Committee: CABINET
Date of meeting: 16 September 2015

Subject: Draft Flood Risk Supplementary Planning Document
Lead Officer: Sarah Veasey, Senior Planning Officer (Strategy and Policy)
Portfolio Holder: Cllr Andrew Kelly, Portfolio Holder for Planning Services
Link to Council Priorities: P1
Exempt information: None
Delegated status: For resolution
Key decision: N/A

EXECUTIVE SUMMARY:

The Draft Flood Risk Supplementary Planning Document (SPD) has been prepared to support the implementation of Core Strategy Policy CS26: Flooding and policies within the Development Management Plan to ensure that flood risk to and from new development is fully taken into account in for all relevant planning decisions. It will help to ensure that Flood Risk Assessments (FRAs) that accompany planning applications contain sufficient information to support officers and Members in making decisions as well as helping statutory consultees to provide advice. It is being prepared ahead of the timetable set out within the Local Development Scheme (LDS) to address concerns raised by residents and the Inspector at the Development Management Plan examination. Once adopted the SPD will be a material consideration in the planning process. The SPD was considered by Local Plan Working Group on 20 July 2015 and a number of amendments have been made including:

- Changes to address minor formatting/typographical errors;
- Clarification regarding when the developments will be exempt from the Sequential Test;
- Additional detail within the ‘How to Use this SPD’ section regarding the purpose of the SPD, what is an FRA, types of flood risk in Elmbridge and where to find flood risk information.

RECOMMENDATION: THAT

(A) CABINET APPROVE THE DRAFT FLOOD RISK SUPPLEMENTARY PLANNING DOCUMENT FOR CONSULTATION

REPORT:

1. Background

1.1 A significant proportion of the Borough is located within areas at risk of river flooding associated with a number of different watercourses including the Thames, Mole, Dead River, Rythe and Wey. It is also affected by more localised flooding from surface water generated by heavy rainfall, elevated groundwater, existing drainage systems as well as artificial sources including
several reservoirs. The pressure for development is high and it is important that the implications of flood risk are taken into account.

1.2 There are a number of existing policies within the Elmbridge Local Plan relating to flood risk, the key one being Core Strategy Policy CS26: Flooding. This policy seeks to reduce the overall and local risk of flooding in the Borough by ensuring that development is directed away from areas of flood risk or where does take place, that it is safe and the risk of flooding is minimised, protecting areas of undeveloped floodplain, requiring surface water management and removing permitted development rights.

2. **Strategic Flood Risk Assessment**

2.1 Over the past year the Planning Policy Team has been working with consultants URS (now AECOM) to prepare a new Strategic Flood Risk Assessment (SFRA). The SFRA is a detailed, technical evidence base document that provides information on flood risk from all sources (rivers, surface water, groundwater, sewers, and artificial sources) across the Borough. It also provides guidance on undertaking the Sequential and Exceptions Tests, preparing Flood Risk Assessments (FRAs) and options for incorporating mitigation measures to ensure a development is safe and does not increase flood risk elsewhere. It is a ‘living’ document and contains all the mapping of flood risk across the Borough. It will be updated periodically to reflect changes in flood mapping made available by other organisations e.g. Environment Agency.

2.2 Officers worked closely with those organisations with flood risk management responsibilities in developing the SFRA including the Environment Agency, Surrey County Council (as the Lead Local Flood Authority), Highways England, Thames Water and adjoining districts and boroughs.

2.3 As well as supporting the implementation of existing policies within the Elmbridge Local Plan the SFRA will inform future policy development and site allocations. In particular, it has informed the development of the Flood Risk SPD. Its status as an evidence base document means the SFRAs role is limited to identifying areas at risk of flooding and providing recommendations on the Council’s approach to managing risk. However much of the guidance and recommendations can be reflected in the SPD, which once adopted will be a material consideration in the planning process.

3. **Purpose of the SPD**

3.1 The role of an SPD is to support the implementation of existing policies within a Local Plan. It is not the role of an SPD to create new policy. The Draft SPD has been prepared to support the implementation of Core Strategy Policy CS26: Flooding and policies within the Development Management Plan. It will help to ensure that where possible development is directed to areas of lowest flood risk but will seek to ensure that where development does take place in areas at risk of flooding that:
• it is safe;
• does not increase flood risk elsewhere; and
• where possible reduces risk overall.

3.2 It has been prepared ahead of the timetable set out within the Local Development Scheme (LDS) to address concerns raised by residents and the Inspector at the Development Management Plan examination. The concerns related to the inconsistent implementation of existing policies. In particular the variable quality of flood risk information that accompanies planning applications and the extent to which flood risk is considered as part of the decision making process.

3.3 The SPD is designed mainly as a practical tool to assist applicants in preparing FRAs to accompany planning applications to ensure that sufficient information is provided to support decision making by officers and Members, as well as assisting consultees in providing advice. Specifically the SPD will help applicants to:

• Understand the policy and guidance framework in relation to flood risk in Elmbridge;
• Determine if an FRA is required;
• Consider whether the proposed development is likely to be appropriate in that location;
• Understand how flood risk is dealt with as part of the planning process;
• Submit a valid planning application;
• Determine if any other flood related consents are necessary;
• Access various pre-application services;
• Outline which organisations the Council will consult with as part of the planning application process;
• Complete the FRA Proforma and prepare an FRA that is suitable to the scale, nature and type of development proposed as well as the type and degree of flood risk and contains sufficient information to support decision making.

3.4 Whilst much of the information is included within the SFRA, the SPD makes the information more accessible and relevant for those submitting a planning application in an area of flood risk. Close reference is made throughout to the SFRA as this contains all the relevant, up-to-date mapping of flood risk across the Borough and is a living document. Unlike the SFRA, once adopted the SPD will be a material consideration in the determination of planning applications.

3.5 Responsibilities for flood risk have changed significantly over the past few years and the advice the Council gets on flood risk from other organisations e.g. Environment Agency has reduced. The SPD will help to ensure that the Council has the tools to make decisions and puts the onus on applicants to ensure that relevant information is provided alongside planning applications.

3.6 Flooding is an inherently technical and complex subject. Whilst every effort has been made to make the guidance accessible, a balance needs to be achieved. In the majority of cases, applicants will need to get advice from a suitably
qualified drainage engineer, however, the guidance should assist those lower risk developments in addressing flood risk issues without the need for technical advice.

4. Structure of the SPD

4.1 The SPD is organised into two Parts. Part 1 sets out the background context to the SPD as well as the policy and guidance documents that have informed its production. Part 2 provides a step by step guide to considering flood risk as part of the planning process. A ‘How to Use this SPD’ guide at the beginning of the document provides an overview of this structure and a guide for applicants showing how it can be used to prepare an FRA.

4.2 Part 1: Context

• Section 1.1 – Introduction
• Section 1.2 – Policy Framework and Guidance

Part 2: Development and Flood Risk

• Section 2.1 – Flood risk and the planning process
• Section 2.2 – Part 1 of FRA Proforma - Site description and Proposed Development
• Section 2.3 – Part 2 of FRA Proforma – Assessing Flood Risk
• Section 2.4 – Part 3 of FRA Proforma – Avoiding Flood Risk
• Section 2.5 – Part 4 of FRA Proforma – Managing and Mitigating Flood Risk.

4.2 A summary of each Part is provided below.

5. Part 1: Context

5.1 Section 1.1 sets out the background context to the SPD including the purpose and need for the guidance, its status and how the SPD has met various statutory requirements including the Duty to Cooperate and Sustainability Appraisal. It contains important information on the consultation arrangements for the draft version of the SPD as well as setting out the next steps in finalising the guidance.

5.2 Section 1.2 sets out the policy and guidance framework that has informed the preparation of the SPD. This includes national policy and guidance contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), key local policies within the Core Strategy and Development Management Plan, the Strategic Flood Risk Assessment and other relevant strategies.

6. Part 2: Development and Flood Risk

6.1 Section 2.1: Flood Risk and the Planning Process is intended to provide an overview of how flood risk is considered as part of the planning process. It will assist applicants to:
- Determine if an FRA is required;
- Understand if development is likely to be appropriate in the proposed location;
- Scope the content of an FRA;
- Submit a valid planning application;
- Determine if any other consents are necessary e.g. Flood Defence Consent;
- Access the various pre-application services;
- Outline which organisations the Council will consult with as part of the planning application process e.g. Surrey County Council as the Lead Local Flood Authority, Environment Agency

6.2 A useful flow diagram is included to assist applicants in determining when an FRA is required. In preparing an FRA and submitting an application the onus is on the applicant to follow the guidance within the SPD and submit the relevant information. Where required applications should be accompanied by an FRA and a completed FRA Proforma (see Appendix 1 of the SPD). This will be necessary to validate the application. The specific content of the FRA will be considered by Case Officers/consultees once the application has been registered. Where sufficient information has not been provided the guidance makes it clear that this could result in an application being refused. The use of a standard format within the Proforma will help to ensure sufficient information is provided, make it easier for officers, Members and consultees to assess applications and ensure a consistent approach.

6.3 Sections 2.2 – 2.5 then provide a step by step guide to completing the FRA Proforma and preparing an FRA. The FRA Proforma is split into 5 parts as follows and in accordance with the broad principles of managing flood risk set out in national policy e.g. Assess, Avoid, Manage and Mitigate:

- Part 1 – Site information (Section 2.2 of SPD)
- Part 2 – Proposed development (Section 2.2 of SPD)
- Part 3 – Assessing flood risk (Section 2.3 of SPD)
- Part 4 – Avoiding flood risk (Section 2.4 of SPD)
- Part 5 – Managing and Mitigation Flood Risk (Section 2.5 of SPD)

6.4 It should be noted that not all sections of the FRA Proforma will need to be addressed in all cases. The specific content of FRAs will vary considerably depending on the scale and nature of the development, degree and type of flood risk and the vulnerability of its users. Applicants are encouraged to access the various pre-application advice services available to help scope FRA requirements and ensure that all relevant issues are addressed.

7. Conclusions and Next Steps

7.1 The SPD will help to ensure that flood risk to and from new development is fully considered as part of the planning process. It will provide clarity for applicants as to what is required to be addressed within an FRA and ensure that the right information is provided to support officers, Members and consultees in decision making. Members are asked to consider the content of the SPD and whether it can be approved for consultation.
7.2 The consultation is planned to begin in early October following the call-in period and will last for 4 weeks. Following this, consultation comments will be taken into account and reflected within the SPD as appropriate. The final SPD will then be considered for adoption early in 2016.

Financial implications: None for the purposes of this report.

Environmental/Sustainability Implications: The SPD will ensure that flood risk to and from new development is taken into account in the planning process. It will help to direct new development to areas of lowest risk and, where development does take place in areas at risk of flooding, ensure that it is safe and does not increase risk elsewhere.

Legal implications: None for the purposes of this report

Equality Implications: None for the purposes of this report.

Risk Implications: The SPD will support the Council in fulfilling its flood risk management responsibilities including emergency planning.

Community Safety Implications: The SPD will provide the tools necessary to ensure that flood risk is fully taken into account when considering new development. It sets out clearly when and what is expected in Personal Flood Plans and Flood Warning and Evacuation Plans as well as guidance on the design of safe access and egress routes to ensure developments are safe for their lifetime.

Principal Consultees: None

Background papers: Strategic Flood Risk Assessment

Enclosures/Appendices: Appendix 1 - Draft Flood Risk Supplementary Planning Document

Contact details: Sarah Veasey, Senior Planning Officer (Strategy & Policy), sveasey@elmbridge.gov.uk, 01372 474834