

Report of	Meeting	Date
Head of Development and Regeneration	Development Control Committee	14.02.06

CONSULTATION ON PLANNING POLICY STATEMENT 25: DEVELOPMENT AND FLOOD RISK

PURPOSE OF REPORT

- To inform members of a consultation paper on a draft of a new Planning Policy Statement 25 (PPS25) on Development and Flood Risk. The consultation paper seeks views and comments on the draft PPS25 to be submitted to the Office of the Deputy Prime Minister by 28th February 2006.

CORPORATE PRIORITIES

- Advice within draft PPS25 is based on the principles of sustainable development, which is one of our corporate principles. The focus upon sustainable development should be to the benefit of all of our customers and should help us to achieve a greener, cleaner, safer Chorley. Reform of national planning policy guidance is intended to result in shorter, more focused documents, which provide greater clarity on national planning policy, which should enable the Council to deliver a better planning service.

RISK ISSUES

- The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	✓	Information	
Reputation		Regulatory/Legal	✓
Financial		Operational	✓
People		Other	

- The risks identified may arise if the final guidance is not taken into account when preparing future Local Development Documents (LDDs) and determining planning applications.

BACKGROUND

- This draft PPS25, together with an accompanying Practice Guide yet to be published, is intended to replace Planning Policy Guidance Note 25 (PPG25): Development and Flood Risk, published in July 2001. When finalised PPS25 should be taken into account in the preparation of Local Development Documents (LDDs) produced as part of the Local Development Framework and may also be material to decisions on individual planning applications.
- Draft PPS25 provides guidance on applying the Government's policy on flood risk management. It also sets out the key planning objectives in relation to development and

flood risk and identifies how these should be implemented by local planning authorities to help deliver sustainable development.

7. As well as seeking views and comments on the content and aims of draft PPS25, the consultation also seeks views on:
 - The proposal for a Flooding Direction. The Direction would require a local planning authority minded to approve an application for major development against Environment Agency advice to refer the application to the relevant Government Office who will decide whether to call in the application for decision by the Secretary of State;
 - Proposals to extend the Environment Agency's statutory consultee role in relation to flood risk on certain developments.

KEY PRINCIPLES

8. Draft PPS25 helps local planning authorities to avoid and reduce the impacts of flooding through good planning and management. The draft has been developed to reflect the general direction set out in 'Making Space for Water' (Defra 2004), which is a new strategy to shape flood and coastal erosion risk management policy over the next 10-20 years.
9. The draft reinforces the current guidance contained within PPG25 but provides greater detail and clarity on what is required at the regional and local level to ensure that decisions are made at the most appropriate level and in timely fashion to deliver sustainable planning for development and flood risk.
10. The main body of draft PPS25 is much shorter than PPG25 with more detailed guidance on specific issues contained within a number of annexes. It mainly deals with sea and river flooding but also refers to other forms such as flooding from sewers.
11. Draft PPS25 expands upon the risk-based approach introduced in PPG25. The main purpose of the risk-based approach is to:
 - avoid adding to the causes or sources of flood risk by means such as avoiding inappropriate development in flood risk areas and minimising run-off from new development;
 - managing flood 'pathways' to reduce the likelihood of flooding by ensuring that the design and location of the development maximises the use of sustainable drainage systems;
 - reducing the consequences of flooding by avoiding inappropriate development in areas at risk of flooding.

The risk-based approach is carried out through a Sequential Test. The draft introduces the requirement for flood risk assessments at all levels of the planning process to assess the risks of all forms of flooding to and from development. The purpose of flood risk assessment is to inform the application of the Sequential Test.

12. The Sequential Test to determine the suitability of land for development in flood risk areas introduced in PPG25 is further supported in draft PPS25 and is recognised as being central to the guidance. The three flood risk zones, relating to sea and river flooding, used in PPG25 are retained but the three separate sub-categories in Flood Zone 3 are reduced to two and no longer directly linked to current land use. The Sequential Test should be applied to all stages of planning with the aim of steering new development to areas at the lowest probability of flooding (Flood Zone 1). Where this is not possible, decision-makers allocating land in Local Development Documents (LDDs) or determining applications for development at any particular location should demonstrate that there are no reasonable options available in the lower risk category.

13. The Exception Test has been introduced in draft PPS25. Under the Exception Test departures from the sequential test will only be justified in exceptional circumstances. If the Exception Test needs to be applied but cannot be satisfied the development should not be permitted. The Exception Test is that:
- the development makes a positive contribution to sustainable communities, and to sustainable development objectives of the relevant Local Development Document (LDD);
 - the development is on developable brownfield land or where there are no reasonable alternative options on developable brownfield land;
 - a flood risk assessment demonstrates that the residual risks of flooding to people and property are acceptable and can be satisfactorily managed; and
 - the development makes a positive contribution to reducing or managing flood risk.

IMPLICATIONS FOR THE LOCAL DEVELOPMENT FRAMEWORK

14. A Strategic Flood Risk Assessment (SFRA) is required to inform the preparation of Local Development Documents (LDDs) having regard to catchment wide flooding issues which affect the Borough. It should be prepared in consultation with the Environment Agency to determine the variations in flood risk across the Borough as the basis for preparing appropriate policies for flood risk management for these areas. The greatest risk of flooding in the Borough is in the Croston area.
15. The SFRA should either form part of the Sustainability Appraisal of Local Development Document's (LDDs) or be used to inform it. It will also provide the information needed to apply the sequential approach to determine the suitability of land for development in flood risk areas. Detailed guidance of SFRAs will be provided in the accompanying Practice Guide when published.
16. Policies within Local Development Document's (LDDs) should set out the requirements for site-specific Flood Risk Assessments (FRAs).

IMPLICATIONS FOR DEVELOPMENT CONTROL

17. Site-specific Flood Risk Assessments (FRAs) will be required to be submitted with planning applications for major development proposals in Flood Zone 1 (areas with low probability of flood risk), which are not currently included on Flood Risk maps, and all proposals for new development in Flood Zones 2 and 3 (areas of medium and high probability of flood risk).
18. The FRA will be required to demonstrate how flood risk to the development itself and flood risk to others will be managed now and over the expected lifetime of the development. For major developments in Flood Zone 1, the FRA should identify positive opportunities to reduce the probability and consequences of flooding.
19. The FRA should be produced in consultation with the local planning authority and should form part of an Environmental Statement when one is required.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

20. There are no HR related issues associated with this report.

COMMENTS OF THE DIRECTOR OF FINANCE

21. No comments received.

CONCLUSION

22. Draft PPS25 is welcomed as it provides greater detail and clarity on planning and flood risk. The risk-based approach and Sequential Test are useful in avoiding and reducing the likelihood of flooding.
23. The proposals to extend the Environment Agency's statutory consultee role and for the Flooding Direction should also be welcomed as they will ensure that proposals for development in areas of flood risk will be subject to greater scrutiny and that decision making is informed by expert advice.
24. A Strategic Flood Risk Assessment also needs to be completed once the Practice Guide is published in order to inform the relevant Local Development Documents before work on them commences.

RECOMMENDATION

25. That the report is noted and that comments supporting the proposals within draft PPS25 are forwarded to the Office of the Deputy Prime Minister.

JANE MEEK
HEAD OF DEVELOPMENT AND REGENERATION

Background Papers			
Document	Date	File	Place of Inspection
Consultation on PPS25: Development and Flood Risk	Dec 2005	-	Gillibrand Street Offices, Chorley

Report Author	Ext	Date	Doc ID
Katherine Howarth	5295	24/01/06	PPS25DCReport