



Report to Cabinet

Subject: Planning Policy Statement (PPS) 25: Development and Flood Risk

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Introduction

This report is for information and summarises PPS25, a government advisory document that replaces the 2001 PPG25. The report covers the main text, but not the annexes that flesh out information and procedures. A stronger, clearer document than PPG25, its advice is to be taken into account by local planning authorities (LPAs) in the preparation of their Local Development Documents (LDDs) and in the determination of planning applications.

The document gives advice to both Regional Planning Boards and Local Planning Authorities. This report focuses only on the latter.

Background

Flooding and its impact on the natural and built environment are material planning considerations and good planning can reduce these impacts and lead to sustainable development. The effects of climate change can similarly be reduced. A future PPS on climate change is out on consultation and will expand on this.

Key Planning Objectives

To ensure that flood risk is taken into account at all stages in the planning process so that inappropriate development does not happen in areas at risk of flooding, or if it does have to, that it is safe and does not lead to flooding elsewhere. LPAs should prepare and implement planning strategies that help to deliver sustainable development by:

1. Appraising risk

- identifying areas of flood risk and its' degree;
- preparing Strategic Flood Risk Assessments (SFRA) as freestanding assessments contributing to a Local Development Document's Sustainability Appraisal.

2. Managing risk

- framing policies for the location of development which avoids flood risk, manages any residual threat and takes account of climate change;
- allowing development in flood risk areas only if there is nowhere else and the benefits outweigh the risks;

3. Reducing risk

- safeguarding from development land needed for flood management;
- considering flood risk through location, layout and design of new development and the use of sustainable drainage systems (SUDS);
- using new development as a tool to reduce flood risk, e.g. by surface water management plans, green infrastructure for water absorption, flood plain creation and setting back defences;

4. A partnership approach

- ensuring best use is made of the Environment Agency (EA) and others to produce effective plans and quick decisions on planning applications;
- supporting flood risk management, River Basin Management Plans and emergency planning.

Decision-Making Principles in the Preparation of Planning Strategies

- RPBs should have a broad consideration of flood risk in their Regional Spatial Strategies (RSS) and a strategy for managing it.
- LPAs should prepare LDDs utilising policies that avoid flood risk where possible and manage it elsewhere, using the guidance both in this PPS and the Regional Spatial Strategy.
- Due to climate change, existing 'at risk' development should be considered in LDD preparation as its relocation may be possible;
- Flood risk should be considered with other planning policies, e.g. housing, biodiversity and transport, and they should refer to the benefits flood risk avoidance and management can make to sustainable communities;
- Sustainability Appraisals of LDDs should incorporate or reflect Strategic Flood Risk Assessments to ensure planning strategies support government objectives for flood risk and development, as laid out in PPS 25.

When determining planning applications, LPAs should

- have regard to PPS 25 and the Regional Spatial Strategy and note they may override policies in the Development Plan if it doesn't reflect this PPS;
- ensure they are supported by site-specific flood risk assessments;

- apply the sequential approach, matching vulnerability of land use to flood risk;
- give priority to the use of Sustainable Urban Drainage schemes (SUDs);
- ensure development in flood risk areas is suitably flood resilient and that any residual risk is safely managed.

A Risk Based Approach

In order to prevent flooding and limit any subsequent damage requires:

- avoiding adding to the *sources* of flooding e.g. by avoiding inappropriate development and minimising run-off;
- managing flood *pathways* to reduce flooding by ensuring the location and design of development a) maximises SUDS use, b) recognises its vulnerability to flooding, c) considers the ability of rivers and flood defences to deal with flooding and d) takes account of routes and storage of floodwaters.
- avoiding inappropriate development in areas of flood risk to prevent damage to people and property (the *receptors*)

Flood Risk Assessments

A Strategic Flood Risk Assessment should inform Local Development Document preparation, which in turn should set out the need for site specific Flood Risk Assessments to be submitted by developers with planning applications. The effects of climate change should be taken into account

The Sequential Approach

Central to this PPS is the process of matching the type of development to the degree of flood risk. LPAs should apply it via the Sequential Test (below) as part of the process of identifying development land in areas at risk of flooding.

The Sequential Test

LPAs allocating land in LDDs should apply this test in areas at risk of flooding. They should show there are no reasonably available sites with a lower risk of flooding appropriate to that type of development or land use.

The Exception Test

This should be applied where development cannot be sited in a zone of lower probability of flooding. This is a method of managing flood risk in areas with either a lack of lower risk zones due to large areas liable to flood or with large amounts of conservation or landscape designations, but where in both cases development is needed for reasons of economic viability and social vitality. The Test should be applied to all development allocations and non-minor planning applications. All three criteria of the Test must be satisfied for development to be allocated or permitted.

Responsibilities

There is no statutory duty on government or other bodies to maintain or carry out flood defences, but the need to safeguard the nation's wellbeing is recognised.

1. The Owner/Developer

Those proposing development are responsible for showing that it complies with PPS 25 and flooding policies in the LDD. A Flood Risk Assessment must be provided that demonstrates:

- a) if the development is at risk from flooding,
 - b) to the LPA that it is safe or better still, will reduce flood risk,
 - c) whether it will affect anywhere else,
 - d) that the measures proposed to deal with these effects and risks are sufficiently funded to ensure the site can be developed and safely occupied.
- Those proposing development must use flood-reducing designs, SUDS and, where necessary, flood resilience measures. They must also identify opportunities to reduce flood risk, increase biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. All these matters affect costs and land values and require early consideration.

2. The Regional Planning Body

Its Regional Flood Risk Assessment should identify the flood risk to regionally strategic locations.

3. The Local Planning Authority

LPA's need to consult the Environment Agency and other relevant bodies when preparing policies in their LDDs relating either to flood risk or areas at risk of flooding. They should prepare a Strategic Flood Risk Assessment to inform their Sustainability Appraisals, allocations and development control policies. Since October 2006, the LPA must consult the Environment Agency when determining applications in flood risk areas and for all other ones over 1 ha. Other material considerations in determining applications will include the Flood Risk Assessment and any flood mitigation measures. For Environment Agency objections to major development, negotiation will have to take place between the Agency, LPA and developer until the Agency feels able to withdraw its objection. If there is no resolution, then notification of the Secretary of State by the LPA is required. The EA will require notification of the outcome of applications in flood risk areas.

4. The Environment Agency

The Environment Agency provides advice on flooding issues, helps with the preparation of Flood Risk Assessments, and is a statutory consultee over relevant document production e.g LDDs, Sustainability Appraisals and GPDO planning applications.

5. Working in Constructive Partnership

Flood risk should be considered early in document preparation and major development proposals and co-operation between planning bodies and stakeholders may allow for comprehensive or dual use and cost effective solutions to flood risk problems. Likewise, developers should arrange pre application discussions with the LPA, Environment Agency etc to identify flood

risk, the required scope of the Flood Risk Assessment and the information needed so that the LPA can determine the application.

Monitoring and Review

The annual (HLT5) report of the Environment Agency is the prime information source showing the impact of technical advice on flood risk, and records, for example, the number of planning applications permitted where there are EA objections or the lack of an Flood Risk Assessment has caused an EA objection.