

Report to the Cabinet

Report reference: C-018-2014/15
Date of meeting: 8 September 2014



Portfolio: Planning Policy
Subject: Strategic Flood Risk Assessment (Level 2)
Responsible Officer: Shanaz Zaman (01992 564732).
Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

(1) That the Strategic Flood Risk Assessment Level 2 (SFRA Level 2) and its findings be approved for inclusion in the Council's Local Plan Evidence Base.

Executive Summary:

The National Planning Policy Framework (NPPF), March 2012 emphasises the active role Local Planning Authorities should have in ensuring flood risk is managed effectively and sustainably as an integral part of the planning process. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

The NPPF revoked most of the previous Planning Policy Statements (PPS) and Planning Policy Guidance (PPG), including PPS25 Development and Flood Risk Practice Guide. However it did not revoke the PPS25 Technical Guidance. This was revoked on 6 March 2014, when it was replaced by the Planning Practice Guidance Flood Risk and Coastal Change.

In April 2011 Epping Forest District Council (EFDC) jointly with Harlow District Council, produced a Level 1 SFRA, in accordance with PPS25. The Level 2 SFRA increases the scope of the Level 1 SFRA to provide more detail on the nature of flood risk for potential development allocations located in Flood Zones 2 and 3. This additional information will enable EFDC to apply the Sequential Test (i.e., steer development towards areas of lowest risk of flooding) to facilitate the application of the Exception Test, where the Council's growth options cannot meet the sequential test.

Reasons for Proposed Decision:

To enable the results from the SFRA Level 2 to be used to update and build up on the Level 1 Assessment and be incorporated into the evidence base for the new Local Plan to inform discussions on growth options for development up to 2033.

Other Options for Action:

Not to approve the inclusion of the SFRA Level 2 into the Evidence Base. This would mean that the Local Plan would not benefit from the detailed work assessing a significant proportion of land in the District for flood risk. In addition, it will not be in accordance with Planning Policy Guidance on Flood Risk and Coastal Change, which came into effect on the 6th March 2014 and superseded PPS25 technical guidance. This would increase the risk of the Local Plan being found 'unsound' at the Examination in Public.

Report:

1. Paragraph 100 of the NPPF states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources*'. Generally SFRA's are undertaken in two stages. The SFRA Level 1 was prepared by the Planning Policy team in 2012. This document was a high level overview of flood risk across the entire District. It identified the broad areas at risk from fluvial (river), surface water, groundwater and sewer flooding.
2. The SFRA Level 2 builds on the findings of the SFRA Level 1 Report by using modelling to assess in more detail the risk of flooding within potential development sites that have been identified through the Strategic Land Availability Assessment (SLAA) and through the Issues and Options process. Given the complex nature of the SFRA Level 2 Assessment, the Council commissioned Consultancy firm URS to undertake the work on behalf of the Council.
3. As part of the brief for this study, the consultants were asked to review the content of the SFRA Level 1 and to recommend where any aspects of the document may need revising or updating. The Consultants have advised that while the recommendations within the study remain valid, the content of the SFRA Level 2 will supersede the original document. An up to date high level assessment of flood risk within the District has therefore been prepared.
4. Members should be aware that in addition to the findings of this report, there will be additional sites that have yet to be assessed as part of the SFRA Level 2. As part of the plan making process and moving towards the Preferred Options, additional sites have been identified and are being assessed. The findings will inform an updated evidence base report to Cabinet in the future.

Fluvial Flooding

5. The study identifies that the main source of flood risk within the District is from fluvial (river) flooding associated with the Rivers Roding and Lee along with their tributaries such as the Cripsey, Nazeing and Cobbins Brooks. The Rivers Stort and Ingrebourne also impact on the edges of the District. A number of historical major flood events have taken place within the last 100 years, mainly along sections of river which had no defences. During the preparation of the SFRA Level 2, the Environment Agency published revised Flood Zone information based on updated and improved modelling work. This updated information has been reflected in the study and the maps identifying the locations of different flood zones can be found within the appendices to the SFRA Level 2 document.

Surface Water Flooding

6. In addition to fluvial flooding data, the Environment Agency has also published much

improved information in relation to surface water flooding. This form of flooding occurs when water is unable to permeate the ground, typically in developed areas. Areas at risk from surface water flooding have been mapped and again can be found in the appendices of the SFRA Level 2 document. As well as updated modelling from the Environment Agency, the maps also reflect historic flooding events that have been reported.

Groundwater Flooding

7. Groundwater flooding usually occurs where water rises up to the surface through permeable rock. Again the Environment Agency produce data to indicate where there is potential for groundwater flooding to occur. In Epping Forest District, groundwater flood events have historically occurred around Nazeing due to the geology of the area and also within the urban areas of Chigwell, Loughton, Theydon Bois and Epping.

Sewer Flooding

8. This form of flooding occurs where rainfall exceeds the capacity of the sewer/drainage system or where the systems have become blocked. There have been instances of this form of flooding and these have been mapped at a post code level as part of the SFRA Level 2.

Site Assessment and the Sequential Test

9. Beyond reviewing and updating the content of the SFRA Level 1, a key element of the Stage 2 document is to assess flood risk of proposed development sites. A total of 97 potential development sites were sent to the Consultants for assessment. These comprised all the site options that were identified within the Issues and Options 'Community Choices' consultation document in 2012 plus sites in the rural area that were assessed through the Strategic Land Availability Assessment (SLAA) process.

10. The NPPF advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. In order to achieve this, the Sequential Test should be applied. Paragraph 101 of the NPPF states that *'the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*.

11. The recently published Planning Practice Guidance (PPG) outlines in detail how the Sequential Test should be undertaken. It indicates that fluvial flood zones should be used to identify areas at greatest risk from flooding. The majority of the 97 sites are located wholly within Flood Zone 1 and are considered to be at low risk from fluvial flooding. They are therefore considered to be 'sequentially appropriate'. A total of 24 sites fail the Sequential Test on the basis that at least part of the site is located within Flood Zones 3a or 3b. Development should be directed away from these 24 sites, or from the parts of the sites with Flood Zones 3a and 3b, where there are suitable alternatives for development within Flood Zone 1.

12. While the guidance on the Sequential Test contained within the PPG is primarily concerned with fluvial flooding, the consultants have also mapped the risk from other sources of flooding for each of the 97 sites. This will allow the Council to take into account all sources of flooding when deciding on which sites to allocate as part of the Local Plan process.

The Exception Test

13. Paragraph 102 of the NPPF states that *'If, following application of the Sequential Test,*

it is not possible.....for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. As part of the SFRA Level 2, the 24 sites that failed the Sequential Test were subjected to the Exception Test. In order to meet the requirements of the this test, it has to be demonstrated that development would provide wider sustainability benefits to the community that outweigh flood risk and that the development would be considered 'safe' through careful design and mitigation measures.

14. Through applying the Exception Test, the consultants have identified the areas within each of the 24 sites that are at lower risk of flooding. Three sites (WAL-E, WAL-2 and ADD-1), all in Waltham Abbey, are considered to be most challenging for future development due to the combination of flood risk and the proportion of the sites that are actually at risk from flooding. The majority of sites score positively when assessed against sustainability criteria.

15. The results of the Sequential and Exception Tests will be used to ensure that development proposed through the Local Plan is directed to areas that have a lower probability of flooding.

Policy Recommendations

16. As well as site assessments, the SFRA Level 2 provides policy guidance on a range of areas including the requirement for Flood Risk Assessments (FRA's) as part of planning applications as well as general design principles. The content of these recommendations will be considered as work on the Local Plan progresses and policies are formulated.

Resource Implications:

The cost of the study was £42,257.17 and has been paid for within existing budgets.

Legal and Governance Implications:

N/A

Safer, Cleaner and Greener Implications:

N/A

Consultation Undertaken:

N/A

Background Papers:

Strategic Flood Risk Assessment Level 2 Final Report and Appendices.

Risk Management:

The risks of developing within a flood plain are outlined within the report and the accompanying Appendix, published as a Supplementary Agenda.

WITHDRAWN

Due Regard Record

Name of policy or activity:

What this record is for: By law the Council must, in the course of its service delivery and decision making, think about and see if it can eliminate unlawful discrimination, advance equality of opportunity, and foster good relations. This active consideration is known as, 'paying due regard', and it must be recorded as evidence. We pay due regard by undertaking equality analysis and using what we learn through this analysis in our service delivery and decision making. The purpose of this form is as a log of evidence of due regard.

When do I use this record? Every time you complete equality analysis on a policy or activity this record must be updated. Due regard must be paid, and therefore equality analysis undertaken, at 'formative stages' of policies and activities including proposed changes to or withdrawal of services. This record must be included as an appendix to any report to decision making bodies. Agenda Planning Groups will not accept any report which does not include evidence of due regard being paid via completion of an Equality Analysis Report.

How do I use this record: When you next undertake equality analysis open a Due Regard Record. Use it to record a summary of your analysis, including the reason for the analysis, the evidence considered, what the evidence told you about the protected groups, and the key findings from the analysis. This will be key information from Steps 1-7 of the Equality Analysis process set out in the Toolkit, and your Equality Analysis Report. This Due Regard Record is Step 8 of that process.

Date / Name	Summary of equality analysis
Shanaz Zaman 11-Aug-14	<ul style="list-style-type: none"> • The Cabinet Report is seeking that the Strategic Flood Risk Assessment Level 2 (SFRA Level 2) and its findings be approved for inclusion in the Councils Local Plan Evidence Base. • This Report may have implications for all sections of the community in terms of the impact that any policies will have on areas proposed for development over the plan period. • The development Plan for Epping will be subject to an equalities Assessment and inclusive of all sections of the local community who maybe impacted by the policies and proposals promoted within it.