

Matter 23 Written Statement – Natural Environment Policies – Environment Agency

Policy GS9: Managing Flood Risk

23.23 How has Policy GS9 been informed by the Council's Strategic Flood Risk Assessment? Does it take account of advice from the Environment Agency, the Local Lead Flood Authority and any other relevant flood risk management bodies?

Advice has been sought from the Environment Agency on the SFRA and Data Set used to inform the Evidence base. Currently available data has been used/improved as part of the SFRA, where this data carries limitations the GS9 policy has been worded to manage this uncertainty. This places ownership on developers to ascertain the finer details of risk to site and mitigation requirements on a site-by-site basis at planning application stage; but provides a suitably conservative approach to manage the principle of development in risk areas for allocation purposes.

We note in the comments/questions and quotes that the GS9 wording appears to be different to that which we have agreed with the LPA via a Statement of Common Ground.

23.24 Does the approach to managing flood risk in Policy GS9 reflect national policy in paragraph 161 of the NPPF, which requires plans to take account of all sources of flood risk?

The policy addresses Fluvial Risk and signposts to GS11 for SuDs.

23.25 What is meant by 'occupied footprint' in Policy GS9 a) of the Flood Risk Principles?

GS9 Wording has undergone significant change following EA consultation under an agreed Statement of Common Ground wording of GS9.

It is the EA's understanding from the agreed Statement of Common Ground (SoCG) that the 'occupied footprint' is related to the 'existing footprint' of any 'existing buildings' that are shown to prevent water ingress and within the mapped 3b extent.

On reflection of this question, we would note that the term occupied could be taken to mean a building which is physically occupied and not the space that the building itself occupies, this would be a misunderstanding. We would now recommend the wording to be altered to 'existing footprint' or an additional definition for 'occupied footprint' be added to the GS9 policy to potential avoid confusion.

23.26 With reference to criteria c) and e) of the Flood Risk Principles, what is the justification for the approach to proposals for water compatible uses in the functional floodplain and areas of high probability of flooding? Is criterion e) consistent with national policy?

GS9 Wording has undergone significant change following EA consultation under an agreed Statement of Common Ground wording of GS9.

It is the EA's understanding that the original point c) is now the newer GS9 point e). This change has included mention of 'essential infrastructure'. It is the EA's understanding this policy point supports National Policy and PPG requirements with regards to why sort of development is suitable within Functional Floodplain and the expectations of such development with regards to Flood Risk.

The SoCG Point c) currently aims to ensure the appropriate use of 'existing buildings' within the functional floodplain extent by ensuring they remain dry and not result in the increase in vulnerability classification or intensification.

The original point e), which read as below, was removed by the LPA;

“e) only develop areas with high probability of flooding for water-compatible uses where the benefits of it to the community outweigh any flood risk, and adequate mitigation measures can be provided; and”

23.27 How has the land that is safeguarded for flood storage been identified? How would any impact of proposed development on the ability of this land to operate as flood storage be assessed?

It is the EA's understanding that Flood Storage Areas and waterbodies form part of the functional floodplain extent where they are present. This helps safeguard areas where water currently goes from inappropriate development but is not formally safeguarded land for Flood Storage under by bespoke policy.

23.28 What is the justification for the approach to culverting and building over open watercourses set out in Policy GS9 c) under Flood Risk Management for Development Sites? Does it reflect the advice of the Environment Agency?

GS9 Wording has undergone significant change following EA consultation under an agreed Statement of Common Ground wording of GS9.

It is the EA's understanding that the original point c) (under Flood Risk Management for Development Sites) is now the newer point j). This reads “**avoids** culverting and building over open watercourses; and”.

This is inline with EA advice.

We are opposed to the culverting of any watercourse because of the adverse ecological, flood risk, geomorphological, human safety and aesthetic impacts. Watercourses are important linear features of the landscape and should be maintained as continuous corridors to maximise their benefits to society.

We will normally object to proposals to build over existing culverts because of health and safety considerations, increased maintenance costs and complexities and because future options to restore the watercourse may be precluded.

We will actively pursue the restoration of culverted watercourses to open channels.

23.29 Policy GS9 g) - k) under Flood Risk Management for Development Sites sets out requirements when developing on a site in a zone with a high probability of flooding. Should this include sites with a medium probability of flooding?

GS9 Wording has undergone significant change following EA consultation under an agreed Statement of Common Ground wording of GS9.

It is the EA's understanding that the original points g) – k), under Flood Risk Management for Development Sites, are now the newer points n) – r).

There have been some alterations to the wording. It is the EA's understanding that the new wording is designed as extra specific considerations/expectations for development within the 'Design Flood' which the LPA would like to be met. This is to offset risk and the uncertainty due to limitations in the data and does not subtract or be viewed in place of general NPPF or PPG requirements.

This now reads "In addition, when developing a site in an **area at risk of a Design Flood**, development will be permitted where:

- n. emergency plans **and Flood Risk Assessments** are fully inclusive of flood risk and what to do in the event of a flood, **including places of safety and access and egress above Design Flood levels**; and
- o. more vulnerable uses, including housing, would be above ground floor level; and
- p. the lower floor levels of any other development with vulnerable equipment would remain dry in the event of flooding; and
- q. the **any** buildings would be resilient to flood damage; and
- r. adequate on and off-site flood protection measures would be provided."

The SoCG definitions make clear the area this policy point applies is the undefended (with climate change consideration) extent. Design Flood Levels are as per site specific assessment, the EA have made clear this wording is to create a capture area where n. – r. must be addressed and not to impede site specific assessment (flood risk mechanism and extent) at planning application stage, this is agreed by the LPA.

23.30 Does the Policy make clear the tests (sequential and exception) that would need to be satisfied for development to be considered acceptable before the measures in Policy GS9 g) - k) were applied?

Paragraph 8.33 of the supporting text as proposed in the SoCG ensures that the sequential and exception tests should be applied where necessary.

23.31 Policy GS9 has two sets of criteria a) - f). Is this clear and unambiguous?

GS9 Wording has undergone significant change following EA consultation under an agreed Statement of Common Ground wording of GS9.

It is the EA's understanding that the original points are no longer two sets of a)-f) and now one set of a)-r) irrespective of which section they fall under.

The EA take the view that the agreed, SoCG, policy wording structure to be clear and unambiguous in style.