

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 4 MAY 2004

SPP7: PLANNING AND FLOODING

Report by Executive Director of Development Services

1. PURPOSE OF REPORT

- 1.1** The purpose of the report is to advise the Committee of the contents of SPP7: Planning and Flooding and its implications for the development potential of sites within East Ayrshire.

2. BACKGROUND

- 2.1** At its meeting on 20 May 2003 the Development Services Committee approved a report by the Director of Development Services on the consultation draft SPP7: Planning and Flooding.
- 2.2** The approach currently taken by the Council in considering development applications in areas at risk from flooding was broadly consistent with the framework set out in the draft SPP. The principal difference was that the SPP proposed definition of high risk areas was those where there was a 1 in 200 year chance of flooding rather than the current 1 in 100 year standard. However, the margin of surplus allowed for in current flood defence practice of the Council was still consistent with the above revised approach adopted in SPP7.
- 2.3** The Council also recommended that, as many historic towns and villages are likely to fall within the SPP's high risk areas, a more imaginative approach than that suggested by the draft SPP to allow flood risk to be balanced against wider economic, social and historic factors should be adopted.
- 2.4** As a means to achieve such a balance the Council considered that the SPP should encourage Planning Authorities outwith protected areas to examine the opportunity for land raising either separately or in conjunction with flood management techniques and the use of flood resistant materials in construction.

3. CONTENT OF SPP7

- 3.1** In February 2004 the SEDD issued the adopted SPP7 together with an overview of the consultation responses it had received on the draft document. The SPP has been revised to take account of many of these responses. Those parts of the revised SPP7 that have particular relevance to the identification of potential development sites or the development of identified sites in the adopted Local Plan are considered below.

3.2 The revised SPP now sets out much more clearly general principles relating to new development and flooding. The following provisions are considered as being of particular importance in planning terms:

- Developers and planning authorities must give consideration to the possibility of flooding from all sources.
- New development should be free from significant flood risk from any source.
- In areas characterised as 'medium to high' flood risk for watercourse and coastal flooding new development should be focussed on built up areas and all development must be safeguarded from the risk of flooding.
- New development should not:
 - materially increase the probability of flooding elsewhere;
 - add to the area of land which requires protection by flood prevention measures;
 - affect the ability of the functional flood plain to attenuate the effects of flooding by storing flood water;
 - interfere detrimentally with the flow of water in the flood plain;
 - compromise major options for future shoreline or river management.
- Flooding from sources other than watercourses and on the coast must be addressed where new development is proposed, if necessary through a drainage assessment. Any drainage measures proposed should have a neutral or beneficial effect on the risk of flooding both on and of the site.

4. PLANNING IMPLICATIONS

4.1 The provisions of the adopted SPP7 set out in Section 3 above, raise a number of issues regarding identification of development sites.

4.2 There is no reference in the principles of SPP7, referred to in Section 3 above, to any allowance for flood risk to be balanced against wider economic, social and historic factors as suggested by the Development Services Committee in its consideration of the draft SPP. However, it is suggested below ways in which, development sites could be incorporated within the Local Plan while respecting the policy guidance of SPP7.

Greenfield Sites

4.3 As regards greenfield sites the Risk Framework set out in SPP7 rules out most types of development within areas of medium/high risk of flooding including the functional flood plains. Any search for potential development sites for inclusion in the Local Plan will have to be directed to areas with under 1:200 year flood risk. Without a clear definition of the functional flood plain, which SPP7 does not provide, SEPA and FLAG will need to be consulted as part of the Local Plan review to ensure that any development sites identified

have a 1:200 year flood risk or less and would not therefore compromise flood storage within the functional flood plain nor lead to demands for additional flood prevention schemes. Provided the above criteria are met, SPP7 has no other planning implications for the identification of potential future greenfield development sites in the Local Plan review.

Brownfield Sites

- 4.4** In allocating brownfield development sites in the Local Plan, the Council should give preference to those areas already defended to an appropriate standard. As regards unprotected land in urban areas it is recognised that, although SPP7 stipulates such land as not being suitable for certain developments including hospitals and care homes, it may nevertheless have significant economic/social value for other potential development provided suitable methods of safeguarding it from flood risk can be arranged.
- 4.5** SPP7 refers to landraising as a means of increasing developable land and this could increase the scope of the Local Plan in identification of sites for particular uses within urban areas.
- 4.6** SPP7 also makes clear the very important role that thorough development control practice will have in making suitable development sites, including landraised sites, acceptable in terms of the flood Risk Framework. Advice from SEPA will be an important material consideration in this respect.

5. RECOMMENDATIONS

- 5.1** It is recommended the Committee agree that, in light of the above provisions of SPP7: Planning and Flooding, the Head of Planning and Building Control
- i) liaise with the Roads Division and Head of Economic Development regarding identification of potential future development sites for incorporation into the review of the East Ayrshire Local Plan;
 - ii) enter into early discussions with SEPA and FLAG regarding their views on identification of areas for potential developments including infrastructure, in the context of SEPA's indicative flood risk maps and the emerging River Basin Management Plan; and
 - iii) make the Ayrshire Joint Structure Plan Committee aware of the implications of SPP7 for the review of the Local Plan development sites in East Ayrshire and incorporate the findings of this report as part of the Council's formal response on the new draft Ayrshire Joint Structure Plan as appropriate.

James Lavery
Executive Director of Development and Property Services

26 April 2004 (JT/MMM/SA)
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LIST OF BACKGROUND PAPERS

- 1. SPP7: Planning and Flooding p- SEDD, February 2004.**
- 2. Review of SDPP Planning and Flooding – SEDD, February 2004.**
- 3. Report by Director of Development Services to Development Services Committee: 20 May 2003 – SPP7: Planning and Flooding, Consultation Draft.**

For further information on the contents of this report contact Alan Neish, Head of Planning and Building Control. Telephone 01563 576782.

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SPP7Planning Flooding