

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**CONSULTATION ON PROPOSED AMENDMENTS
TO PLANNING POLICY STATEMENT 25: *DEVELOPMENT AND FLOOD RISK***

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform members about the consultation currently taking place on proposed amendments to Planning Policy Statement 25: *Development and Flood Risk*.
- 1.2 To highlight the key points contained within the consultation document

2. BACKGROUND INFORMATION

- 2.1 Current national spatial planning policy on development and flood risk is covered by *PPS25 Development and Flood Risk*, which was published by Communities and Local Government (CLG) in December 2006.
- 2.2 The principle aims of PPS25 are to ensure that flood risk is taken into account at all stages in the spatial (town and country) planning process, to avoid inappropriate new development in areas at risk of flooding, and to direct development away from areas at highest flood risk. Where new development is, exceptionally, necessary in such high risk areas, the policy aims to make it safe without increasing flood risk elsewhere and where possible, reduce flood risk overall.
- 2.3 CLG are now looking to make some limited amendments to PPS25, in order to clarify how the policy should be applied and sets out within its "Consultation on proposed amendments to Planning Policy Statement 25: *Development and Flood Risk*" paper what the proposed amendments are and more importantly what their effects would be.
- 2.4 CLG are not proposing to change the policy approach in PPS25. Rather, the intention is to clarify how certain aspects of the policy are applied to ensure it works better and is more effective. The proposed

amendments affect tables D.1 (Flood Zones) and D.2 (Flood Risk Vulnerability Classifications) in Annex D to PPS25.

- 2.5 Comments on the proposed amendments have been invited by 3rd November 2009

3. OPTIONS FOR CONSIDERATION

- 3.1 The proposed amendments relate to how the “functional” floodplain should be identified, and are relevant to development in flood risk areas involving essential (critical) infrastructure, including water treatment and sewage treatment works; base facilities for the emergency services, certain facilities requiring hazardous substances consent; and wind turbines.
- 3.2 The proposed amendments affect table D.1 (Flood Zones) and D.2 (Flood Risk Vulnerability Classifications) in Annex D of the PPS. Table D.1 sets out the Flood Zones in terms of annual probability of river or sea flooding (ignoring the presence of flood defences). These range from Flood Zone 1 comprising land with a low probability of flooding, through Zone 2 with medium probability, to Zone 3a - high probability – and Zone 3b, the ‘functional floodplain’.
- 3.3 The functional floodplain is defined as comprising land where water has to flow or be stored in times of flood. The current definition in PPS25 continues by saying that strategic flood risk assessments (SFRAs) ‘should identify this Flood Zone (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1%) flood, or at another probability to be agreed between the local planning authority and the Environment Agency, including water conveyance routes)’.
- 3.4 The definition provides flexibility to make allowance for local circumstances. However, the Government believes this needs to be made clearer to avoid too much weight being placed on the ‘1 in 20’ probability parameter in identifying and defining the boundaries of functional floodplains. The Government notes such an approach can lead to areas of land not intended to allow for floodwater to flow or be stored being inappropriately identified as functional floodplain, and potentially also for areas that are designed to flood being wrongly excluded from identified functional floodplain.
- 3.5 The Government therefore proposes to clarify the definition of Flood Zone 3b in Table D.1, making it clear that the identification of this zone in SFRAs should take account of local circumstances, and that the ‘1 in 20’ parameter should be the starting point for consideration and discussion.
- 3.6 Table D.2 classifies different types of land uses and developments according to their vulnerability to flooding. Five different categories are

used: 'less vulnerable'; 'more vulnerable'; highly vulnerable'; and two special classes for 'essential infrastructure' and 'water-compatible development'. Four amendments are proposed for this table:

- Water treatment and sewage treatment plants currently shown as 'less vulnerable' would be moved to the 'essential infrastructure' category, plus a clarification to the definition of this category;
- Insertion of additional text providing for police, ambulance and fire stations which are not required to be operational during flooding to be treated as 'less vulnerable';
- Insertion of additional text in the 'highly vulnerable' category to clarify that where there is a need to locate bulk storage facilities requiring hazardous substances consent with port or other waterside facilities; or installations requiring hazardous substances consent that are associated with energy infrastructure which need to be sited in coastal locations or high flood risk areas, these facilities and installations should be classified as 'essential infrastructure', rather than 'highly vulnerable';
- Clarification that wind turbines for generating renewable energy should be treated as 'essential infrastructure'.

4. ANALYSIS OF OPTIONS

4.1 The proposed changes to PPS25, particularly the amendments to Table D.2, are significant to North Lincolnshire. The change regarding hazardous installations in the highly vulnerable uses category to become classified as essential infrastructure in relation to high flood risk areas and port related activities is supported. This amendment will assist in the development of the South Humber Bank and will regularise an anomaly in the past where certain types of development, that required an estuary or waterside location, were classed as of being "highly vulnerable". The other proposed amendments to the definition of essential infrastructure are sensible and are supported.

4.2 The amendment to the definition of Functional Flood Plain is also supported. PPS25 now advocates a less formal approach to its definition providing a starting point for consideration and discussion to identify the functional flood plain and would allow local circumstances to apply.

4.3 Over all, the publication and the proposals of the Draft PPS25 should be welcomed.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial - there are no financial implications

- 5.2 Staffing - will be from existing staffing resources with various teams across the council
- 5.3 Property - there are no property implications
- 5.4 IT - there are no IT implications
- 6. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**
 - 6.1 Statutory - will provide national policy guidance, which should be reflected through the policies of the emerging North Lincolnshire Local Development Framework and will be a material consideration in determining planning applications.
 - 6.2 Environmental - will support the delivery of sustainable development.
 - 6.3 Diversity - there are no diversity implications
 - 6.4 Section 17 - Crime & Disorder - there are no s.17 implications.
- 7. **OUTCOMES OF CONSULTATION**
 - 7.1 All comments from relevant officers have been included in this report.
- 8. **RECOMMENDATIONS**
 - 8.1 That the content of this Report be noted.
 - 8.2 That any significant issues raised by Members during the course of the meeting be reported back to CLG as part of the consultation on PPS25.

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Background Papers used in the preparation of this report

*Consultation on proposed amendments to Planning Policy Statement 25:
Development and Flood Risk*