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Date: 26 July 2022

By email only, to localplan@rutland.gov.uk

Dear Roger

Submission Draft Langham Neighbourhood Plan under Regulation 16 of the Neighbourhood Planning (General) Regulations (as amended) 2012

Thank you for your email of 16 June 2022 inviting comments on the above Neighbourhood Plan.

In January 2022 the Environment Agency provided comments to the Langham Neighbourhood Steering Group on their previous draft of the plan. We expressed support for several policies relevant to our remit, suggested some additions and advised on some corrections. We are pleased to see elements of our advice reflected in the final draft plan.

We have some outstanding concerns regarding site LNP14, which includes a considerable area in Flood Zone 3, although we are not objecting to the allocation of this site.

Site allocation LNP14

In our January 2022 response we wrote:

‘This site also has a significant area in Flood Zone 3, even as shown in figure 4.5. We strongly recommend that flood risk to this site is assessed in more detail before finalising the plan, to determine whether the sequential test can be passed and / or how many dwellings could be accommodated. As the Beck is not a main river, the Environment Agency does not hold any flood risk data apart from that behind the Flood Map, which is indicative only. We are aware that Rutland County Council are planning to prepare an updated strategic flood risk assessment (SFRA); it may be that they could include analysis and/or modelling for Langham in this. As lead local flood authority, the Council may already have some additional information available.’

The draft plan does not indicate that any further consideration has been given to the site in relation to flood risk.

We realise that LNP14 has already been allocated in the adopted (2017) Neighbourhood Plan; however, it is not clear whether the sequential test was applied at that point. That plan does include the provisos that:

‘It is recognized that sites LNP02, LNP06 and LNP14 (See Figure 4.5b) contain areas of flood risk within the sites. Development of these sites will only be permitted where up to date flood risk modelling (in accordance with Environment Agency Guidance) supporting any planning applications demonstrates the probability of flooding is less than 0.1%.’ and

‘LNP06 and LNP14 only to be considered if the requirement for the 28 ‘planned for’ houses has not been met by the above (LNP01-03, LNP04, brownfield sites)’

The current draft plan does not include these provisos, although policy SG3 does list LNP14 as lower priority than LNP01, LNP03 and previously developed sites. It is also made clear that a flood risk assessment will be needed, and policy SG4 refers to (re) locating development in the areas of lowest flood risk.

Point 6 on page 30 mentions the need for the sequential test, referring to paragraph 162 of the National Planning Policy Framework (NPPF). However, NPPF paragraph 161 makes it clear that all *plans* should apply the sequential test, so that (paragraph 166) ‘Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again’.

We are not suggesting that the test cannot be passed, as it is not for the Environment Agency to assess this. However, we wished to point out the lack of clarity and advise you to consider whether the current wording is strong enough to ensure a sequential approach is followed.

We would like to stress that when and if the site comes forward for development, a flood risk assessment should be carried out covering the whole site, including areas in flood zones 1, 2 and 3. Analysis, ideally including modelling, will be required to identify more precisely the areas at risk of flooding now and over the lifetime of the development. Built development should then be avoided in these areas. Please consider whether these requirements are clear enough in the current text. As quoted above, we have suggested the modelling could be carried out as part of the Rutland SFRA review.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

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