

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 5
8 NOVEMBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
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DRAFT FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT

R E C O M M E N D A T I O N S	
FROM: Head of Planning, Transport and Engineering Services.	Deadline date: Cabinet 12 December 2011
<p>The Committee is requested to offer any comments on the draft Flood and Water Management Supplementary Planning Document (attached at Appendix 1), in accordance with the committee's delegations under paragraph 2.5.1.5 of the Council's Constitution, before it is presented to Cabinet for approval for the purposes of public consultation.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Planning and Environmental Protection Committee following recent and forthcoming changes in legislation around flood and water management, the adoption of the Core Strategy and the preparation of the proposed submission version of the Planning Policies Development Plan Document.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to obtain the Committee's views and comments on the attached report which is being presented to Cabinet on 12th December 2011 for approval for the purposes of public consultation. The Committee's views and comments will be taken into account and reported to Cabinet at the meeting on the 12th December 2011.
- 2.2 Officers are preparing a Supplementary Planning Document (SPD) that will provide guidance to developers on flood and water management in Peterborough. It will expand on overarching headline policy contained in the Council's adopted Core Strategy. Officers propose to consult with the public and stakeholders on a draft of the SPD in January/February 2012.
- 2.3 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 "To be consulted by, and comment on, the Executive's draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation".

3. TIMESCALE (If this is not a Major Policy item, answer **NO** and delete second line of boxes).

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. BACKGROUND

4.1 The SPD forms part of a package of work arising following the Flood and Water Management Act (FWMA) 2010, which made Peterborough City Council a 'Lead Local Flood Authority'. The Council is responsible for co-ordinating surface water management.

4.2 Flood risk management is high on the agenda in Peterborough. Ensuring that the drainage network and watercourses are managed well, that sites are designed and constructed to drain well and that development is located in a safe environment are all key to reducing the likelihood and consequences of flooding in Peterborough.

4.3 It is predicted that climate change will bring more frequent short duration, high intensity rainfall and more frequent periods of long-duration rainfall, meaning both river and surface water flooding are likely to be an increasing problem. Around two-thirds of the flooding across the country in summer 2007 was due to surface water (Environment Agency, 2007).

4.4 The Council's adopted Core Strategy proposes a high level of growth in Peterborough up to 2026. The aims of the Flood and Water Management SPD are: to make sure that new development does not increase the risk of flooding from main rivers and surface water but also actively reduces it; and to expand on adopted policy in the Core Strategy relating to flood risk management and water quality.

- 4.5 The objective of the SPD is to provide guidance to applicants and decision makers on:
- a. How to assess whether or not a site is suitable for development based on flood risk grounds. This element supports the main river flood risk requirements of policy CS22 in the Core Strategy Development Plan Document (DPD).
 - b. The use of different sustainable drainage measures within Peterborough. This element supports the surface water requirements of policy CS22 in the Core Strategy DPD.
 - c. How development can ensure it protects aquatic environments. This element supports policy PP14 of the Planning Policies DPD.

4.6 Once adopted, this SPD will form part of Peterborough City Council's Local Development Framework (LDF).

5. CONSULTATION

5.1 The draft SPD has been written in consultation with the Environment Agency, Anglian Water and Council officers. The Peterborough Flood Risk Partnership is being consulted on the draft.

5.2 Comments received to the Planning Policies Development Plan Document Consultation Draft have informed the draft SPD.

6. ANTICIPATED OUTCOMES

6.1 It is anticipated that the Committee will comment on the SPD before it goes to Cabinet to be approved for public consultation.

7. REASONS FOR RECOMMENDATIONS

- 7.1 There is no statutory duty to prepare this SPD. However, without it, developers could be confused or misinformed as to how they can deliver fit-for-purpose development schemes in Peterborough that meet flood and water management requirements. This could have an impact on development coming forward as additional time would need to be spent on applications where flood or water management issues occur.
- 7.2 The existence of policy and guidance that all of Peterborough's water management partners support will improve current and future service delivery through the more efficient processing of planning applications and future drainage approval applications.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Option 1 (Recommended) – Proceed to consultation on this draft SPD so that developers and water management partners can see the intended direction of the Council in producing guidance to assist development with national and European flood and water management requirements. This is the recommended option.
- 8.2 Option 2 – The Council could decide not to produce an SPD on this topic even after Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act is enacted. Forthcoming national guidance on drainage is expected to leave some elements to local consideration. Therefore, without this SPD, it is likely to be difficult for officers and developers to know what is acceptable in Peterborough and how local considerations (e.g. soil type, watercourse capacity) can be taken into account in meeting national flood and drainage legislation.
- 8.2 Option 3 - The Council could decide to delay consultation on this draft until Defra enacts Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act 2010. This would mean that development in this interim period will continue to struggle to understand what is expected of it by Peterborough City Council. Once Schedule 3 is enacted there would also be a longer delay than necessary before local guidance is available for developers.

9. IMPLICATIONS

- 9.1 The Flood and Water Management SPD is relevant to the whole unitary authority area and is aimed predominantly at developers and their agents.
- 9.2 This matter is directly linked to the Priorities of the Sustainable Community Strategy (SCS), especially Growth and Environment Capital.
- 9.3 The Council must follow statutory regulations in preparing and consulting on the Flood and Water Management SPD. After the statutory process concludes the final document will be adopted, as such the document will be used as a material planning consideration in the determination of planning applications.
- 9.4 The SPD is not intended to introduce financial or legal implications for the Council or developers, but instead to provide guidance to assist with the new obligations both parties have under national and European legislation such as the Flood and Water and Management Act 2010 and the Water Framework Directive.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- Peterborough City Council, The Peterborough Core Strategy Development Plan Document, adopted 23 February 2011.
- Peterborough City Council, The Peterborough Planning Policies Development Plan Document Proposed Submission Version (Draft -October 2011)
- Legislation.gov.uk, Flood and Water Management Act 2010

- Department of Communities and Local Government, Draft National Planning Policy Framework (October 2011)
- Environment Agency, River Basin Management Guide to Hydromorphology no.6,