

Managing flood risk

Sustainable Drainage Systems

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Background

Government resolved in late 2014 to deliver SuDS on new developments using the existing planning process.

Recent changes to Planning

- Planning policy has been strengthened to ensure that SuDS will be provided in new major developments where appropriate from the 15 April 2015.
- Lead Local Flood Authority made a statutory consultee to planning for "*major development with surface water drainage*"
- Flood Risk and Coastal Change Section of the [Planning Policy Guidance](#) was updated and [non-statutory technical standards for SuDS](#) were published

National Policy on Flood Risk and SuDS

- National Planning Policy Framework ("NPPF") published in March 2012.
- Written Ministerial Statement on SuDS issued on 18 Dec 2014 and should be viewed as forming part of national planning policy.

National Policy on Flood Risk and SuDS

Para 103, NPPF highlights that when determining planning applications, LPAs should for all types of development;

- Ensure flood risk is not increased elsewhere
- Only consider development appropriate in areas at risk of flooding where it can be demonstrated that within the site;
 - the most vulnerable development is located in areas of lowest flood risk
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required.
 - that any residual risk can be safely managed
 - that priority is given to the use of SuDS

Planning Practice Guidance

- Government updated its [Planning Practice Guidance](#) ("PPG") as part of its SuDS and LLFA planning changes. The PPG emphasises:
 - LPAs **assess** the flood risk posed to new development
 - LPAs **avoid** the flood risk posed to new development
 - LPAs and developers **manage and mitigate** the flood risk posed to new development

Determining SuDS on new Developments

LPA makes the final decision about the suitability of the SuDS provision and need to:

- consult the LLFA on the management of surface water, (where appropriate).
- satisfy themselves that the proposed minimum standards of operation are appropriate.
- ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for on-going maintenance (of SuDS) over the lifetime of the development.
- satisfy themselves that the SuDS are designed to ensure that the maintenance and operation requirements are economically proportionate.

LLFA Role as Statutory Consultee

- LLFA role as statutory consultee to planning is created by the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).
- LLFA should be consulted on "major development with surface water drainage"
- LLFA required to respond within 21 days

Involving the LLFA when Determining Applications

- Government sought to avoid unnecessary over-consultation of the LLFA and to focus their statutory consultation role on major development. In particular:
 - LPAs to agree with the LLFA the circumstances and locations where LLFA advice should be sought
 - Expectation that LLFA provide standing advice outside of major developments

NCC Interim Approach

- NCC's initial approach will be to provide standing advice to all developments up to 250 properties or 5 ha in size.
- **Bespoke advice above this threshold**
- Chargeable pre-application advice in the future

When should NCC be consulted

- Principle areas to consult the LLFA on are;
 - All developments with over 250 properties or more and/or 5 ha in size.
 - Major development sites that are in the floodplain of the Updated Flood Map for Surface Water (1 in 30 year return and 1 in 100 year return extent maps).
 - Sites adjacent to, or within, known flooding locations (as evidenced by LLFA or other representations).

How can LPAs screen the need for consultation

Data sets are available to the LPA and LLFA from the EA to assist in screening and these are;

- The EA's Updated Flood Map for Surface Water (uFMfSW)
- The EA's Detailed River Network

LLFA will make available to LPAs GIS layer of known flooding locations

Other sources of advice for LPAs

Government advises LPAs through its PPG to consult as appropriate;

- The relevant sewerage undertaker where a connection with a public sewer is proposed.
- The Environment Agency, if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- The relevant highway authority for an affected road.
- The Canal and River Trust, if the drainage system may directly or indirectly involve the discharge of water into or under a waterway managed by them
- An Internal Drainage Board ("IDB"), if the drainage system may directly or indirectly involve the discharge of water into an ordinary watercourse within the board's district.

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Any Questions?

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