
DRAFT PLANNING POLICY GUIDANCE - DEVELOPMENT AND FLOOD RISK

1 SUMMARY

- 1.1 This report outlines the proposed contents of a new Planning Policy Guidance Note (PPG) dealing with development and flood risk.
- 1.2 The local planning authority will have a statutory duty to comply with the information contained within the new PPG when the final version is published.

2 INTRODUCTION

- 2.1 The Government has published a draft Planning Policy Guidance Note that explains how local planning authorities should consider flood risk at all stages of the planning and development process in order to minimise future damage to property and possible loss of life.
- 2.2 The draft guidance emphasises the need for a precautionary approach to development in flood risk areas in accordance with the principles of sustainable development and the likely impacts of climatic change. A copy of the draft PPG has been placed in the Members Room.
- 2.3 The guidance aims to clarify the following issues:
 - To clarify what might or might not be inappropriate development in flood risk areas
 - The value of using a risk-based approach to the consideration of development in flood risk areas
 - Provide an explanation of the causes of flooding and the likely impacts of climatic change
- 2.4 Comments on the consultation paper are required by the 30 June 2000.

3 SUMMARY OF THE GUIDANCE

- 3.1 In summary, the draft guidance advises that:
 - The susceptibility of land to flooding is a material planning consideration;
 - The Environment Agency has the lead role in providing strategic advice on flood issues;
 - Policies in development plan should outline the consideration which will be given to flood issues, recognising the uncertainties that are inherent in the predication of such rare events;

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- Planning decisions should apply the precautionary principle to the issue of flood risk, avoiding such risk where possible and managing it elsewhere;
 - Developers should contribute towards the cost of flood defences required because of the development; and
 - Planning policies and decisions should recognise that flood risk management needs to be applied on a whole-catchment basis and should not be restricted to flood plains.

The Precautionary Principle

3.2 This is defined as taking action now to avoid possible environmental damage when the scientific evidence for acting is inconclusive but the potential damage could be great.

3.3 The importance of acting on a precautionary basis in relation to development and flood risk is increased by the growth in knowledge in recent years of:

- The likely impacts of climate change and their effect on flood risk over time;
- Alternatives to conventional drainage systems, which can assist in reducing downstream flooding; and
- Advances in management planning in relation to catchment and coastal cells.

Planning Control

3.4 Flood issues have long been recognised as being material planning considerations. Local planning authorities must consider the information available on the nature of flood risk and its potential consequences and accord it appropriate weight in determining applications for planning permission.

3.5 Planning authorities are advised to guide development away from areas that may be affected by flooding and give due weight to the case for refusing development that would increase the risk of flooding locally or elsewhere. Where, in the wider overall interest, permission is granted for development within a flood plain, it should take account of the risk in that location.

3.6 The Environment Agency has provided indicative flood plain maps to assist local authorities in their control of development (see appendix one to this report). The maps are based on the approximate extent of floods with a 1% probability of annual exceedance (1 in a 100 year flood) for rivers and 0.5% (1 in 200 year) for coastal areas. However, the maps do not take account of the presence of defences or the likelihood that flood return levels will be reduced by climate change.

Local Plans

- 3.7 The guidance advises that Local Plans should apply strategic guidance and policies in Regional Planning Guidance (RPG) and structure plans according to the local significance of flood risk. Following discussions with the Environment Agency, local planning authorities should show the areas of flood risk on local plans in sufficient details for affected sites to be identified. Policies should be included that seek to minimise and manage the risk.
- 3.8 Plans should not provide for development in high risk areas, which are not currently protected or in which there is not already significant development, unless the development is designed to cope with the risk of flooding.

Risk-based Approach

- 3.9 It is suggested that local planning authorities may wish to adopt a risk-based approach to proposals for development in flood-risk areas. In adopting such an approach, account must be taken not only of the areas liable to flooding and the probability of it occurring both now and over time, but also take into account the likely depth of flooding.
- 3.10 Even in high-risk areas, some land uses such as amenity open space, habitat conservation measures or sports fields may be permitted. However, housing development is unlikely to be acceptable in moderate to high-risk areas unless it can be defended to an appropriate level of safety at acceptable cost. The Government is keen to see redevelopment of brown-field sites, but the risks of flooding must be taken into account, particularly given proposals for alternative types of development.

Development Control

- 3.11 The susceptibility of land to flooding is a material planning consideration in determining planning applications. Applicants for planning permission are required to assess the risk to the development proposed.
- 3.12 Local planning authorities should ensure that, within areas of flood risk identified by the environment agency, applicants are informed of this fact when or preferably before they formally submit a planning application. Flood risk information should be part of land-search procedures.
- 3.13 In preparing their proposals, developers should consult the Environment Agency on the potential risks to their development, on the likely effects of their proposals on flood risk to others and on the possibility of protecting their development and/or mitigating against adverse effects on others. Where other material considerations outweigh the risk of flooding, any necessary flood defences or flood

alleviation works required because of the development form a part of that development and should be funded by the developer.

3.14 Applications likely to require particular consideration of flood risk issues include those for development:

- Within a river flood plain or washland shown on a map prepared by the Environment Agency;
- Within a coastal flood plain, including that adjacent to the tidal length of a river, shown on a map prepared by the Environment Agency;
- Within or adjacent to a watercourse;
- Adjacent to or including any flood bank or other flood control structure;
- Situated in an area where the Agency have indicated that there may be drainage problems;
- Likely to involve the culverting or diverting of any watercourse; and
- Of such size or nature relative to the receiving watercourse/drainage system that there could be a significant increase in surface water run-off from the area.

3.15 Caravan, camping sites and other temporary occupancy sites give rise to special problems in relation to flooding, since they are often located in areas where there is a high risk of flooding. The instability of caravans places occupants at special risk, and such development should be refused in high risk area, as should proposed changes of use to residential mobile homes or permanent housing.

4 COMMENTS

4.1 The advice included in this draft PPG is certainly to be warmly welcomed since it clarifies the relationship between development and areas at risk from flooding. In the main the draft appears to be clear about what is required of developers and of the local planning authority.

4.2 However, to a great extent the decisions that are made about development in areas at risk from flooding will be dependent on the accuracy of the maps prepared by the Environment Agency. The current maps of risk areas are not reliable in that they do not take proper account of the status of existing flood defences, climate change and sea level rise.

4.3 It is understood that revised maps are being prepared and it is hoped these can be made available as soon as possible. The Government should ensure the Environment Agency has the production of accurate flood maps as a high priority.

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- 4.4 Rochford, as the local planning authority will need to give consideration, in discussion with the Environment Agency, on suitable policies to be included in the Rochford District Replacement Local Plan and the Proposals Map accompanying the plan will need to show the flood risk areas. In principle, this should be a straightforward task provided the Environment Agency capture the boundaries of the flood risk areas in an appropriate digital format. It is understood that the current maps are not capable of being copied easily into a GIS system, and it is suggested that the Government be reminded of the importance of the maps being produced in a suitable format.
- 4.5 In summary, significant parts of Rochford District are at risk from flooding, and this draft PPG provides an excellent and much needed strategic framework for development control decision making.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The issue of climate change and sea level rise has the potential for a significant environmental impact on Rochford, which is a low lying coastal district.

6 RECOMMENDATION

It is proposed that the Committee **RESOLVES**

That, subject to any additional issues from Members, the comments in this report form the basis of a response to the draft Planning Policy Guidance Note on Development and Flood Risk.

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Background Papers:

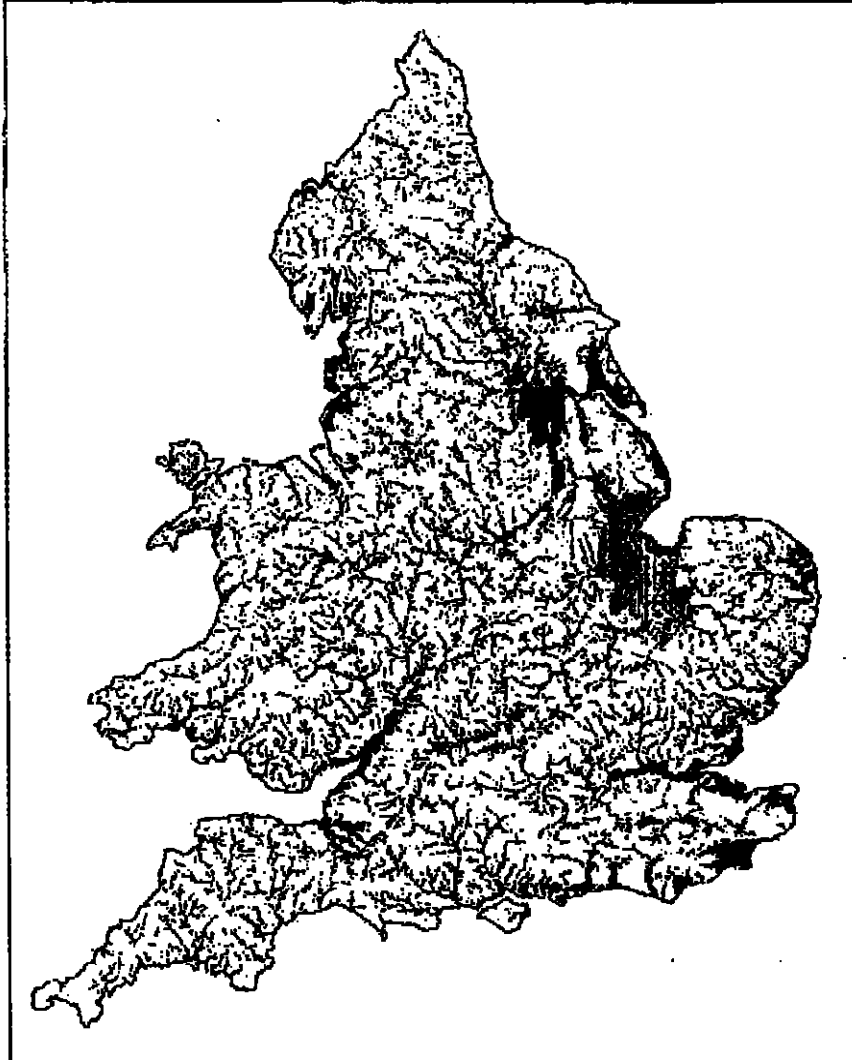
Planning Policy Guidance - Development and Flood Risk Consultation Paper
April 2000

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Introduction

APPENDIX ONE

Fig 2: 1999 Indicative flood plain map of England and Wales
(After Institute of Hydrology, Wallingford and the Environment Agency)



Structure plans

28. Structure plans should set out the strategic approach to flood risk and the control of surface-water drainage. This should reflect discussion with the Environment Agency, English Nature and other bodies with a relevant interest. Issues to be considered include:
- the record of past flood events and any factors that may increase or decrease the risk of flooding, including development or land-use change within the catchment or the carrying out of river or coastal management works;
 - the need to develop a strategic understanding of the hydrology and drainage of the main river catchments in the plan area in consultation with the Environment Agency;