposal – there is not even any acknowledgement that a catchment based approach is required.

11.3.2 The change in allocation of land use which facilitates development at J27 was taken very late in the consultation process and in so doing MDDC have not seen fit to re-examine flooding issues in relation to the whole Local Plan, they have not re-visited the SFRA and they seem reliant on a piecemeal approach to flood risk assessment – this is contrary to NPPF guidance.

11.3.3 It is my contention that the scale of development proposals for J27 are of such significance that they make the need for a wholesale catchment based flood risk assessment imperative. The J27 proposals may not flood locally, the SuDs scheme may be “sufficient” but it’s impact in relation to development for NW Cullompton is unknown; it’s impact in relation to the Local Plan proposals for development East of J28 are unknown and its impact in relation to a Garden Village proposal of up to 5,000 properties simply has not yet been considered. Planning needs to stop taking a piecemeal approach to flooding (with FRA’s for each development parcel) and given the scale of developments at J27, NW Cullompton and East of J28 plus the Garden Village proposal it is my contention that the J27 proposal be set aside until its catchment level impact and its inter-relationship with the other proposed developments is fully understood. For clarity, I contend that the SFRA needs to be completely re-visited (with a proper Level 2 approach and not a hybrid approach) and the modelling work should incorporate all flood data available from 2012, 2014 and 2016 flood events across the WHOLE catchment.

This statement is not produced on the basis of wanting to halt all development: it is seeking consideration that a] flooding is taken seriously; b] flooding happens in response to what land and structures are within defined catchments; c] surface water management is still a grey area in terms of the long term maintenance and responsibility for SuDS schemes. The proposals for development at J27 may well be reasonable, they may well manage surface water on the development BUT the inter-relationship of this development with ALL the other proposed developments in the Local Plan and Garden Village scheme have been completely ignored by MDDC and proposals should NOT proceed until the flooding issues are fully explored and better understood. I accept there may well be development and financial pressures to bring developments forward but once built the flooding impact is there for a very long time so flood mitigation and flood resilience need to be central to the planning consideration.

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