

Appendix 15 – 14/P4361 Wimbledon Stadium Committee Report

LB Merton Additional Information on Sequential Test (Flood Risk) November 2015

- 1.1.1 The application of the Sequential Test in accordance with the NPPF has been prepared by the London Borough of Merton as part of a full planning application for the redevelopment of the Wimbledon Stadium site, Plough Lane, SW17 0BL (hereafter referred to as 'the Application Site').
- 1.1.2 The Sequential Test is triggered by the sites location within Flood Zone 3a. The applicant, AFC Wimbledon Galliard Homes and Greyhound Racing Acquisition is seeking the redevelopment of the existing stadium and buildings and the erection of a 20,000 seat football stadium (initially 11,000 seat) with hospitality and coach parking, pedestrian street, 1,273 sq m retail unit, 1,730 sq m squash and fitness club, 602 residential units with basement parking, refuse storage, 297 car parking spaces, cycle parking, and associated landscaping/open space and servicing.
- 1.1.3 The purpose of this report is to address concerns raised through representations regarding compliance with flood risk and planning policy. The NPPF and NPPG states that the Sequential Test does not need to be applied as the site has been allocated through the Sequential Test process and Merton considers the site to have passed the Sequential Test regardless. However, in order to demonstrate that this particular planning application has been assessed against the most up to date planning policy at National, Regional and Local level, Merton officers have further assessed alternative sites for this latest application as at 2015.

The Sequential Assessment and Vulnerability Classification

- 1.2.1 The NPPF follows a sequential risk-based approach in determining the suitability of land for development in flood risk areas, with the intention of steering all new development to the lowest flood risk areas, where possible.
- 1.2.2 The Environment Agency's most up to date flood maps show that the site falls within flood zone 3a. This is land assessed as having a 1 in 100 or greater annual probability (1% AEP) of river flooding. The National Planning Policy Framework (NPPF) and supporting National Planning Policy Guidance (NPPG) and Merton's Policy CS 16 'Flood Risk Management' requires the application of the Sequential and Exception Tests to be applied, where required, to avoid inappropriate development in relation to flood risk.
- 1.2.3 In accordance with Table 2 of the NPPG, the proposals can be split into two vulnerability classifications as follows; the proposed football stadium and associated facilities are classified as 'leisure use' and are therefore classified 'Less vulnerable' while the residential elements and other uses such as the crèche (nursery), can be classified as 'More vulnerable' development.

The Exception Test

- 1.3.1 If the sequential test is met then the NPPG states that the applicant will need to show that proposed development in Flood Zone 3a passes the Exception Test. The Exception Test needs to demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere, and that the scheme will provide wider sustainability benefits to the community that outweigh the flood risk. The Exception

Test is addressed through the documentation submitted by the applicant and produced by Peter Brett Associates, including the Flood Risk Assessment, the Flood Risk Assessment Addendum and Technical Note.

Planning Policy Context

- 1.4.1 This section provides an assessment of the National, London and Local planning policies relevant to the sequential and exception tests.

Merton Core Strategy Development Plan (2011)

- 1.5.1 The development plan for Merton comprises the Core Strategy DPD (2011), Sites and Policies Plan and Policies Map (2014).

- 1.5.2 Core Strategy Policy CS16 - Flood Risk Management

“We will:

a. Work with the Environment Agency, landowners and developers, based on the findings of the most recent Strategic Flood Risk Assessment and other plans, to manage and reduce flood risk from all sources of flooding;

b. Apply the sequential and exception tests to avoid inappropriate development in relation to flood risk;

c. Implement sustainable drainage systems (SUDs) across the borough and work towards effective management of surface water flooding;

d. Fully engage in flood risk emergency planning including the pre, during and post phases of flooding event;

e. Propose ensure the implementation of measures to mitigate flood risk across the borough that are effective, viable, attractive and enhance the public realm and ensure that any residual risk can be safely managed.

- 1.5.3 This policy is broadly consistent with the NPPF and NPPG and is the starting point for the requirement to apply the sequential and exception tests for development in Flood Zone 3.

National Planning Policy Framework (NPPF)

- 1.6.1 The NPPF was adopted in March 2012 by the Government, and replaced the Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) documents. The policy framework is considered fundamental to Government reforms to promote economic growth and make the planning system more accessible. The NPPF is supported by the NPPG and the key flood risk policies are set out below.

Sequential Test

- 1.7.1 Paragraph 100 states that local authorities should “*apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change*”.

- 1.7.2 Paragraph 101 states that the sequential test aims to steer new development to areas with the lowest probability of flooding. As a result, development should not be permitted if there are any reasonably available sites in areas with a lower probability of flooding which are appropriate for the proposed development. The sequential approach should be taken for any areas known to be at risk from any source of flooding.

Exception Test

- 1.8.1 Paragraph 102 states that *“following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate”*.
- 1.8.2 For the Exception Test to be passed, a Flood Risk Assessment should be submitted to demonstrate that the development will be safe for its lifetime, and the proposal must provide wider sustainability benefits to the community that outweigh flood risk.

National Planning Practice Guidance (NPPG, 2014)

- 1.9.1 On 6th March 2014 the Department for Communities and Local Government (DCLG) launched the Planning Practice Guidance, which is a web-based resource accessible to all.

The Sequential Test

- 2.0.1 Paragraph 18 states that the overall purpose of the sequential test is to steer development to areas with the lowest probability of flooding:

“The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”.

- 2.0.2 This is also reiterated in Paragraph 19 which states that sites in Flood Zone 1 (areas with a low probability of river or sea flooding) should be prioritised. Where there are no reasonably available sites, then sites in Flood Zone 2 (areas with a medium probability of river or sea flooding) should be considered. Sites in Flood Zone 3 should only be considered when there are no reasonably available sites in Flood Zones 2 and 3.
- 2.1.1 Paragraph 19 states that the flood zones set out in the Strategic Flood Risk Assessment (SFRA) for the area provide the basis for applying the sequential test.
- 2.1.2 With regards to individual planning applications, the area of search for the sequential assessment will be defined by local circumstances which relate to the particular area for the development type proposed (Paragraph 33). When making the planning application, Paragraph 34 states that the developer should provide justification for the area of search.
- 2.1.3 The likelihood of flooding from other sources, as well as from rivers and the sea should be taken into account (Paragraph 33).

The Exception Test

- 2.2.1 The Exception Test is a method used to demonstrate that the risk of flooding to property and people will be satisfactorily managed, whilst allowing development to take place in situations where sites at a lower risk of flooding are unavailable (Paragraph 23).
- 2.2.3 Table 2 defines residential as a 'more vulnerable land use'. Table 3 states that an Exception Test will be sought for 'more vulnerable' land uses which fall within flood zone 3.
- 2.2.4 Paragraph 23 states that the Exception Test is made up of two separate components which must both be passed. The first is that the development would provide wider sustainability benefits to the community that outweigh flood risk.

Merton's Strategic Flood Risk Assessment

- 2.3.1 In 2014 and 2015 the London Borough of Merton, is working in partnership with Wandsworth, Croydon and Sutton, to update the Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) for the boroughs.
- 2.3.2 The purpose of this document is to collate and analyse the most up to date and readily available flood risk information for the study area for all sources of flooding including tidal flooding, flooding from rivers such as the River Wandle, River Graveney, the Beverley and Pyl Brook, surface water, groundwater, sewers and reservoirs and artificial sources.
- 2.3.3 One of the key considerations for delivering sustainable development is the early consideration of the risk of flooding (both now and in the future) in the plan-making process, and seeking where possible to steer new development away from areas of high flood risk in line with the Sequential Test.
- 2.3.4 The Level 1 SFRA Report is currently being finalised. The latest flood risk maps for the SFRA update are published on the Merton website, to ensure that the residents, businesses and developers have access to the best available information. In addition, the maps allow the application of the Sequential Test using the best available flood risk information and data.
- 2.3.5 A modelling study for the River Wandle catchment was completed by the Environment Agency in early summer 2015 and outputs have been provided for use within Merton's Level 1 SFRA update, as the best available information with regards river flood risk from the Wandle.
- 2.3.6 The outputs deliver some amendments to the extent of flooding throughout the River Wandle catchment and are therefore different to the flood zones currently available on the Environment Agency 'Flood Map for Planning (Rivers and Sea)' available online. The Environment Agency anticipates incorporating the outputs of the updated River Wandle Modelling Study into the 'Flood Map for Planning (Rivers and Sea)' in January 2016. This will include outlines for Flood Zones 1, 2 and 3.
- 2.3.7 The published maps also include the delineation of Flood Zone 3b, the 'Functional Floodplain'. The Functional Floodplain is defined in the NPPF as 'land where water has to flow or be stored in times of flood'. The Functional Floodplain is not separately distinguished from Flood Zone 3a on the Environment Agency's Flood Map for Planning (Rivers and Sea). The NPPG paragraph 015 states that areas which would

naturally flood, but which are prevented from doing so by existing defences and infrastructure or solid buildings, will not normally be identified as functional floodplain.

- 2.3.8 Under the 2008 River Wandle model produced by the Environment Agency, the site was shown to fall within Flood Zone 3b (1 in 20 year flood outline) which was deemed to be the Functional Floodplain. The latest, 2015 River Wandle model produced by the Environment Agency, shows the site to fall completely outside of the Flood Zone 3b outline and is therefore not the Functional Floodplain, however, the site remains within Flood Zone 3a (1 in 100 year flood outline).

Sequential Test for the Application (2015 Alternative Sites)

- 3.0.1 As the site was previously designated as being located in the functional floodplain, the proposed vulnerability classifications of the development (more vulnerable and less vulnerable) was highlighted by the Environment Agency during the Sites and Policies consultation process as not being in line with national and local policy. However, the importance of the site for sports intensification and for the strategic delivery of housing within the borough was deemed to have wider benefits which outweighed the Flood Zone designation. The enabling development was deemed as an instrumental factor because without this the development of the site was not considered possible or viable.
- 3.0.2 Merton Council acknowledged the site's location in the functional floodplain (FZ3b) at the time and set out the requirement for the development within the issues section of the allocation stating
- 'The site and its surrounds are within the functional floodplain of the River Wandle (Flood Zone 3b). The majority of the site is within a critical drainage area for surface water flooding. Development proposals will need to incorporate suitable mitigation measures to address the issues associated with the functional floodplain and with the critical drainage area to minimise flood risk for future occupiers and the potential for water pollution from the site. A flood risk assessment should also consider the treatment of the non-main rivers that pass through the site and incorporate sustainable drainage systems into development proposals.'*
- 3.0.3 The site was allocated in Merton Sites and Policies Plan for the intensification of sporting activity (D2 Use Class) with supporting enabling development. The inspector acknowledged in his report on the examination into Merton Sites and Policies Local Plan that flooding is a constraint. The inspector did not consider the potential of residential use reason to find the allocation unsound and stated that the amount would be acceptable according to the design and layout of particular proposals.
- 3.0.4 Based on the above and the fact that the site is now not shown to be within the functional floodplain (zone 3b), we do not consider it appropriate to object on inappropriate development in line with the NPPF given the enabling uses were considered and not found unsound by a planning inspector. It is accepted that the application of the Exception Test is required due to more vulnerable uses being located in Flood Zone 3a.
- 3.0.5 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the

basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

- 3.0.6 The sequential test was carried out as part of the site allocations process and no other suitable site for sporting intensification with enabling growth has been identified. The NPPG (paragraph 033) states that the ‘Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test.’
- 3.0.7 The council therefore consider the site to have passed the sequential test in accordance with National, Regional and Local policy.
- 3.0.8 While the NPPG is stated that the Sequential Test does not need to be applied as the site has been allocated and Merton considers the site to have passed the Sequential Test regardless, Merton has received representations regarding the application of the Sequential Test and therefore Merton has assessed alternative sites for this latest application and this is the purpose of this report.

Considerations and criteria for the Sequential Test (2015)

- 4.01 In terms of the assessment of alternative sites, this has been based on the need for them to be reasonably available, meaning that they are developable, deliverable and suitable with a lower risk of flooding than the application site. For the purposes of the sequential assessment, a comparable site is one that is capable of accommodating the same level of development and is therefore of a similar size.
- 4.0.2 The key exclusionary criteria when reviewing alternative sites were as follows:
- the development type assessed was “sporting intensification plus enabling development”, with residential and retail specifically as the enabling development
 - the sites were assessed against the “more vulnerable” classifications of residential and childcare, then retail, café and stadium as ‘less vulnerable’ uses.
 - Sites were considered that could reasonably be made to accommodate all of these uses as the sporting uses would be enabled by the other land uses. Therefore a site size of 4 hectares was considered as a minimum requirement.
 - Aside from the existing AFC Wimbledon site at Kingsmeadow in the Royal Borough of Kingston upon Thames, all other sites considered for this particular sequential test were in Merton as the council’s Core Planning Strategy supports the provision of a sports stadium within the borough (paragraph 21.18).
 - Designated open spaces (including parks, playing fields and common land), although often larger than 4 hectares, were discounted due to their unsuitability for development – especially of enabling development such as residential and retail - under national, regional and local planning policy and are deemed to be sequentially less preferable.
 - Sites at the same or greater risk of flooding were not considered further.
 - Sites which were in existing use including existing schools, existing occupied residential uses, hospitals and similar sites are deemed to be not reasonably available were not considered further.
 - Sites which were designated or allocated for uses which would give rise to a departure from Merton’s Sites and Policies were discounted.

Data capture

- 4.1.1 A search for sites being marketed was completed via the CoStar database which comprises a comprehensive database of available commercial properties listed by property agencies as well as landlords. CoStar Focus is recognised throughout the Commercial Property Industry as a market leader and one of the most comprehensive and up to date databases available. The Focus database has been utilised to identify any sites for sale across the London Borough of Merton.
- 4.1.2 Aerial mapping and site allocation and policy maps were used to determine sites that would be of a potential size to accommodate the form of the proposed development, supported by a number of Merton Planning Officer's knowledge of site availability.

Sequential test alternative site results (2015) and conclusion

- 4.2.1 A further schedule of the sites reviewed and assessed in 2015 is included in Table 1 below. The table demonstrates that the further sequential assessment of sites has identified no suitable alternative locations for the proposed development on land of at lower flood risk. The site has already passed the Sequential Test through the site allocation and examination process as stated above and required by the NPPF/NPPG. The further assessment and the test results show that the Wimbledon Stadium site passes the Sequential Test alternative site test for this particular planning application.

Site name and address	Size (ha)	Current use	Flood zone	Suitable and Reasonably Available	Assessment Outcome
Kingsmeadow, Royal Borough of Kingston	7.1	Sports and Recreation	FZ1 & FZ2	Partly at High Risk of Surface Water flooding Yes for current sports use at limited capacity but not available for enabling development as on greenspace.	Site can not be expanded to meet sport use demand (capacity) and is not available for enabling development such as residential. Sequentially less preferable due to greenfield. Site Discounted.
Aviva land north west plot of South Wimbledon Business Area	6.2	Industrial and Retail	FZ1	Not available as in existing use with multiple lease holders and designated as strategic industrial location in Core Strategy (London Plan).	Site not policy compliant or reasonably available. Site Discounted.
TfL depot, Morden	1.3	Carriage Shed	FZ1	Not suitable due to small site size Not available as operational transport uses	No, site size insufficient and not reasonably available. Site Discounted.
Wimbledon Stadium, Plough Lane	5.29	Greyhound Stadium (D2 Use Class) and car park (Sui	FZ3a	Partly at High Risk of Surface Water flooding Yes site is available	Yes Site suitable.

		Generis)		and allocated for proposed uses	
Bushey Road (sites 48,48a and land beside)	2.67	B1a Vacant Office premises	FZ3a, FZ2 & FZ1	Not suitable due to small site size Potentially available in single ownership but landowner has consulted on a large retail scheme	No, site size insufficient and not reasonably available. Site Discounted.
Mitcham Gasworks	2.4	Vacant Land - Under construction partially	FZ1	Not suitable due to small site size No existing gas holder is yet to be decommissioned	No, site size insufficient and not reasonably available. Site Discounted.
Weir Road	18.2	Industrial - Safeguarded land for Crossrail 2	FZ1	Not available as in existing use with multiple lease holders designated for industrial and proposed site for Crossrail.	Site not policy compliant or reasonably available. Site Discounted.