

<b>GROWTH, ENVIRONMENT AND RESOURCES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 8
<b>10 JANUARY 2018</b>	<b>PUBLIC REPORT</b>

Report of:	Simon Machen - Corporate Director Growth and Regeneration	
Cabinet Member(s) responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
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**PETERBOROUGH FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Corporate Director Growth and Regeneration	<b>Deadline date:</b> <i>Cabinet 15 January 2018</i>
<p>It is recommended that the Growth, Environment and Resources Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>1. Provide comments on the draft Flood and Water Management Supplementary Planning Document, before it is presented to Cabinet for approval for the purposes of public consultation.</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 The Peterborough Flood and Water Management Supplementary Planning Document (SPD) was adopted by the Council as part of the Peterborough Planning Policy Framework on 10 December 2012.
- 1.2 As part of the review of the Peterborough Local Plan an updated Flood and Water SPD is being prepared to support the emerging Local Plan, and to take into account changes to the Flood and Water Act and National Planning Practice Guidance.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to obtain the Committee's views and comments on the draft Flood and Water SPD (See Appendix 1) which is being presented to Cabinet on 15 January 2018. Cabinet will be asked to approve the draft SPD for the purpose of public consultation 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 emerging Local Plan (Proposed Submission version January 2018). Officers propose to consult with the public and stakeholders on the draft SPD in Spring 2018.
- 2.2 This report is for the Growth, Environment and Resources Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph No. 2.1 Functions determined by Council : Flood Risk Management.

**Functions determined by Statute**

To review and scrutinise flood risk management in accordance with Section 21F of the Local

Government Act 2000 (as amended by the Flood and Water Management Act 2010 and under the Flood Management Overview & Scrutiny (England) Regulations 2011 No. 697).

2.3 This SPD directly supports the following Corporate Priority: Drive growth, regeneration and economic development.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	15/12/17
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### 4. **BACKGROUND AND KEY ISSUES**

4.1 The Flood and Water Management SPD was previously adopted by Peterborough City Council in 2012 to support existing policy and provide guidance to developers and decision makers on how to manage surface water and main river flood risk. Rather than providing any additional burdens, the aim was to assist developers in meeting the requirements arising from the Flood and Water Management Act 2010 and the Water Framework Directive.

4.2 The Flood and Water Management SPD is being updated to support the emerging Peterborough Local Plan. The current SPD links to a number of policies in the adopted Local Plan which will soon become out of date

4.3 The aims of the updated Flood and Water Management SPD remain the same:

- a) to make sure that new development does not increase the risk of flooding from main rivers and surface water and also, where possible, actively reduces it; and
- b) to expand on emerging policy in the Peterborough Local Plan relating to flood risk management and water quality.

4.4 There have been a number of developments in the industry since the adoption of the original document that lead us towards the need to update our existing SPD, these include;

- Schedule 3 of the Flood and Water Management Act 2010 is, as yet, not enacted and indications are that this is not likely to happen in the foreseeable future
- National Planning Practice Guidance has been updated for Flood Risk, this includes changes to the requirements for assessing the impact of climate change on the drainage system in a new development
- The Department for Communities and Local Government released a ministerial statement relating to the application of Sustainable Drainage in new developments
- National Non-Statutory Technical Standards for Sustainable Drainage have been released following a working group which included the Department for Environment, Food and Rural Affairs, Home Builders Federation and Local Government representatives
- Peterborough Local Flood Risk Management Strategy was adopted in 2015 by the council and its partners to set out our approach to managing flood risk locally
- The Environment Agency website has now been amalgamated into Gov.uk
- National Pollution Prevention Guidance has been archived

4.5 In addition to incorporating the changes listed above we have also taken this opportunity to use feedback from developers and planners to improve our guidance including;

- Updating the 'how to use the document' section to be more user friendly
- Identifying sources of relevant information for developers and providing links
- Highlight organisations that can potentially adopt new assets
- Clarify some of the terminology and recently outdated tables

- Detailing all permit requirements that currently exist

4.6 These matters are all important in reducing the likelihood and consequences of flooding in Peterborough.

4.7 This update looks to make the document more succinct and accessible, with many changes based on feedback from planning officers and developers who regularly use the adopted SPD. It does not create fundamentally new policy.

## **5. CONSULTATION**

5.1 As part of the development of this draft SPD views have been sought from planning officers and the development industry as to how best to update and improve the adopted SPD.

5.2 Subject to Cabinet approval on 15 January 2018, a four week public consultation on the draft SPD will take place in Spring 2018.

5.3 The public consultation will allow officers to collect views from developers and other interested parties. The public will be invited to comment, though due to the technical nature of the document, it is more likely that comments will be received from those involved in development and water-related industries.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that Cabinet will approve the consultation draft version of the Flood and Water Management SPD for public consultation in Spring 2018. Following public consultation, the SPD will be amended accordingly and then will be recommended to Cabinet for adoption later in 2018 (alongside, or shortly after, the adoption of the new Peterborough Local Plan).

## **7. REASON FOR THE RECOMMENDATION**

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 application approvals

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 Alternative options considered were:

Option 1 - do not update the document, policies remain outdated, links broken and missed opportunity to simplify the process for those involved in managing flood risk through development, as such this is not the preferred option.

Option 2 - Remove the SPD from circulation - this would result in a loss of a valuable resource for both planners and developers and carries the risk of flood risk not being consistently managed, as such this is not the preferred option.

Option 3 (Recommended) - update the document with the appropriate changes in policy, legislation and best practice. The document is held in regard across the industry but has become a little outdated. There are also steps that can be taken to simplify the document for the end user and this seems the most appropriate option.

Option 4 - full rewrite, there is little likelihood of a significantly changed document being produced and the associated demand on resources make this an ineffective option.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 The SPD is not intended to introduce financial 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.

### **Legal Implications**

- 9.2 The council must follow statutory regulations in preparing and consulting on the SPD. After the statutory process concludes, the final SPD document will be recommended to Cabinet for adoption. Once adopted, the document will be used as a material planning consideration in the determination of planning applications.
- 9.3 The SPD is not intended to introduce 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.

### **Equalities Implications**

- 9.4 This SPD does not introduce new policy and is in support of policies in the Local Plan which have been subject to an Equalities Impact Assessment

## **10. BACKGROUND DOCUMENTS**

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

- 10.1 The new Local Plan which was considered by this Scrutiny Committee at its meeting on 1 November 2017.

## **11. APPENDICES**

- 11.1 Appendix 1 - Draft Peterborough Flood and water Management Supplementary Planning Document