

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	31 January 2018
Subject:	Flood and Water Management Supplementary Planning Document
Report of:	Annette Roberts, Head of Development Services
Corporate Lead:	Rob Weaver, Deputy Chief Executive
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Two

Executive Summary:

In November 2014, Council approved the adoption of a Flood and Water Management Supplementary Planning Document (SPD). Since adoption, however, there have been significant updates to national guidance surrounding flood and water management and in particular to climate change projections. A review of the SPD has therefore been undertaken to take into account the latest guidance and an updated SPD has been prepared. Public consultation on a draft revised SPD was undertaken in September to November 2017 and a final version of the SPD has been completed. This is attached at Appendix 1 to this report. This report seeks the adoption of the SPD as a material consideration in the determination of planning applications.

Recommendation:

- 1. To RECOMMEND TO COUNCIL that the Flood and Water Management Supplementary Planning Document be ADOPTED as set out in Appendix 1.**
- 2. To delegate authority to the Head of Development Services to make any necessary minor amendments to the Supplementary Planning Document as considered appropriate prior to it being published.**

Reasons for Recommendation:

To approve for adoption the Flood and Water Management Supplementary Planning Document.

Resource Implications:

Resource implication on Officer time to make any minor amendments as appropriate and attending to post adoption requirements.

Legal Implications:

The preparation of an SPD is not a statutory requirement, but a decision for each local planning authority based upon demands for further information to assist in the delivery of sustainable development. Paragraph 153 of the National Planning Policy Framework provides that supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.

An SPD must contain a reasoned justification of the policies contained within it, must not conflict with the adopted development plan and have regard to national policies and advice contained in guidance issued by the Secretary of State.

Once adopted, the SPD would be a material consideration in the determination of planning applications. A Planning Authority can adopt an SPD either as originally prepared or as modified to take account of any representations made in relation to the SPD or any other matter they think is relevant.

As soon as reasonably practicable after the adoption of a SPD the local planning authority must publish an adoption statement, which, amongst other things, must specify the date of adoption and any modifications made.

Risk Management Implications:

There is no statutory requirement to prepare SPDs. However, it is considered to be important that Tewkesbury Borough has appropriate planning policies for flood and water management to ensure that development does not exacerbate flood risk and opportunities for betterment are sought.

Performance Management Follow-up:

Subject to the adoption of the SPD, the effectiveness of the SPD and the policies and guidance contained within will be monitored by the Flood Risk Management Group.

Environmental Implications:

The SPD contains further detail and advice in relation to the JCS and emerging Tewkesbury Borough Plan policies on environmental issues such as flood risk, water management, pollution and biodiversity.

1.0 INTRODUCTION/BACKGROUND

- 1.1** In November 2014, Council approved the adoption of a Flood and Water Management Supplementary Planning Document (SPD). The final version of the SPD, published in December 2014, has since been used as a material consideration in determining planning applications.
- 1.2** This SPD was established to provide a guide to assist applicants in making better planning applications; to aid infrastructure delivery; and to help the general public and other stakeholders to gain a better understanding of the Council's commitment to minimising flood risk. It is to be read in conjunction with other national and local planning policies and guidance, such as the National Planning Policy Framework and the Joint Core Strategy.

- 1.3** Since adoption, however, there have been significant updates to national guidance surrounding flood and water management. This includes revisions to policy and guidance provided in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), changes to recommendations by the Environment Agency, and updated guidance on best practice. Key changes have included the Environment Agency requirements for taking into account of climate change and updated Construction Industry Research and Information Association (CIRIA) guidance on Sustainable Drainage Systems (SuDS). These changes have meant it is necessary to update the SPD to reflect the most recent practice to ensure it remains relevant and effective.
- 1.4** A review of the SPD has been undertaken to take into account the latest guidance and an updated SPD has been prepared and was consulted on in September 2017 for six weeks. The format of the SPD itself has largely stayed the same and the document contains the following sections:
1. Introduction and Objectives.
 2. Setting the Local Context.
 3. Legislative and Policy Background.
 4. The Importance of Pre-Application Advice.
 5. Flood Risk and Site Selection.
 6. Managing and Mitigating Flood Risk.
 7. Sustainable Drainage Systems.
 8. Water Management, Recycling, Supply and Pollution Control.
 9. Water Management Statements.
 10. Biodiversity.
- 1.5** The purpose of the updated SPD is to drive forward development that will help deliver innovative, adaptive and integrated flood risk management solutions that can also maximise social, environmental and economic objectives. It is focused on the very best of practices as such a location deserves; to deliver effective and more sustainable solutions that can meet the challenges presented by our changing environment. The updated SPD is more detailed document that aims to provide more in-depth guidance and achieve a higher standard of water and flood risk management. It provides an update on the legislative and policy background, primarily around the NPPF and NPPG which most notably includes changing guidance around the approach to climate change. As such, a key change included in the SPD is a requirement for all major development to provide a detailed flood risk assessment which includes a 70% allowance added to peak river flows, to account for climate change. The SPD provides a precautionary approach to assessing flood risk on potential development sites as is fitting for a place such as the Borough of Tewkesbury, given the substantial risk of flooding it suffers.
- 1.6** The SPD also now encompasses a comprehensive guidance on the application of SuDS, referring the best practice guidance from the CIRIA SuDS Manual. It provides guidelines on topics such as SuDS design principles, place-making, surface water management, water reuse and maintenance.

2.0 CONSULTATION RESPONSES RECEIVED

- 2.1** The draft SPD was published for a 6 week consultation in September to November 2017. Following the consultation period, a response report (Appendix 2) has been produced and any appropriate amendments made to the SPD.
- 2.2** A total of 17 responses were received, and the main issues raised were that the technical requirements were more onerous than national guidance; that it was felt it could bring a financial burden to development, contrary to what the NPPF states regarding a SPD; and the length and complexity of the document. However the majority of responses were positive and welcomed the purpose of the document. These issues have been considered and appropriate amendments have been made to the SPD.

3.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 3.1** Tewkesbury Borough Local Plan to 2011.
Joint Core Strategy.
Emerging Tewkesbury Borough Plan (2011-2031).

4.0 RELEVANT GOVERNMENT POLICIES

- 4.1** National Planning Policy Framework.
National Planning Practice Guidance.

5.0 RESOURCE IMPLICATIONS (Human/Property)

- 5.1** Resource implication on Officer time to make any minor amendments as appropriate and attending to post adoption requirements.

6.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

- 6.1** The preparation of the Flood and Water Management SPD provides an opportunity for greater flood risk management that could have a positive impact in terms of helping to bring forward more sustainable forms of development.

7.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

- 7.1** None.

8.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

- 8.1** None.

Background Papers: None.

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Appendices: 1 – Flood and Water Management Supplementary Planning Document.
2 – Response Report.