

**REPORT TO: PLANNING AND TRANSPORTATION COMMITTEE
30 JUNE 2003**

**REPORT ON: SCOTTISH PLANNING POLICY (SPP)7 – PLANNING AND FLOODING
CONSULTATION DRAFT**

REPORT BY: DIRECTOR OF PLANNING AND TRANSPORTATION

REPORT NO: 413-2003

1 PURPOSE OF REPORT

- 1.1 To briefly outline the provisions of the consultation draft of Scottish Planning Policy (SPP)7 – Planning and Flooding and to seek the Committee's approval for the submission of comments on behalf of the City Council to the Scottish Executive.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- a Notes the contents of this Report;
 - b Remits the Director of Planning and Transportation to submit comments on the draft SPP set out in Appendix 1 to this report to the Scottish Executive; and
 - c Notes that the approach to flooding in the Finalised Dundee Local Plan Review may require modification to reflect the content of the finalised SPP7.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications for the City Council as a direct result of this report.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The central purpose of the consultation draft of SPP7 is to prevent future development that would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere. This complements many of the key themes in Dundee 21, including: access and facilities, services, goods, and people is not achieved at the expense of the environment and are accessible to all; places, spaces and objects combine meaning and beauty with utility; and diversity and local distinctiveness are valued and protected.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 There are no equal opportunities arising from this report.

6 BACKGROUND

- 6.1 The Scottish Executive has published a consultation draft of Scottish Planning Policy (SPP)7 – Planning and Flooding. When finalised, it will replace National Planning Policy Guideline (NPPG) 7 – Planning and Flooding, which was issued in 1995.
- 6.2 The draft SPP deals with the role of the planning system in addressing flooding from all sources in relation to new development. The draft SPP notes that climate change is presenting new challenges and that flood risks due to river and coastal flooding, and to intense rainfall overloading drainage systems, are predicted to increase during the 21st Century.
- 6.3 The primary responsibility for safeguarding and insuring land or property against natural hazards such as flooding lies with the owner. Councils have a range of responsibilities alongside land use planning including emergency planning, building standards and roads, as

well as a duty to maintain watercourses and powers to promote flood prevention schemes. Scottish Water has responsibility for the public drainage system, including rain or storm water drains, though road drainage for adopted roads is the responsibility of the Roads Authority. The Scottish Environment Protection Agency operates flood warning schemes and the Floodline advice service provides general flood alerts, and gives advice to planning authorities on the probability of flooding and flood risk based on the information it holds.

- 6.4 NPPG7, published in 1995, encourages Councils to establish Flood Appraisal Groups to enable the wide range of Council departments and external agencies to share concerns and knowledge with regard to flooding in their area and to consider suitable responses. The Dundee Flood Appraisal Group meets regularly and includes representatives from appropriate Council Departments, Scottish Water, the Scottish Environment Protection Agency, the Association of British Insurers and neighbouring Councils.
- 6.5 Insurers have, for some time, been concerned about the potential frequency and cost of environmental risks, including flooding. Recent floods have caused insurers to review the provision of flood cover to UK property owners. Insurers have stated that new development in areas at risk of flooding which lack adequate protection are likely to face difficulties with the cost and/or availability of insurance.
- 6.6 The draft SPP requires that the possibility of flooding from all causes must be given serious consideration by developers and planning authorities. New development should not take place if it would be at significant risk of flooding or increase the probability of flooding elsewhere.
- 6.7 The draft SPP recognises that intense rainfall can overload drainage systems, including sewers, and lead to local flooding. In Dundee City Centre previous flooding events have been caused by severe rainfall coinciding with a high tide resulting in surface water backing up within the drainage system. In response to such events, work has been undertaken recently by Scottish Water to provide extra capacity within the drainage system.
- 6.8 Sustainable drainage systems (SUDS) are a means of managing the flow of rain water run-off from a site by treating it on site and so reducing the loading on conventional piped drainage systems. Some SUDS such as retention ponds slow the rate of run-off by temporarily storing the water and this can help to mitigate peak flows to watercourses. SUDS can therefore make an important contribution to limiting the site flood risk and managing the water environment generally.
- 6.9 Perhaps the most significant difference between NPPG7 and draft SPP7 is in respect of the planning approach to assessing risk. The probability of any site being flooded lies between virtually zero (0.0%) and near certainty (100%). The draft SPP proposes the characterisation of flood risk into high, low to medium and little or none. A Risk Framework, reproduced as Appendix 2 to this report, is proposed as a means of identifying the areas of risk and the appropriate planning response.
- 6.10 In terms of implementation of the draft SPP the important role of structure and local plans is highlighted. Amongst other points, the draft SPP indicates that local plans should:
- Set out general policy and identify sites on the basis of the Risk Framework, providing full justification if alternatives are chosen;
 - Safeguard the flood storage capability of functional flood plains; and
 - Set out policy for SUDS.
- 6.11 The Finalised Dundee Local Plan Review, approved by the Planning and Transportation Committee at its meeting in January 2003 contains Policy 75 - Sustainable Drainage Systems and Policy 76 - Flood Risk. Depending on the form of the finalised SPP these policies may require modification. In particular, the Risk Framework will be helpful in establishing the appropriate planning response to flood risk and should be reflected in Policy 75.

- 6.12 Whilst it is preferable that flooding issues are led through the development plan process, the quality of flood mapping information currently available is a constraint to this. Until this information is available in sufficient detail, Local Plans should be required to set an appropriate policy context based on the flood risk framework. The aims should be placed on developers to submit drainage assessments and flood risk assessments as appropriate to demonstrate compliance with this policy context.
- 6.13 In terms of development control, the draft SPP reaffirms that flood risk is a material planning consideration. In order to inform decision making where flooding is an issue, developers are encouraged to undertake a flood risk assessment and/or drainage assessment.

7 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services and Director of Corporate Planning have been consulted and are in agreement with the contents of this report.

8 BACKGROUND PAPERS

- 8.1 Scottish Planning Policy (SPP) 7 – Planning and Flooding Consultation Draft.

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APPENDIX 1

Proposed Comments of Dundee City Council to the Scottish Executive in response to Scottish Planning Policy (SPP)7 – Planning and Flooding Consultation Draft

General Comments

In general, the draft SPP is considered to represent an improvement to NPPG7. It provides the necessary tools and guidance to ensure that all parties have due regard to all aspects of flooding in operation of the land use planning system and highlights the complementary nature of other statutory processes. The draft SPP sets a basis for a consistent approach to flooding issues to be adopted across Scotland.

Paragraph 1

The clear expression of the central purpose of the draft SPP in this paragraph sets an appropriate context for the overall policy approach of the Scottish Executive toward flooding.

Paragraph 16-18

The recognition given to the importance of protecting functional flood plains is welcome. Coverage afforded to this issue will assist planning authorities in discussions with landowners and developers. The inadequacies of existing flood maps to enable the definition of the extent of the functional flood plains must be recognised and addressed.

Paragraph 19

The increased coverage given to flooding from drainage systems is welcome, as it is a particular issue in parts of Dundee. The endorsement of drainage assessments and sustainable drainage systems will ensure that such matters are considered early in the design and layout development sites.

Paragraph 20

The coverage of SUDS issues is welcome. However, the SPP should recognise that the Building Regulations are only one source of specification for SUDS and mention should be made to the SUDS Design Manual for Scotland and Northern Ireland. In addition the SPP could note that Scottish Water is producing a SUDs for Scotland Manual under the terms of the Water Environment and Water Services (Scotland) Act 2003.

Paragraph 29-32

The Planning Approach to Assessing Risk is a welcome innovation that will do much to demystify the “return period” concept and aid understanding of the level of flood risk. However, the new approach demands more sophisticated map based information on flooding. The existing flood risk maps produced by SEPA are clearly inadequate for this purpose. Whilst locally, extensive work has been undertaken to model watercourses in Dundee, this does not give sufficient basis for implementation of the approach. The commissioning of research by the Scottish Executive to consider the options for improved mapping is welcome but must be progressed quickly. The characterisation as high risk of areas with an annual probability of flooding of 0.5% (1:200) is considered appropriate reflecting the current guidance of the insurance industry.

APPENDIX 2

10	SCOTTISH PLANNING POLICY 7: Planning and Flooding
THE RISK FRAMEWORK – <i>The Planning Response to Flood Risk (Coastal and Watercourses)</i>	
<p>1. Little or no risk area Annual probability of watercourses, tidal or coastal flooding: less than 0.1% (1:1000). (i.e. less frequently than the so-called 1:1000 year flood) Appropriate Planning Response – No constraints due to river, tidal or coastal flooding.</p>	
<p>2. Low to medium risk area Annual probability of watercourses, tidal or coastal flooding: in the range 0.1% – 0.5% (1:1000 – 1:200) Appropriate Planning Response Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 1:200) or where the nature of the development or local circumstances indicate heightened risk. Flood resistant construction may be required depending on the flood risk assessment. Subject to operational requirements in terms of response times, these areas are generally not suitable for essential civil infrastructure, such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be or is already located in these areas, access must be guaranteed and they must be capable of remaining operational in times of emergency due to extreme flooding.</p>	
<p>3. High risk area (see the 2 sub areas below) Annual probability of watercourses, tidal or coastal flooding: 0.5% (1:200) or greater Subject to operational requirements in terms of response times, the high risk area is generally not suitable for essential civil infrastructure, such as hospitals, fire stations, emergency depots etc. and ground based telecommunications equipment.</p> <p>3(a) Within areas already built-up – Appropriate Planning Response These areas may be suitable for residential, commercial and industrial development provided the appropriate minimum standard of flood defences already exists, are under construction or are planned as part of a long term development strategy in a structure plan context, and will be maintained for the lifetime of the development. In allocating sites preference should be given to those areas already defended to that standard. In allocating or permitting sites for development, authorities should seek to avoid areas that will be needed or have significant potential for coastal managed realignment or washland creation as part of the overall flood defence. Flood resistant construction may be required.</p> <p>3(b) Undeveloped and sparsely developed areas – Appropriate Planning Response These areas which include the functional flood plain, are generally not suitable for residential, commercial and industrial development unless a particular location is essential, e.g. for navigation and water-based recreation uses, agriculture and essential transport and utilities infrastructure, and an alternative lower-risk location is not available. Essential infrastructure should be designed and constructed so as to remain operational even at times of flood. They may be suitable for some recreation, sport, amenity and nature conservation uses (provided adequate warning and evacuation procedures are in place). General purpose housing or other development comprising residential or institutional accommodation should not normally be permitted. Residential uses should be limited to job-related accommodation (e.g. caretakers and operational staff). Caravan and camping sites should generally not be located in these areas. Where exceptionally, built development is permitted, the appropriate minimum standard of flood defence may be required and should not impede flood flows or result in a net loss of flood plain storage. Flood resistant construction may be required.</p>	
<p>Notes on the Risk Framework</p> <p>(a) <i>All probabilities relate to the time at which a land allocation decision is made or an application is submitted. In the longer term the perceived probability of a development being flooded may be affected by climate change and improved data from river flow records.</i></p> <p>(b) <i>Flood areas should be identified from flood data ignoring the presence of flood defences. (See Information and Mapping below.)</i></p>	