

<b>CABINET</b>	<b>AGENDA ITEM No. 8</b>
<b>17 June 2019</b>	<b>PUBLIC REPORT</b>

Report of	<b>Dave Anderson - Interim Development Director</b>	
Cabinet Member responsible:	Cllr Peter Hiller Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer(s):	Gemma Wildman - Principal Planning Officer Richard Whelan - Water Management Engineer	Tel. 01733 863824 453454

## **PETERBOROUGH FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM: Dave Anderson - Interim Development Director</b>	<b>Deadline date: 10 June 2019</b>
<p>That Cabinet:</p> <ol style="list-style-type: none"> <li>1. Agrees that the Flood and Water Management SPD be adopted as part of the council's policy framework, subject to Full Council adopting a new Peterborough Local Plan at its meeting of 24 July 2019. If Full Council does resolve to adopt a new Peterborough Local Plan, then this SPD will come into effect at the same time as that resolution.</li> <li>2. Delegates to officers the ability to make any minor presentational or typographical changes to the SPD, prior to its publication post 24 July 2019, provided any such changes do not materially affect the content of the SPD.</li> </ol>	

### **1. ORIGIN OF REPORT**

- 1.1 This report is submitted to Cabinet following consideration by the Growth, Environment and Resources Scrutiny Committee on 10 January 2018 and Cabinet 15 January 2018, prior to four weeks public consultation from 2 March to 29 March 2018.

### **2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to seek cabinet approval for the Flood and Water Management SPD (See Appendix 1). The SPD 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 (which is scheduled to be adopted by Full Council on 24 July 2019).
- 2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.9, 'To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.'

### **3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
---	-----------	----------------------------------	------------

#### 4. BACKGROUND AND KEY ISSUES

- 4.1 The first Peterborough Flood and Water Management Supplementary Planning Document (SPD) was adopted by Cabinet as part of the Peterborough planning policy framework on 10 December 2012. At that time, the Peterborough Core Strategy and other linked documents had just been adopted, and the SPD provided additional guidance in support of them, in order to help developers and decision makers in respect of how to manage surface water and main river flood risk. Importantly, rather than providing any additional ‘burdens’ to developers, the aim was to assist developers in meeting the requirements arising from, for example, the Core Strategy, the Flood and Water Management Act 2010 and the Water Framework Directive.
- 4.2 With the Core Strategy and other planning policy documents shortly, it is anticipated, to be replaced by a new Peterborough Local Plan, the Flood and Water Management SPD was identified in 2018 to be in need of an update, to align with the emerging new Peterborough Local Plan and to make sure it was in conformity with the latest national policy and legislative framework. In short, therefore, the SPD presented in this report is more of an update of existing 2012 policy, rather than any fundamental new (or shift in) policy approach.
- 4.3 The aims of the updated Flood and Water Management SPD remain the same as the 2012 adopted version, namely:
- (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 flood and water related sector since the 2012 SPD was adopted, including;
- National Planning Practice Guidance has been updated for Flood Risk, including changes to the requirements for assessing the impact of climate change on the drainage system in a new development;
  - The Ministry for Housing, 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 been updated and amalgamated into Gov.uk; and
  - National Pollution Prevention Guidance has been archived.
- 4.5 In the opposite direction, matters which were expected to occur have not. For example, elements of Schedule 3 of the Flood and Water Management Act 2010 (which contains several provisions relating to sustainable drainage) is not, as yet, enacted and indications are that this is not likely to happen in the foreseeable future. Incidentally, it is worth noting that there appears to be a growing trend of Acts of Parliament being granted, but large sections of them not being *enacted* for several years, or even not at all. This does bring challenges to those expected to implement the applicable Act, as there is an expectation that once an Act of Parliament is agreed and with Royal Assent, that it will come into force either immediately or shortly thereafter. However, often for significant elements of Acts, this is not the case, leaving officers to repeatedly check whether something is, or is not, yet in place. For example, the Housing and Planning Act 2016, which is of considerable relevance to several departments of the

council, has recently had its tenth separate 'commencement' regulation issued, each one (which are often unannounced in advance) 'enacting' a small element of the Act. This trend towards 'commencement' regulations to bring Acts into force is leaving a patchwork of dates from which Acts apply, and with several elements often still to be enacted (and some never enacted at all).

4.6 In addition to incorporating changes to the SPD to reflect all the above, officers have also taken this opportunity to use the feedback that we received both prior to and during the consultation on a draft of this SPD, including;

- Updating the 'how to use the document' section to be more user friendly and to be able to be understood by a wider readership, whilst keeping in mind the document is targeted at a technical audience of developers and their agents;
- 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;
- Review of the use of acronyms to avoid their use where possible but keeping them in place where items are mentioned several times;
- Detailing all permit requirements that currently exist; and
- Include greater references to the importance of The Peterborough Trees and Woodlands Strategy, Green Infrastructure and Biodiversity SPD, the Local Biodiversity Action Plan and the local biodiversity and development guidance.

4.7 Making sure the SPD is brought up to date, and presented in the most usable format possible, will not only make the process of dealing with flood and water matters in development proposals more transparent, consistent and quicker, but, ultimately, will assist in meeting the ultimate aim of reducing the likelihood and consequences of flooding in Peterborough.

## **5. CONSULTATION**

5.1 As part of the development of this 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 Following consideration by both Growth, Environment and Resources Scrutiny Committee on 10 January 2018 and Cabinet on 15 January 2018, formal public consultation took place during March 2018.

5.3 Just one formal consultation response was received, by the Middle Level Commissioners. A full report on the consultation process is available on our website (see <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/supplementary-planning-documents/>), but in summary the representations from Middle Level Commissioners were predominantly supportive, as well as raising a few suggestions or offering advice. A number of changes have been incorporated into the text as a result. For example, the inclusion of both upstream and downstream when considering changes to flows caused by development, reflected in 6.4.1, and also greater consideration of changes to land levels caused by development and the effect that has on flow routes, reflected in 5.1.14.

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

6.1 The SPD, which is a material planning consideration, will be updated to better reflect the current requirements on developments, providing guidance to the relevant audience on those changes. Improvements to the communication and presentation have been made where possible without devaluing the information contained therein. This will aid the council in continuing to achieve the aims set out in 4.3 above.

## **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. For this option, policies remain outdated, weblinks broken and missed opportunity to simplify the process for those involved in managing flood risk through development. As such this is not the recommended 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 recommended option.

Option 3 - full SPD rewrite - this option is more resource intensive with little, if any, additional benefit. The demand on resources make this not a recommended option.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There are no direct financial implications arising. 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 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. Once adopted, the document will be used as a material planning consideration in the determination of planning applications.
- 9.3 The SPD is intended to provide guidance to assist with the new obligations 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 None, other than those already mentioned in this report.

## **11. APPENDICES**

- 11.1 Appendix 1 - Peterborough Flood and Water Management Supplementary Planning Document