

Planning Application Appeal

Site Address: 8 Selsmore Avenue, Hayling Island, PO11 9PB

Proposal: Division of site into two to allow the construction of a three bedroomed detached bungalow to the rear. Single storey front and side wrap around extension of existing dwellinghouse

Application Type: Full Planning Permission

Application No: APP/22/00746 Expiry Date: 25/09/2022

Applicant: Mr & Mrs Griffiths

Agent: Mr Murray - I J Murray Associates Ltd

Case Officer: Joseph Toole

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Appeal Summary

In summary, the reason for refusal given states the requirement for a Flood Risk Assessment to be provided as part of this application. This appeal contests whether a Flood Risk Assessment was ever a statutory requirement as part of the application.

The National Planning Policy Framework (NPPF) clearly provides circumstances which this would be required; the core of the appeal is based upon the fact that Havant Borough Council does not have a Strategic Flood Risk Assessment (SFRA) and the evidence presented below, will demonstrate that due diligence was undertaken to ensure all criteria had been met.

When assessing application APP/22/0076 against the criteria set out on both the Havant Borough Council and Government websites the proposed development is:

- Under 1 Hectar
- In Flood Zone 1
- Not changing the use
- It has not been notified by the EA as having a critical drainage problem.
- The Land has not been identified as at risk in a Strategic Flood Risk Assessment

There have been fundamental shortfalls in HBC planning and flood risk documentation, which means that HBC are missing required documents and mapping, primarily they do not have a SFRA. This is demonstrated in the report which will analyse:

- Email exchanges with the Planning Officer
- Online searches
- Freedom of Information Request
- Partnership for South Hampshire Website

The report will demonstrate that HBC used the government approved Environmental Agency (EA) Flood Data, and that there is no Strategic Flood Risk Assessment for Havant Borough Council and therefore the plot couldn't be identified within one.

Appeal Outline

HBC provides the following justification for the rejection of the application:

“The site lies within a future flood zone. The applicant has failed to provide a Flood Risk Assessment to demonstrate that there are no other sequentially preferable sites within the Borough for a single-dwellinghouse, that the development would be safe from flood risk across its lifetime or that the development would not increase the risk of flooding elsewhere. In the absence of adequate information, the proposal cannot pass the Sequential or Exception Tests as set out within the National Planning Policy Framework and would represent unsustainable, inappropriate form of development in an area at future risk of flooding. The proposal is, therefore, contrary to Policy CS15 of the Havant Borough Core Strategy, 2011 and the aims and objectives of the National Planning Policy Framework.”
[HBC Officer Report. Planning Portal]

It is concluded from the above statement that HBC believe a Flood Risk Assessment for planning application APP/22/00746 was required. Discussions were held with HBC throughout the application process to demonstrate we were compliant with the NPPF Flood risk requirements.

Government Guidelines – Flood Risk Assessments

The NPPF outlines the circumstances in which a site-specific Flood Risk Assessment would be required. In footnote 55 of the NPPF it is stated that:

“(55) A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use”

Appendix 15. NPPF 14. Meeting the Challenge of Climate Change - Flooding and Coastal Change

Complimenting this is the direction contained in the Guidance for Flood Risk Assessments for Planning Permissions:

“When you need an assessment: *You need to do a flood risk assessment for most developments within one of the flood zones. This includes developments:*

- *in flood zone 2 or 3 including minor development and change of use*
- *more than 1 hectare (ha) in flood zone 1*
- *less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)*
- *in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency”*

Appendix 16. Flood risk assessment if you are applying for planning permission.

As can be seen in the two Government references above, the guidance is the same. In concurrence with the Government websites above, Havant Borough Council’s documentation from their website detailed the required steps to assess whether a Flood Risk Assessment was required. This document agrees with the Government advice:

“Flood Risk Assessment and Flood Risk Statement

In accordance with Local Plan (Core Strategy) policy CS15, a Flood Risk Assessment (FRA) will be required for

- *development proposals of 1 hectare or greater in Flood Zone 1*
- *all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency*
- *any development other than minor development in a designated critical drainage area which has been notified to HBC by the Environment Agency.”*

Appendix 1. Local Information Requirements - 12 October 2020 accessible version

When assessing application APP/22/0076 against the criteria set out on both the HBC and Government websites the development is:

- Under 1 Hectar
- In Flood Zone 1
- Not changing the use
- It has not been notified by the EA as having a critical drainage problem.
- The Land has not been identified as at risk in a Strategic Flood Risk Assessment

Havant Borough Council Local Requirements

The Local Information Requirements- 12 October 2020 document, detailed above, was updated and re-implemented on the 12th December 2022. The consultation was undertaken during our planning review; however, our application was decided on 24th November 2022 prior to decision and implementation. The expectation was that the local requirement recommendation was to contradict our argument however the information supplied in the documentation suggest otherwise, Appendix 17. Local Information Requirements HBC - Implementation Date 12 Dec 22.

This document does not reference or direct the reader to any of the following:

- Havant Borough Council Strategic Flood Risk Assessment
- Supporting evidence or mapping to support their decisions for future flood risk.

Page 10 of the Local Information Requirements Havant Borough Council (12 Dec 2022) document directs the reader to two Government websites to confirm flood status, Appendix 18. Guidance - Flood Risk and Coastal Change

Environmental Agency Mapping

Taking guidance from this document it directs the reader to the Environment Agency Flood Map for Planning Service, 8 Selsmore Avenue, Hayling Island, PO119PB currently resides in Flood Zone 1. Appendix 19. Flood map for planning - GOV.UK

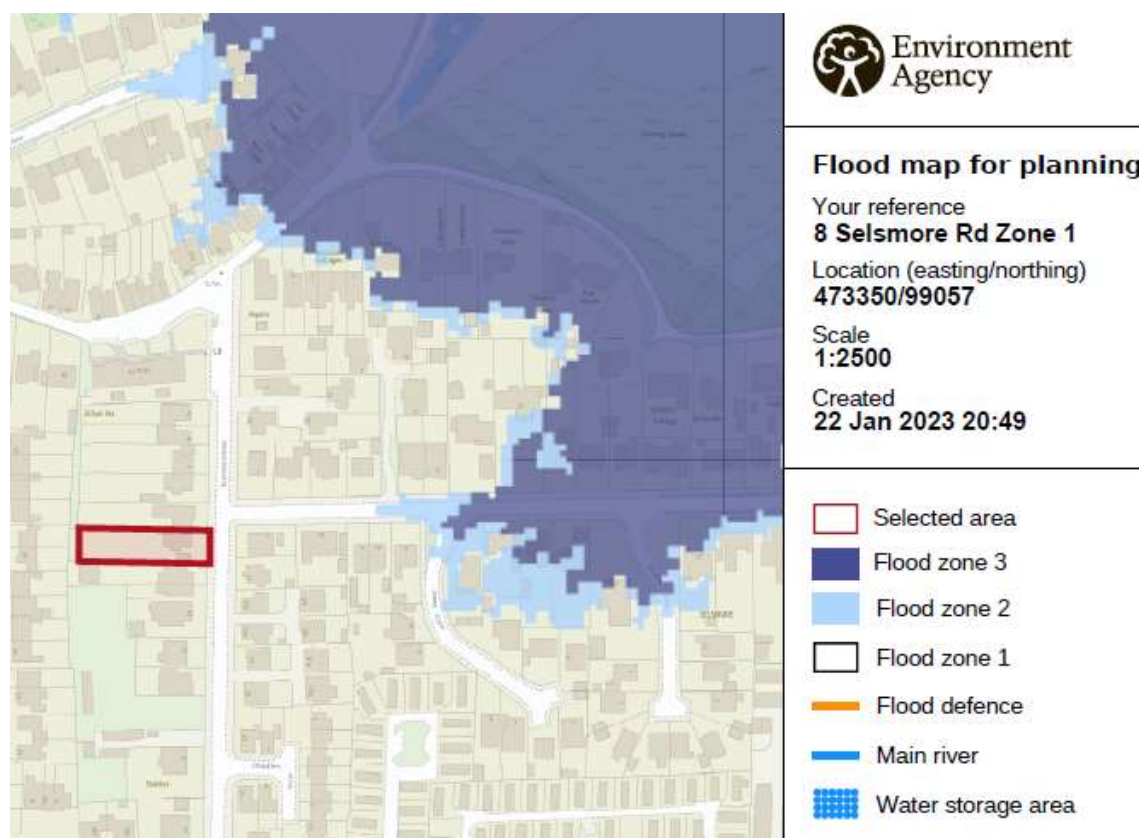


Figure 1 Appendix 2. 8 Selsmore flood-map-planning-2023-01-22T20_49_36.813Z

The second website, Appendix 20. Check the long term flood risk for an area in England - GOV.UK, HBC when referencing the GOV UK Website contradicts the information provided. The Government website states:

"Use this service to find out:

- *the long term flood risk for an area in England*
- *the possible causes of flooding*
- *how to manage flood risk*

This service tells you about an area's long term risk from:

- *ivers and the sea*
- *surface water*
- *reservoirs*
- *groundwater (where data is available)"*

However, in contrast, HBC Document states:

"Please note that this mapping shows present day risk only"

The intention of the Government site is to provide insight into future flood risk. While it is accepted the page lacks a timeframe, it is offered by the Government and the Local Authority as a reference for planning application enablement. In the absence of any other documentation these tools would be suitable to reference for the purpose of planning.

This mapping demonstrates that from a government approved Long-Term Flood Risk standpoint, 8 Selsmore Avenue is not affected.



Figure 2 Image: Appendix 3. 8 selsmore Ave MAP Your long term flood risk assessment - GOV.UK

Environment Agency Assessment linked to this Map: Appendix 4. 8 selsmore Ave Your long term flood risk assessment - GOV.UK

Further supporting these images, the Environment Agency confirmed that 8 Selsmore Avenue, is of no concerns to them. Appendix 5. Email from Environment Agency Dated 26.10.22.

Havant Borough Council SFRA

The most significant point of debate is whether Havant Borough Council have a Strategic Flood Risk Assessment. Prior to submission of the application:

- Checks were undertaken on the two EA Sites above to ensure that a Flood Risk Assessment would not be required for application APP/22/00746
- No new requirements were outlined by HBC
- No reference was provided to a Strategic Flood Risk Assessment by HBC

HBC are a part of Partnership for South Hampshire (PFSH otherwise known as PUSH). PUSH have provided flood risk advice for HBC however they do not provide the SFRA documentation for the Local Authorities. HBC fail to recognise PFSH/PUSH in any of their planning documentation that was relevant and up to date during this planning application and decision. It was raised during an email exchange, that this was the undisclosed information for applicants. While it is a public website, without the knowledge or clear direction from the HBC it would only be correct to assume that the references provided on the HBC website at the point of application and decision are the sources applicants are expected to be compliant with. To introduce additional criteria, post the point of application and decision that is not mentioned or reference on the HBC Planning Services Sites or advice, is not conducive with a transparent and fair application process. This level of incompetence demonstrates professional negligence and the systemic failures of Havant Borough Council's Planning Services Team in their communication, procedures, policy and decisions.

Ian Murray (IM), the agent employed by the applicants is listed as a "Trusted Agent" for HBC, Appendix 6. Havant Borough Council Planning Website Screenshots, pages 23-29. He was unaware of the requirement for consultation of the PUSH information as all previous applications have followed prior criteria and the information provided by the Environmental Agency has been used. As a reputable agent whose business runs on knowledge, it is reasonable to suggest that procedural changes to processes have not been followed and have in fact, only come in to affect after the implementation of the new procedures in December 2022, after the decision APP/22/00746.

HBC have made it clear from their Local Information Requirements documents implemented on the 12th December 2022 that they intend on referencing the sources provided by the EA moving forward over and above other information they claim to be using for decisions. It is argued that their intentions have been made clear in the documentation which has been made public on the 12th December 2022 which is contained within their planning advice. During the discussions with HBC it has been impossible to attain their SFRA. Detailed below are the routes taken in order to obtain the documentation to counter HBC's reason for rejection.

Routes to Find Strategic Flood Risk Assessment

1. Communication with Planning Department at HBC - Joseph Toole (JT)

The following email exchange can be read in full in Appendix 7. Communication with Planning Department at HBC - Joseph Toole

Joseph Toole is the case manager for the planning permission application. Contained within the exchanges of emails are several matters which came to light to support the case put forward in this document. These responses are inadequate in proving an SFRA or alternative stance to that advertised by HBC as their policy.

22nd September Email from JT:

"I have checked our GIS system and found that the site would fall within flood zone 2 and 3 in the future when taking climate change into account."

This GIS system is not available publicly or quoted in any documentation.

23rd September Email from JT

"As the site falls within a future flood zone when taking climate change into account the application is considered to be in unsustainable location contrary to the NPPF. Therefore, we are minded to refuse the application as a sequential test would not be met due to the number of alternatively available sites within the borough."

No evidence was supplied as to the information used to support this statement. This raised questions as to the policy they referred to in order to reach the decision. We sought and shared mapping displayed clearly on HBC website as policy to understand the decision.

24th September Email from IM:

"...I point you towards the HBC policy maps you have on your website which clearly show HBC policy in terms of flood risk areas to be considered as part of a planning application..."

Map 14 (attached) currently states the policy map for South East Hayling. The information HBC are currently advertising on the HBC website as policy quite clearly states your organisations position.

As previously stated, if this is to be changed following the current consultation (which I believe finishes on 1st November) I assume this would involve giving notice of new planning criteria and changing the information, guidance and policy maps on the HBC website."

Map 14 is still listed on HBC website as a policy document as of the 14th January 2023

Appendix 8. Map 14 Planning Policy 17.10.22

Appendix 21. Local Plan Policies Maps demonstrates the list of Maps used up until the implementation of the new policy on the 12th December 2022. An amendment can be seen stating:

"PLEASE NOTE: The PDFs below show the policies adopted through the Core Strategy in 2011 and the Site Allocations Plan in 2014. They do not reflect any changes in national or local policy, or evidence base since then. For live policy mapping, please go to..."

It is of intrigue that this amendment was made subsequent to the raising of the maps issues and upon implementation of a new Local Requirements List in December 2022.

27th September Email from JT

“We have been considering future flood risk in this way since 2019, when the emerging Havant Borough Local Plan 2036 reached pre-submission stage and subsequently carried some weight in decision making. Policy E19 in that plan clearly referred to the need to consider future risk in site specific FRAs (NB I acknowledge that that plan was withdrawn in March 2022)”

This statement is disproven later in the report. It is demonstrated that they have not been making decisions in this way since this date.

2. Online Searches

Many searches for a specific document detailing and titled a current Strategic Flood Risk Assessment or SFRA for Havant Borough Council, however this document cannot be located. Below are a sample of the links searched from the website for current policy:

Appendix 22. HBC Search Strategic Flood Risk

Appendix 23. HBC Planning policy documents

Appendix 24. Local Information Requirements for HBC from October 2020

It is worth noting that these issues were raised with HBC and councillors during our discussions and amendments have been made to the website since. Screen shots were taken of the website during the process to ensure proof of evidence if an appeal was required.

One such page which has changed, see Appendix 25. Local List - from December 12th, 2022. The screens of this page prior to the amendments can be found in Appendix 6. Havant Borough Council Planning Website Screenshots Pages 13-19.

The non-existent SFRA that has been cited by HBC is outlined within a document that has been withdrawn from public policy as it was cited in the highly media reported, controversial and withdrawn Local Plan. Appendix 38. (Withdrawn)Strategic Flood Risk Assessment (Havant Local Plan Sites). The SFRA cited in this document does not meet requirement set out by the Government and therefore questionable in its infancy.

HBC have stated that planning decisions have been based upon this withdrawn information since 2019, however, there is considerable evidence, including a prior approved application of Mr & Mrs Griffiths and several others, that this indeed is a mistruth and a misrepresentation of historical decisions. Undermining the efforts of previous colleagues which diminishes respect for the professionals themselves. This representation serves only to undermine the integrity of the planning officer and manager who it is understood was consulted. HBC continue to misrepresent information and provide inconsistencies. Previously approved applications which are understood would have been affected by the planning criteria applied to this application can be found in Appendix 9. Previous Planning Applications HBC.

On the 27th September Email from JT, mention of supporting evidence was offered:

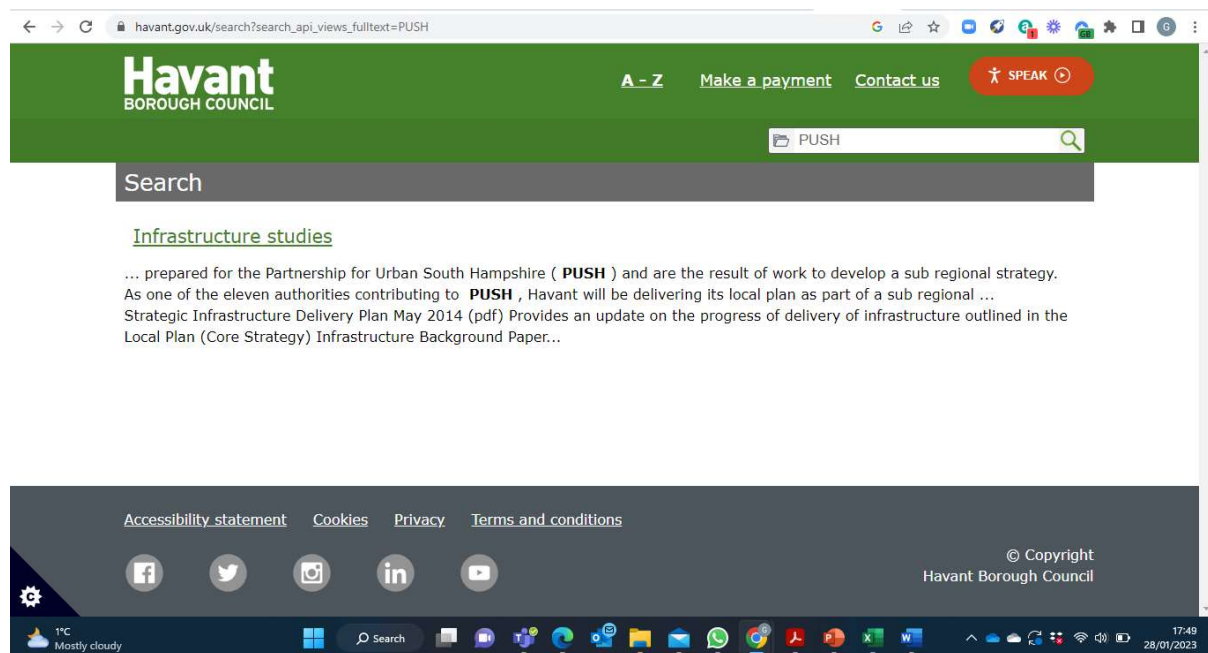
“As a Partnership for South Hampshire study, the SFRA mapping has for many years been hosted on behalf of all PFSH authorities on the Portsmouth City Council website [Appendix

26. Portsmouth CC SFRA MAP]. In acknowledgement that this is not ideal, we added this climate change layer to our public facing interactive mapping in February 2022: The live HBC policy map found here: Where I Live | Havant Borough Council [Appendix 27. Maps Havant GOV UK] has a layer called ‘Strategic Flood Risk Assessment – expected flood risk area – 2115’.

There were no references on the planning section of the website of this mapping, please review the entirety of Appendix 6. Havant Borough Council Planning Website Screenshots, there was no guidance in how it was to be interpreted and it contradicts information provide in large sections of HBC website listed as policy, for example Map 14 referenced above.

HBC claim that PUSH hosts their flood risk information. There is no reference to this in their planning policy documents at the time of the application and decision. As discussed, there is no reference contained in the recently updated Local Requirements List December 2022 document of the PUSH Mapping on the Portsmouth CC website which, incidentally, does not state that it is also HBC policy. Please see, Appendix 26. Portsmouth CC SFRA MAP

When you search for “PUSH” on the HBC Website it returns one result, please see the image below:



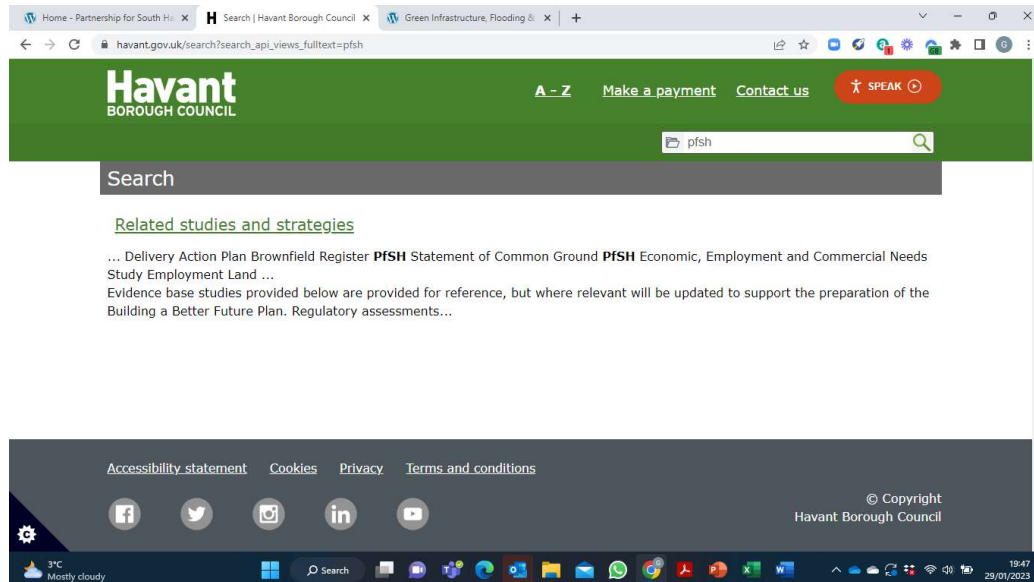
The only link available is for an Infrastructure study, please see Appendix 28. Infrastructure Studies HBC. The page includes information about Partnership for South Hampshire Studies. Of the links included on the infrastructure studies page: three deliver a page that cannot be found, two take you to hants.gov.uk and the others lead to online documents; a Memorandum of Understanding dated 2013 and a Hampshire Strategic Infrastructure statement.

A search for “Partnership for Urban South Hampshire” was then run on the HBC Website, please see the results at Appendix 29. HBC Search Partnership for Urban South Hampshire.

Through due diligence it can be confirmed that none of the links in the results of the search have any reference to “flood”. It can be the only conclusion drawn that HBC have not related any of their undertakings directly to the PUSH information, thus supporting the argument that the data HBC rely upon is that supplied by the Environment Agency.

To demonstrate full, disclose of searches undertaken, two further searches have been run with the key words “PfSH” and “Partnership for South Hampshire” the images of these search results are as follows:

PfSH search concluded with one item to the Related Studies and Strategies. It is accepted that there is a link to the PfSH site contained within the Related Studies and Strategies page. This is the only location found within the HBC website of a link to PfSH/PUSH, relationships to this site are reviewed further in the document.



“Partnership for South Hampshire” search results are in Appendix 30. HBC Search Partnership for South Hampshire

3. Freedom of Information Request (FOI)

A freedom of information request was undertaken by the owners to obtain Havant Borough Council’s Strategic Flood Risk Assessment. The full response has been included in Appendix 10. Freedom of information response HBC. Please note, the response was relatively unclear, the council have responded in Dark Green included in the original email for clarification. The response confirmed that:

The email from InfoRequests@havant.gov.uk on the 10th October 2022 confirms:

“NB there is no specific Havant Borough Council SFRA”

The response goes on to infer the relationship with PUSH and HBC for this information:

“The Havant information forms part of an SFRA that was commissioned jointly by the authorities in the Partnership for South Hampshire. (knowns as PUSH at the time, now PfSH)....The SFRA is currently referenced in a number of places on the planning pages of the Havant website”

As proven above, HBC make no mention of PUSH with regards to Flood information or data from its website. The offer a link to the PUSH Website but this do not provide the level of detail required or expected to confirm HBC Strategic Flood Risk Assessment, it also undermined by the Portsmouth City Council Website stating that the mapping doesn’t reflect recent improvements in data from the EA.

The FOI flagged a document titled “Flood Risk Information for Applicants”. This document was not available at the point of application, and crucially it was a proposed document at the time of FOI response as a potential future document should the consultation, held in the August - November 22, concluded that these changes be ratified and implemented, as demonstrated in the Local Requirements section of the Appendix 6. Havant Borough Council Planning Website Screenshots, Pages 13-18. This document is now available on the HBC website following the implementation of the decisions in December 2022, Appendix 35. Flood Risk in Development. Overview of Information Sources for Applicants

This documents location on the website was changed after the decision in December 2022. Appendix 25. Local List - from December 12th, 2022

The Freedom of Information Request did not contain any document outlining a Strategic Flood Risk Assessment for Havant Borough Council. It cannot be claimed that HBC have a Strategic Flood Risk Assessment, if no documentation can be produced when have been formally requested in an FOI.

4. PUSH/PfSH Website

While there is reference to an unidentifiable SFRA, thus far Havant Borough Council have failed to produce this critical document. There is no direct link from HBC to the PUSH guidance and on the PUSH Website it doesn't offer the required documentation for a Strategic Flood Risk Assessment for HBC.

PUSH offers the following two documents which link to HBC with regards to Flooding:

1. Guidance Document: Havant Borough Council - Appendix 36. Microsoft Word - PUSH SFRA HBC Guidance Final Draft
 - This a document for HBC to guide their local plan. As discussed previously, the local plan which included this information was withdrawn.
 - It is important to note that none of the links provided in this document work.
2. Strategic Flood Risk Assessment 2016 Update - Appendix 37. PUSH Strategic Flood Risk Assessment 2016 Update - Final Draft. For Approval
 - This document is dated February 2016 and appears to be still awaiting approval at it states in the background of all pages “FINAL DRAFT – For Approval”.
 - Please note that the mapping link in this document conflicts with that on the website and it doesn't work.
 - This document is clearly out of date, and it is understood that it is currently being reviewed as stated in the “Report on Local List Consultation” Appendix 11. Report on Local List consultation FINAL 12.12.22.

Updates to HBC Documentation, Website and Policy

Post Decision on APP/22/00746

The report on Local List Consultation was dated the 24th November 2022, the same date of our recommended rejection, however was received by agents and actioned on the 12th December 2022.

“Flood Risk: Revised text to clarify and explain the requirement and includes updated considerations for climate change and future flood risk”.

Appendix 11. Report on Local List consultation FINAL 12.12.22

The timing of this recommendation allows a parallel to be drawn between the correction of an existing extensive failure brought to light during the exhaustive dialogue throughout the application process for APP/22/00746. It has been presented that serious concerns were raised with HBC throughout the application process, which some are summarised in section 2.3 of the report:

“Flood Risk

- Request for updated flood maps availability and better signposting of how to find the information.
- ...
- Concern that HBC are utilising this policy prior to and during the consultation period; unreasonable when agents have no access to future flood risk maps”.

This response was detailed during a consultation meeting in which IM raised the points above for consideration during the consultation period.

The comments made by IM during the consultation, received the following response:

“Request for updated flood maps availability and better signposting of how to find the information.

The PfSH Strategic Flood Risk Assessment is currently being updated and will be published once complete. New mapping will include surface water risk. In the meantime, the ‘flood risk information for applicants’ guidance document, linked at the end of the flood risk section of the local list sets out where to access flood risk mapping”.

This response confirms that the information offered by (PUSH/PfSH) is out of date. The suggestion is that while awaiting the revised information, a document titled the ‘flood risk information for applicants’ should be reference by applicants. This document was not available at the time of the submission of APP/22/00746, and as demonstrated above, throughout the consultation period was only a document supporting key [suggested] amendments. Since the implementation of the findings from the consultation period, the document is now visible as a document for careful consideration.

“Concern that HBC are utilising this policy prior to and during the consultation period; unreasonable when agents have no access to future flood risk maps.

A change to the wording of the Local Requirements List is under consultation rather than the policy itself.

This is not a new policy. The approach to flood risk is in line with the National Planning Policy Framework and Planning Policy Guidance.

HBC has updated information available on the website including.

- Sequential test guide
- Flood risk information for applications (including SFRA)”

HBC in this statement, claim that there has been no change in policy just wording to the Local Requirements List. This statement alone supports a valuable point evidenced below, where it is demonstrated that a number of planning applications have been granted approval under the current policy which HBC claim to not be changing however, they are fundamentally changing the application of the policy upon its constituents surreptitiously, without any prior notification or updates.

As stated above, HBC claim that Portsmouth CC host their mapping, even though there is no mention of this on the website. The following statement supports that the EA mapping currently adopted by HBC will show differences to the PUSH data:

“The Environment Agency’s modelling of flood risk has also been improved. This has led to some updates to the present-day maps of flood risk which the PUSH SFRA doesn’t take into account.”

Appendix 26. Portsmouth CC SFRA MAP

With HBC directing applicants to EA website and the Portsmouth CC website stating that EA modelling has been improved and not included in the PUSH mapping, it is argued that the PUSH data is out of date and not relevant. Therefore, HBC by their actions and documentation rely upon the EA data and not the PUSH they claim to have started using but have not advertised or demonstrated in any official planning documentation.

Approved Planning Permissions

Further supporting the argument against the unjust change in application of current policy, it should be noted that the applicant considered, but did not make use of the HBC pre-planning application process for the following reasons. It has been implied, that had a pre-planning application been submitted, this matter would have been raised and the applicants would have refuted it.

There is sound logic as to why a pre-planning application wasn't submitted. The owners of the land had used an approved agent who is consulted by the Council on planning matters. IM had also obtained planning permission on another site for the owners, at 11 West Haye Road Hayling Island for an additional property (APP/20/01219).

This planning application was approved on Fri 09 Apr 2021. Since this approval, there have been no advertised changes to the planning policy by HBC and no update to their website to suggest that there would be any difficulties. All flood risk requirements remained the same, as proven there was no SFRA to reference as such it is believed all criteria have been met. Both properties currently reside in Flood risk 1, they are a similar size plot, and an almost identical development. Current Flood Risk Level 1 can be viewed below:



Figure 4 Flood Zone 1

Appendix 12. 11 West Haye flood-map-planning-2023-01-22T20_51_12.370Z

Future Flood Risk can be seen below – Gov.uk provided information.



Figure 5 Very Low Risk

Appendix 13. 11 West Haye MAP Your long term flood risk assessment - GOV.UK

Report information support Appendix 13 can be found in Appendix 14. 11 West Haye Your long term flood risk assessment - GOV.UK

The policy that is said not to be changing in the report above, was claimed by Justin Toole, in his email on the 27th September 2022, that the policy has been implemented since 2019, and suggested in an undocumented phone call, that they had been reviewing applications inline the contested application APP/22/00746, since 2018.

There are multiple applications which have been granted in this time frame which disprove the assertion that they have been making decision in line with the rejection of APP/22/00746. Appendix 9. Previous Planning Applications HBC, details the applications which have been approved by HBC since 2018, and lists a number since 2016.

For ease of review, you can find contained within the Appendix 9, the Environment Agency current and future mapping compared with the PUSH/PfSH Mapping. The document also contains approved application since 2016, when an update was due to be released with regards to PUSH documentation. Appendix 9. clearly demonstrates that decisions have been based upon EA data for a substantial period and thus supports the argument a new policy has been implemented but was being utilised prior to the conclusion of the review process. It also demonstrates the discrepancies in the data sets being used.

What Constitutes a SFRA

Definitions and requirements of a Strategic Flood Risk Assessment are hard to locate. The Government provides clear guidance to local authorities as to how a SFRA should be prepared. Appendix 33. How to prepare a SFRA GOV UK:

“Which level of SFRA to produce

All local planning authorities need to produce a level 1 SFRA”

HBC have failed to demonstrate they have an SFRA and are unable to provide a Level 1 SFRA on request including an FOI. If they do, they have failed to provide it at all opportunities, further damaging any impression of professional conduct and capability.

The Government’s Strategic Flood Risk Good Practice guide, page 24 advice on how to disseminate the information Local Authorities intend on using:

“The dissemination should include information on how stakeholders can access the information easily, and the process to supply updated information to inform future updates to the SFRA. The SFRA should be easily located and accessible on the local planning authority website.”

Appendix 34. SFRA Good Practice Guide ADEPT.org

It has been demonstrated, from email communication, website screenshots and searches that HBC seem to have intended to have a SFRA, proven by referencing the missing document, however it appears production of this documentation was a complete oversight. With such an incredulous failure, the applicants could only rely upon the information as outlined above to use the information supplied by the EA for current and future risks. As demonstrated, the councils new documented guidance directs applicant to the EA sites, thus supporting the interpretation of the applicants.

HBC have tried to explain that PUSH hosts their Strategic Flood Risk assessment however it cannot be located on their website to support this. It is important to note that all the other Councils who are apart of PfSH/PUSH have their own documentation and/or clearly and directly reference PUSH as their source of information with documentation provided at source for download. The information is clearly hosted on their websites as demonstrated in Appendix 31. PUSH Partner Websites.

Local Area Map – Havant Borough Council

The guidance to local planning authorities when providing their SFRA, requires them to provide mapping to support their documented SFRA. The Government stipulated criteria are as follows:

“Your maps should be:

- available in GIS format, with a summary layer plus more layers for technical details
- in a high enough resolution to let the user pan and zoom to site scale (if this is appropriate for the information being shown)
- labelled, showing any relevant features such as flood embankments and pumps
- clear about what each map shows - including magnitude of event, source of risk, mechanism of flooding, defence assumptions and climate change allowances
- referenced – give sources for the information shown on each map, for example, a particular modelling study”

Appendix 33. How to prepare a SFRA GOV UK

Havant Borough Council now hosts mapping which they hope to support their decisions. This mapping can be found on their website, signposting to this has been improved following the raising of serious concerns throughout this application. Below however the flood risk layer required for planning purposes is difficult and convoluted to locate. This mapping contradicts the rhetoric that Portsmouth City Council PUSH mapping is the to be used in conjunction with their unidentifiable SFRA, as they have chosen to create unsuitable mapping on their own website, which isn't clear or easy to navigate.

When comparing the Government stipulations, as stated above, regarding what the maps should include as part of the Level 1 SFRA the HBC maps, provided as a web map application have been professionally reviewed and the mapping can assign either a Yes/No as to whether the criteria have been met:

- available in GIS format, with a summary layer plus more layers for technical details
 - **Yes**
- in a high enough resolution to let the user pan and zoom to site scale (if this is appropriate for the information being shown)
 - **Yes**
- labelled, showing any relevant features such as flood embankments and pumps
 - **No**
- clear about what each map shows - including magnitude of event, source of risk, mechanism of flooding, defence assumptions and climate change allowances
 - **No**
- referenced – give sources for the information shown on each map, for example, a particular modelling study”
 - **No**

Additional questions raised during the evaluation, that would be appropriate to also ask of this data/web map service:

- What resolution of elevation data was used to run the model? This is a critical element in flood modelling.

- Have they used a digital elevation model (DEM) or digital surface model (DSM) (including resolution of which one was used)?
- Does the modelling include building and manmade features?
- Has soils data been used in the modelling analysis (Saturation Levels, water runoff, water table etc.)
- Has HBC used the Government Approved Modelling for future climate change when creating these flood risk layers?

The model represented on this mapping conflicts with the data that HBC direct you to on their planning portal, eg. Environmental agency and planning policy maps. There was no link to this Map from their planning services section and it doesn't appear when you search the website. It hasn't been communicated as a planning tool.

Conclusion

It can be concluded, following the in detailed assessment of the information contained within, that Havant Borough Council have failed to produce a documented Strategic Flood Risk Assessment. One that they are required to have, and it has been demonstrated that there was no attempt at distributing any relevant information prior to the submission and decision of application APP/22/00746. There is a strong argument that amendments have only be made following the applicant's due diligence and extensive conversations with the Planning Officer and Councillors throughout the application process.

It has been proven in the report that the application has meet the NPPF Criteria and was not required to submit a Flood Risk Assessment. It is confirmed that the proposed development is:

- Under 1 Hector
- In Flood Zone 1
- Not changing the use
- It has not been notified by the EA as having a critical drainage problem.
- The Land has not been identified as at risk in a Strategic Flood Risk Assessment

Simply, the land has not been identified in a SFRA as HBC do not have one. This failure is most importantly highlight when reviewing all other partners of PUSH and how they have implemented the guidance from PUSH. They all clearly have a designated Flood Risk page on their websites.

Upon the formal request for the documentation under a Freedom of Information Request, the documentation for the SFRA failed to surface. Crucially HBC stated "...there is no specific Havant Borough Council SFRA".

It is impossible to locate an SFRA for Havant Borough Council on the website, through their planning team or through a freedom of information request and can therefore only be concluded that HBC do not have a Strategic Flood Risk Assessment, and as such planning application APP/22/00746 satisfies the NPPF and Policy CS15 Havant Borough Council Core Strategy. Therefore, the reason for rejection is invalid, and the application should be approved for development as all criteria were correctly satisfied when the application was submitted and decided.