

PPG25 FLOOD RISK - CONSULTATION ON REVISED TEXT (Min 187/2000)

1 SUMMARY

- 1.1 This report seeks Members' views on the latest draft of Planning Policy Guidance Note 25 - Development and Flood Risk, published in February 2001.

2 INTRODUCTION

- 2.1 The first draft of PPG25 was published in April of last year and considered by the Transportation and Environmental Services Committee on 22nd June 2000.
- 2.2 The Government has now considered the responses to the initial draft of PPG25 and concluded that, following revisions to the guidance, a further round of consultation is required. This further consultation is being carried out over a shorter period of 4 weeks and responses are required by 9th March 2001.
- 2.3 In order to meet this deadline, there will be a requirement for an urgency report, following the deliberations of the Sub-Committee.

3 KEY ISSUES ON WHICH VIEWS ARE SOUGHT

- 3.1 The new draft seeks to strengthen advice on flood risk in a number of ways. Views are sought on:
- (i) the introduction of a risk-based sequential test that directs Authorities and developers towards sites at lower risk from those at higher risk
 - (ii) within the sequential test, an appropriate approach for those areas (mainly in Eastern England) where alternative risk free sites might not be available
 - (iii) the inclusion of a clear statement that building in functional flood plains should be wholly exceptional
 - (iv) a stronger emphasis on planning in relation to river catchments at all stages of the plan-making process
 - (v) Local Authorities making flood risk information available to prospective developers and owners of property

-
- (vi) Local Planning Authorities to review land allocations in light of the latest information from the Environment Agency
 - (vii) Applicants should assess the flood risk to their proposed developments prior to submitting an application
 - (viii) Developers must fully fund the provision and future maintenance of flood mitigation and defence works, including consequential works to prevent flood risk to other properties
 - (ix) Guidance that all new development should, as far as possible, incorporate sustainable drainage measures to avoid adding to flood risk elsewhere
 - (x) Guidance to Authorities to encourage developers to promote building designs that are better able to resist and cope with flooding.

Flooding Direction

- 3.2 The Government is also considering the possibility of a Flooding Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995.
- 3.3 The aim of such a Direction would be to require all development proposals to be referred to the Secretary of State where the Local Planning Authority is minded to grant permission, but where the Environment Agency sustains an objection to the planning application on grounds of flood risk.
- 3.4 This matter will however not be considered further until the issue of the compatibility of the Secretary of State's call-in power with the European Convention on Human Rights Act has been considered by the House of Lords.

Regulatory Impact Assessment

- 3.5 The Department is seeking views of consultees on the regulatory impact and of the costs and benefits to Authorities, developers and owner/occupiers of applying this Guidance.

4 DISCUSSION

- 4.1 (i) Sequential test - this test would be reasonably straightforward to apply and merits support.
- (ii) Whilst a significant part of Rochford District is within an area of flood risk, the western end of the District including the main settlement areas does not, by and large, fall into the flood risk area. Therefore, it is

unlikely that exceptions would need to be made. If new housing allocations are identified during the review of the Local Plan, the best solution would be to find land that is not subject to flood risk as specified in the sequential test.

(iii) A clear statement that built development on functional flood plains should be wholly exceptional is to be welcomed.

(iv) River Catchment Planning - This guidance is to be welcomed and considered as part of the review of the Local Plan.

(v) Flood Risk Information - it makes sense to make flood risk information freely available to applicants or potential applicants. Flood information could be included in the Local Plan.

(vi) Review Allocations - none of the few remaining allocations within the Rochford District Local Plan First Review are at risk. This provision will certainly apply to some Authorities, but not to Rochford.

(vii) Assessment of Flood Risk by Applicants - the provision of a flood risk assessment, where relevant, with submitted applications is to be supported.

(viii) Funding of Protection - there is no doubt that developers should cover the cost of mitigation works in all cases where there is a likelihood that planning consent may be contemplated in a flood risk area.

(ix) Sustainable Drainage - this is a matter addressed primarily through an amendment to part H of the Building Regulations. A sustainable drainage system uses various techniques to control surface water run off as close to its original as possible, before it enters the watercourse. Such systems move away from traditional piped drainage systems to engineering solutions that mimic natural drainage processes.

This advice is to be welcomed and as well as being dealt with through the Building Regulations, can be addressed in the next version of the Local Plan.

(x) Flood resistant designs - it is again suggested that design advice can be considered during the preparation of the Local Plan.

5 CONCLUSIONS

- 5.1 The proposed further revisions to PPG25 are to be welcomed and do reflect continuing public concern of flood risk.

Flooding Direction

- 5.2 Subject to the resolution of the Human Rights issue, there is no particular objection to a Flood Direction requiring development proposals to be referred to the Secretary of State where the Local Planning Authority is minded to grant permission.
- 5.3 However, given the clarity of the draft guidance, it is considered that call-in powers are unnecessary.

Regulatory Impact Assessment

- 5.4 It is considered that the costs of applying the draft guidance are relatively modest. Flood risk issues are already considered as part of the development control process and they can be dealt with as a routine element in the preparation of the replacement Local Plan. On the other hand, the costs of not following the draft advice would be significant. A risk-based sequential approach will ensure that the resource implications for Local Authorities in dealing with flooding problems in the future are not aggravated.

6 ENVIRONMENTAL IMPLICATIONS

- 6.1 There are significant and wide-ranging implications for the District arising from flooding. The relationship between planning and flood risk areas is crucially important in ensuring that existing problems are not made worse by accepting development in vulnerable areas.

7 RESOURCE IMPLICATIONS

- 7.1 The real resource impact for the Authority would result from not following and applying the draft guidance.

8 RECOMMENDATION

It is proposed that the Sub- Committee **RECOMMENDS:**

That subject to additional comments from Members, this report forms the basis of the Council's response to the revised consultation paper on PPG25 - Development and Flood Risk.(HPS)

Shaun Scrutton

Head of Planning Services

Background Papers:

PPG25 - Development and Flood Risk - revised consultation paper - February 2001.

For further information please contact Shaun Scrutton on:-

Tel:- 01702 545767
E-Mail:- shaun.scrutton@bigfoot.com