

CABINET	AGENDA ITEM No. 4
12 DECEMBER 2011	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen - Head of Planning, Transport and Engineering Services Emma Latimer – Strategic Planning Officer Julia Chatterton – Flood and Water Management Officer	Tel. 453475 Tel. 863801 Tel. 452620

FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT DRAFT FOR PUBLIC CONSULTATION

R E C O M M E N D A T I O N S	
FROM : Executive Director Operations	Deadline date : N/A
1. That Cabinet approves the Draft Flood and Water Management Supplementary Planning Document for public consultation.	

1. ORIGIN OF REPORT

1.1 The Flood and Water Management Supplementary Planning Document is being prepared 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 seek approval, for the purpose of public consultation, of a draft 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 the draft SPD in early 2012. The draft SPD is attached at Appendix 1.

2.2 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, to take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. DRAFT FLOOD AND WATER MANAGEMENT SPD - BACKGROUND AND KEY ISSUES

4.1 Officers are preparing a Flood and Water Management SPD to give guidance to developers and decision makers on how to manage flood risk from main rivers and surface water; and

how to maintain or improve water quality. It does not set new headline policy, but expands on policy that has either already been set in the council's adopted Core Strategy or is being set in the council's emerging Planning Policies Development Plan Document (DPD) (the latter having been endorsed by Cabinet on 7 November 2011 before submission to full Council for approval on 7 December 2011).

- 4.2 The broad thrust of the SPD is not to place additional burdens on developers, but rather to assist them in meeting existing planning policy and wider statutory flood and water matters, such as those arising from the Flood and Water Management Act 2010 (which makes the city council a 'Lead Local Flood Authority') and Water Framework Directive.
- 4.3 The aims of the Flood and Water Management SPD are: (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 adopted policy in the Core Strategy relating to flood risk management and water quality.
- 4.4 The SPD will:
- give guidance on how to assess, based on flood risk grounds, whether or not a site is suitable for development;
 - help ensure that drainage network and watercourses are managed well;
 - help ensure that sites are designed and constructed to drain well and in a sustainable manner;
 - help ensure that development on a site is located in a safe environment; and
 - provide technical guidance on the types of flood risk management techniques that will need to be implemented with new developments, with the SPD setting different guidance depending on the catchment area that a development site falls within.
- 4.5 These matters are all important in reducing the likelihood and consequences of flooding in Peterborough.
- 4.6 Guidance is also provided in the SPD on how to manage the water quality of Peterborough's rivers, in order to ensure the council and developers meet the requirements of the Water Framework Directive.

5. CONSULTATION

- 5.1 The draft Flood and Water Management SPD has been written in consultation with the Environment Agency, Anglian Water and officers in the council. Comments received in respect of an early version of the Planning Policies DPD have informed this draft SPD.
- 5.2 The draft SPD was considered by Planning and Environment Protection Committee on 8 November 2011 and was well received. No amendments were requested.
- 5.3 It has also been considered by Sustainable Growth Scrutiny Committee (8 November 2011), when again it was well received. However, the Committee asked for additional wording in the SPD to cover green infrastructure issues. Officers welcomed this suggestion and have incorporated appropriate wording within the SPD as presented to Cabinet today.
- 5.4 Subject to Cabinet approval today, officers propose to consult on the draft SPD early in 2012, alongside (and complementing) the proposed submission version of the Planning Policies DPD.
- 5.5 The subsequent 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

- 6.1 It is anticipated that Cabinet will approve the consultation draft version of the Flood and Water Management SPD so that it can go on public consultation in early 2012 at the same time as the proposed submission version of the Planning Policies DPD. Following public consultation, the SPD will be amended accordingly and then will be recommended to Cabinet for adoption later in 2012.

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 negotiating 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 – 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. However, forthcoming national guidance on drainage is expected to leave large elements (such as local policy and guidance) to local consideration. Therefore, without this SPD, it is likely to be difficult for officers and developers to know what flood and water related measures are 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 2 - The council could decide to delay consultation on this draft until the Department for Environment, Food and Rural Affairs enacts Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act 2010. However, this would mean that developers in this interim period could continue to struggle to understand what is expected of them by the council. Officers hope that Schedule 3 will be enacted at a similar time to the consultation period on this SPD, which will mean the final version of the SPD can be amended, prior to adoption, to ensure its compatibility with Schedule 3.

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 Communities Strategy, especially priorities relating to Growth and Environment Capital.
- 9.3 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.
- 9.4 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); and
- Flood and Water Management Act 2010