

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 20 MAY 2003

SCOTTISH PLANNING POLICY (SPP) 7 PLANNING AND FLOODING CONSULTATION DRAFT

Report by the Director of Development Services

1. PURPOSE OF REPORT

- 1.1 To (1) outline and enable Committee to provide constructive comment on the newly issued consultation draft of SPP7, Planning and Flooding and (2) provide comments, as specifically requested by the Scottish Executive, on the operation of the Ayrshire Strategic Flood Appraisal Group.

2. CONTENT OF THE DRAFT SPP 7

- 2.1 The SPP provides the context as to why consideration of flooding is an important aspect of land use planning. It outlines the responsibilities of various organisations including Councils, and sets out policy guidelines for development within flood plains, on drainage requirements, flood defences, assessing flood risk and the impact of flooding and flood protection measures.
- 2.2 Specific guidance is given on how the policy content of the SPP can be implemented through Structure and Local Plans and Development Control.
- 2.3 The main changes compared to NPPG 7 are that SPP 7
- Deals with flooding from ground water and drainage systems;
 - Sets down an indicative flood probability framework for land use planning purposes;
 - Defines functional flood planes where development should not take place;
 - Provides explicitly for land raising;
 - Addresses flood resistant building construction;
 - Raises awareness of Sustainable Urban Drainage Systems (SUDS); and
 - Identifies the important role of developers.
- 2.4 As indicated above the draft SPP provides a flooding probability or risk framework to enable Councils to identify those areas subject to flooding risk and provide the appropriate planning response. Three categories of risk are identified.

These are:

- (1) Little or no risk where the annual probability of watercourse, tidal or coastal flooding is less than 0.1% or 1:1000;

- (2) Low to medium risk where the annual risk is in the range of 0.1% to 0.5% or 1:1000 to 1:200; and
- (3) High risk where the annual risk is over 0.5% or 1:200 (n.b. previously 1:100).

- 2.5 In summary the draft SPP states that "Planning Authorities should not allow new development (with the exception of small scale extensions) where there is a high probability of river and coastal flooding unless adequate flood defences already exist, are being constructed or are being planned in support of the approved development plan strategy."
- 2.6 The draft SPP notes that work is in hand to provide Councils with improved indicative flood risk maps.
- 2.7 It is significant that the draft SPP recommends that, subject to operational requirements in terms of response times etc, essential civil infrastructure (such as hospitals, fire stations and emergency depots) should not be located in areas where the flood risk is high or low to medium. It also indicates that where essential civil infrastructure has to be or is already located in areas subject to low to medium risk of flooding, that access must be guaranteed and the facility must be capable of remaining operational in times of emergency due to extreme flooding.
- 2.8 The draft SPP goes on to state that only in areas classified as having "Little or no Risk" should there be no constraint due to river, tidal or coastal flooding.

3. COMMENT

- 3.1 The consultation draft of SPP 7 is a significant reworking of the existing NPPG 7, Planning and Flooding, although the salient points contained in NPPG 7 have been maintained. In general the draft SPP 7 is a well set out document that in a number of respects is more comprehensive than NPPG 7 and provides specific planning policy guidance for local Planning Authorities. The clear focus on planning matters only is particularly welcome.
- 3.2 Specific comments relative to various paragraphs of the draft SPP are provided and on the operation of the Ayrshire Strategic Flood Appraisal Group are attached in annexes.
- 3.3 The approach currently taken by the Council in considering development applications in areas at risk of flooding is broadly consistent with the framework set out in the SPP. The SPP will provide welcome reinforcement of the Council's current practices. The principal difference is the proposal that high risk areas should be considered to be those where there is a 1 in 200 year chance of flooding. Current practice is to use a 1 in 100 risk as the reference point. It is, however, already the practice to require flood defences to be formed with a margin of surplus to allow for climate change and other factors, which is essentially the reasoning behind the move from 1 in 100 years to 1 in 200 years proposed in the SPP.

4. LEGAL/FINANCIAL/PERSONNEL/AUTHORITY IMPLICATIONS

4.1 None directly arising from the draft report.

5. RECOMMENDATIONS

5.1 It is recommended that the Committee agree to submit a copy of this report to the Scottish Executive as representing the views of East Ayrshire Council on the consultative draft SPP 7 Planning and Flooding.

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Director of Development Services

12 May 2003
SC/KD/MMM/JR

BACKGROUND PAPERS

Nil

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COMMENTS ON CONSULTATION DRAFT OF SPP7 ON PLANNING AND FLOODING

Para 4 – Sustainable Development

The emphasis on sustainable development is welcomed although it is considered that the concept must be viewed in its broadest sense and include a need to balance the economic and social requirements of the population along with a consideration of historic conservation and environmental matters.

Para 11 – Responsibilities

With respect to Flood Appraisal Groups (FAG) it is considered that the Ayrshire FAG has worked well having been established for approximately 2½ years. The remit of the Ayrshire FAG is attached as Annex 2 for information. Officials from various departments from all 3 Ayrshire Councils attend along with SEPA, SNH and Scottish Water. A representative for the Association of British Insurers also attended for the first year of the group.

The Ayrshire FAG has been able to co-ordinate the collection and dissemination of valuable information relative to flooding and provides a forum for the complexities of the local flooding environment to be fully investigated. Flood risk maps from SEPA have been circulated, the role of Sustainable Urban Drainage Systems fully discussed, and the FAG has provided the necessary impetus for digital terrain mapping for Ayrshire's coastal areas to be undertaken.

The Ayrshire FAG has also provided Councils with the opportunity to exchange detailed information on current and proposed flood defences and has provided invaluable assistance to the Ayrshire Structure Plan team in the preparation of new strategic planning policy.

In general the range of material discussed at the Ayrshire FAG has often been wider than that required for planning purposes but it is considered that this has been of real value in helping the Council to develop and deepen its knowledge and understanding of the subject for the benefit of local communities.

Para 15 – Policy Guidelines – General

Although the SPP recommends a general restriction on development within areas of flood risk equal to or greater than 0.5% (or 1:200) there is a recognition that development may be permitted where there are adequate flood defences or there is a prospect of flood defences being put in place. Many historic towns and villages are, however, likely to fall within the SPP's high risk areas. A more imaginative approach will often be required than that suggested which allows for flood risk to be balanced against wider economic, social and historic factors (see also under paras 29-32 below).

Para 16 – Development on Functional Flood Plains

The definition of functional flood plains should be made clearer in para 16. On the basis of the definition contained in the glossary it is agreed that no new development should normally be permitted in these areas.

Para 22-23 – Development of Land Protected by Existing Flood Defences

It is agreed that development which requires new flood defences or new greenfield development that requires protection from existing flood defences should only be undertaken after thorough consideration through the development plan process.

Para 25 – Environment and Natural Heritage

Under the Water Environment Water Services Act it is understood that flood prevention or alleviation works may prevent a water body from achieving “good” ecological status. However this may be justified once all of the social, economic and environmental factors are weighed together.

Para 26 – Proposals for New Open Spaces, Paths and Playing Fields in High Risk Areas

This paragraph is accepted.

Para 27-28 – Flood Resistant Materials and Construction

The use of flood resistant materials for construction may be particularly appropriate in towns and villages within high risk flood areas where investment in flood defences is unlikely within the foreseeable future or within the time horizon of the local plan.

Para 29-32 – Watercourse and Coastal Flooding – The Planning Approach to Assessing Risk

The use of the risk framework is supported in general terms only. Greater attention needs to be given to the acknowledged fact that the risk framework can over simplify the situation.

The comments made under para 15 above are applicable here. Much more guidance is required for urban areas that fall within areas susceptible to a high risk of flooding (as defined) and which are unlikely to receive the benefit of protection from flood defences within a reasonable period of time. Sub para 3(a) of the risk framework as currently set out only deals with areas that are or are likely to be protected. 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.

Para 33 – Implementation – Development Plans Generally

It is fully accepted that flooding must be considered in the preparation of development plans.

Para 38 – Structure Planning

Although it is accepted that strategic (or local) planning may be able to assist in achieving the objectives of river basin management plans this must not be at the expense of wider economic and social needs nor harm the vitality and viability of towns and villages.

Para 39-40 – Local Planning

Again the comments contained under para 15 above are equally applicable here. However SPP paragraph 39 or 40 should indicate that local plans are required to identify land within the flood plain that is protected by existing flood defences and list and identify areas that are to be protected. The boundaries of functional flood plains (outwith urban and built up areas) should also be identified on a map.

Para 41-46 – Development Control

The explicit statement that the responsibility of local Planning Authorities is limited to considering flood risk as appropriate and that approval of development does not imply the absence of flood risk is welcomed.

Glossary

The functional flood plain (outwith built up areas) should be identified from those areas that are within the 0.5% risk or 1:200 return period.

ANNEX 2

AYRSHIRE JOINT STRUCTURE PLAN AND TRANSPORTATION COMMITTEE

AYRSHIRE STRATEGIC FLOOD APPRAISAL GROUP

REMIT

The Ayrshire Strategic Flood Appraisal Group will provide East, North and South Ayrshire Councils with practical guidance and information on flood risk and climate change and its implications for development.

Working through the Ayrshire Joint Structure Plan and Transportation Committee the Group will:

- Provide forward planning input to the development plan process on the implications of flooding and climate change;
- Co-ordinate the assembly of information and data about flooding and climate change;
- Co-ordinate the dissemination of information among the three Councils on flooding and climate change issues;
- Monitor the implementation of flood management schemes and provide a forum for the discussion of best practice;
- Monitor the impact of climate change through the development of indicators;
- Provide a forum for the discussion of significant development proposals with implications for flooding and climate change issues;
- Review any forthcoming legislation on flooding and climate change;
- Identify and co-ordinate any future research requirements on flooding and climate change; and
- Maximise the opportunity for future funding initiatives through partnership working.