

Planning Policy Comments

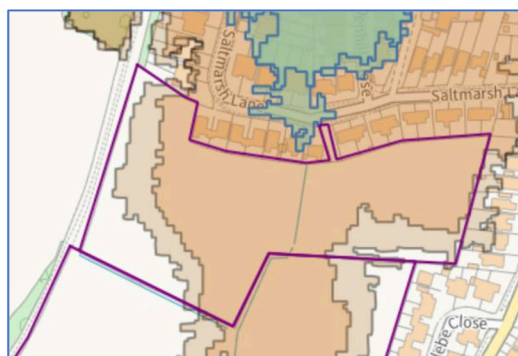
Application No	APP/21/01351
Address	Land south of Saltmarsh Lane, Hayling Island
Development	Outline application for erection of up to 60 dwelling units with access; associated landscape and highway works on land south of Saltmarsh Lane
Case Officer	AM
Comments By	JB
Date of Comments	5 February 2024

Full policy comments covering other matters were previously provided, dated 12 May 2023, supplemented by an email note dated 6 March 2023. These set out at the Flood Risk Sequential Test is required, given the site's future vulnerability to tidal flood risk. A sequential test report has now been received. These comments focus on this matter only.

Flood Risk on Site

The site lies on Hayling Island, its western edge around 200m from the western coast of the island. The site lies in present day Flood Zone 1 (low risk), but with climate change taken into account, the vast majority of the site is at risk of flooding in the future, according to [the Council's Strategic Flood Risk Assessment](#). The screenshots below show the tidal FZ2 and 3 outlines for 2122, taken from the 2024 SFRA:

- On the left: zoom of the published [Appendix 2, Figure 2 PDF of the SFRA](#)
- On the right: screenshot of the same data taken from the Council's internal GIS overlaid onto the site.



Flood Risk is therefore a key consideration in determining whether development here is acceptable.

Flood Risk Sequential Test

In line with local and national policy and guidance a site-specific Flood Risk Assessment and a Sequential Test are required to support the application. The applicant submitted a Flood Risk Assessment with the application and updated it in July 2023. The applicant disagreed with the notion that a sequential test was required and appears still to do so. Nevertheless, a sequential test was submitted in January 2025, which is the subject of these comments.

It is noted that the applicant indicates that they consider the amendments made to the NPPF in the December 2024 version in relation to the sequential test to be notable (paragraph 6.45). Paragraph 175 states that '*the sequential test should be used in areas*

known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).'

Since both the Council's SFRA, and the applicant's own FRA addendum show the site to be at risk once climate change is taken into account, the Council does not consider that paragraph relevant to this proposal. Both pieces of evidence show that on this site, built development within the site boundary would indeed be located on an area that would be at risk of flooding. The fact that the applicant has proposed solutions to make development safe through a 'levels strategy' referenced in their sites specific FRA and its addendum does not take away from the fact that the proposed development lies in an area at risk. The contents of the FRA are a separate consideration from the sequential test, discussed further at the end of this note.

Scope of these comments

These comments do not seek to provide specific detailed commentary on each of the individual sites considered by the applicant, or whether or not the council agrees with the conclusion drawn on individual sites, either on the flood risk information or the availability information. Rather, they focus on the principles applied to the assessment, giving examples of sites where helpful in illustrating the comments made. This note then goes on to consider the overall conclusion drawn and what this means for the application.

General comments

The applicant's sequential test comprises a cover report by Turley and detailed site assessment spreadsheets. The documentation demonstrates detailed engagement with the process and indicates a comprehensive review of sites within the parameters set by the applicant.

It is noted that the applicant has reviewed the Council's 2021 SHLAA as a source of alternative sites. While this is accepted as a sensible source of information at the time of the production of the Sequential Test in 2024, it must be noted that an [updated SHELAA was published in January 2025](#). This provides more up to date information regarding the deliverability of some of the sites considered. For example, Goodwillies Timber Yard is noted on tabs D and E of the sites spreadsheet as being in ongoing commercial use, while the new SHELAA confirms that it is available for residential development.

There are a few inconsistencies in the conclusions across different tabs of the sites spreadsheet. For example, on various tabs Strouden Count is shown as not yet discounted, while on Tab B, it is noted as having greater flood risk than the application site. Oak Park School is dismissed variously for being at greater risk than the application site / having permission for another use, and on a different tab for being already developed.

Review of sites

Some of the parameters were agreed by the Council in advance, as set out in paragraph 4.3 of the sequential test report. Others have been added later by the applicant, some of which the council does not support.

Notably, the applicant has set lower and upper size and yield thresholds for alternative sites, resulting in a number of sites being rejected because they are either too small or too large. Taken in their own right the size thresholds set out at paragraph 5.7 appear reasonable, but guidance in the PPG must also be considered. As the applicant notes, paragraph 028 of the PPG states that reasonable alternatives *'could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.'* It is accepted that a court judgement (also referred to by the applicant in paragraph 5.13) has clarified that 'a series of smaller sites' implies that there must be a connection between such sites for them to be considered alternatives. This reason for the applicant rejecting sites is therefore accepted. However, the Council is not aware that similar judgements exist regarding the theoretical accommodation of a development as part of a larger site. Some of the larger sites rejected are considered eminently capable of accommodating the proposed development and should therefore be considered to be alternative sites for the purposes of the sequential test. Examples include Land at Long Copse Lane, Cabbagefield Row, Goodwillies Timber Yard, Land at Castle Avenue and Rook Farm.

The applicant rejects, partially through the sites spreadsheets, and partially through the discussion in the report, a number of sites on the basis that they are likely to be brought forward by others. The Council does not accept this as a valid approach within a sequential test context. Rather, it understands the sequential test to be unconcerned with delivery by any particular applicant or developer; it serves only to establish whether there are reasonably available alternative sites at lower risk that could be developed [by someone]. Paragraph 028 of the PPG states that reasonably available sites are *'those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development'*. [note it does not require it to be available to be developed by the applicant]. It goes on to clarify that *'such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'*. Taking these two things together, the Council's Sequential test guidance suggests that land should either be owned by the applicant, or available for purchase at a fair market value, or available for development by another party. While noting this guidance at paragraph 3.22, the applicant indicates through paragraphs 3.24, 6.28 and 6.39 that sites being brought forward by others are not considered to be reasonable alternative sites.

Overall Conclusion of the Test

The above discussion highlights there are a number of disagreements between the Council and the applicant regarding the approach taken to the assessment of sites (and, as a result, the conclusions on individual sites). It may be possible for common ground to be found through further discussion and/or iterations of the test. However, it is suggested that this is not necessary or useful, as it will not alter the overall outcome of the test, the purpose of which is to establish whether there are reasonable alternative sites at lower risk of flooding.

The applicant's documentation does not draw an overall conclusion that there are no reasonably available alternative sites at lower risk of flooding. The individual sites assessments note a number of sites as 'not yet discounted', including the SSE site at Bartons Road, Padnell Grange, Blue Star, South Downs College Car Park and Fathoms Reach among others. Some of these are then discounted through further discussion in the cover report. Nevertheless, the sequential test report summarises that 'there are other

similarly [sized] sites and sites with a similar capacity identified in the District. It is recognised that some of those may be at lower risk' (paragraphs 6.27), and 'it is not disputed that there are other sites identified in this assessment which are at a lower risk of flooding' (paragraph 6.42).

Neither from the council's knowledge of sites in the borough, nor from the applicant's own work, can the conclusion be drawn that there are no reasonable alternative sites at lower risk of flooding. The sequential test is therefore not passed.

End note

These comments are focussed on the flood risk sequential test only. It is considered that the sequential test has not been passed, and as such, the proposal cannot be fully supported in policy terms based on Policy CS15 of the Local Plan, and national policy and guidance on flood risk.

Nevertheless, taking into account recent case law, the Council accepts that failure to pass the sequential test is not *per se* a sufficient reason for refusal. The applicant puts forward a similar view at paragraph 6.29 *'In our view, the presence of other reasonably available sites at lower risk of flooding does not indicate that the LPA must refuse the application for planning permission. It is accepted in this case that other sites satisfy the definition of being reasonably available, but this needs to be weighed in the planning balance. So far as the Applicant is concerned, that is an exercise undertaken by others.'*

Whether the proposal is considered acceptable overall, then, may and should also take into account other planning considerations, including notably:

- The contribution the proposal would make to housing supply, given the Council's acknowledged [5 year Housing Land Supply Position](#).
- In terms of flood risk, whether the development, overall, is considered safe for its lifetime without increasing risk elsewhere, taking into account on and off site measures set out in the site specific Flood Risk Assessment. In the absence of commentary from the Environment Agency, the views of the Coastal Team will be critical in this regard.