

SEVENOAKS DISTRICT FLOOD RISK ASSESMENT

Planning Advisory Committee - 25 January 2017

Report of Chief Planning Officer

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Robert Piper

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Recommendation to Planning Advisory Committee:

To consider a new Level 1 Strategic Flood Risk Assessment and endorse the study as an evidence base for the new Local Plan.

Reason for recommendation: In order to inform the process of land allocation in the Local Plan, to assist in producing appropriate policies and guidance regarding flood risk as part of the emerging Local Plan and to assist in development management decision making.

Introduction and Background

- 1 Sevenoaks District Council has commissioned JBA Consulting to carry out a Strategic Flood Risk Assessment (SFRA). This is defined in National Planning Guidance as *“a study carried out by one or more local planning authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk”*.
- 2 As you are aware, the Council adopted their Core Strategy in 2011 and the Allocations and Development Management Plan (ADMP) was adopted in February 2015. Together they make up the current Development Plan for the District. The Core Strategy was adopted prior to the Government’s National Planning Policy Framework 2012 (NPPF) and also the National Planning Practice Guidance 2014 (NPPG). The Development Plan therefore now contains some policies and information that are not consistent with the NPPF and NPPG.
- 3 The Council is therefore required to review its planning policies and the intention is to combine the two documents into a single Local Plan that contains up to date policies consistent with the NPPF and advice in the NPPG.

- 4 In addition to the above, the original Level 1 Strategic Flood Risk Assessment (SFRA) for the District, which formed part of the evidence base towards the Core Strategy and ADMP, was published by the Council on 2008 and since this date there has been a number of changes to Flood Risk Policy and Legislation.
- 5 These can be summarised as follows:
- Flood Risk Regulations 2009
 - Flood and Water Management Act 2010
 - Localism Act 2011
 - Climate Change Act 2008 and latest guidance on climate change allowances released by the Environment Agency in February 2016.
 - New powers and responsibilities placed on Kent County Council as the lead Local Flood Authority under the Flood and Water Management Act 2010.
 - Recent guidance published in April 2015 regarding the role of LLFAs, Local Planning Authorities and the Environment Agency with regards to SuDs approval.
 - Changes to technical guidance in regard to SuDs (Sustainable Drainage Systems).
- 6 As well as a number of updates regarding Guidance and Legislation, more recent information has also been made available regarding flood risk in the District. This has been released since the 2008 Strategic Flood Risk Assessment and includes:
- Environment Agency flood risk modelling of the River Darent (2009) and the River Medway (2015) including climate change information following the Environment Agency's latest guidance (2016)
 - Kent County Council Local Flood Risk Management Strategy (2013)
 - Sevenoaks Stage 1 Surface Water Management Plan (2013).
 - Availability of the updated Flood Map for Surface Water.
- 7 As there have been a number of changes to guidance and legislation since the adoption of the Development Plan and also in the data available regarding flood risk and flood sources in the District since the last SFRA, it has been considered necessary to commission a new document. The Assessment takes into account all this new legislation, information and guidance to enable the Council to adequately inform the process of land allocation in the Local Plan and also to assist in producing appropriate policies and guidance regarding flood risk as part of the emerging Local Plan.

The role of the Flood Risk Assessment

- 8 The overarching aim of development and flood risk planning policy in the UK is to ensure that the potential risk of flooding is taken into account at every stage of the planning process. The National Planning Policy Framework, defines 'Flood Risk' as a combination of the probability and the potential consequences of flooding from all sources - including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater,

overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

- 9 Paragraph 100 of the NPPF states that:
“Local Plans should be supported by a strategic flood risk assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as Lead Local Flood Authorities and Internal Drainage Boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change”.
- 10 Areas at risk from flooding are therefore included in the Assessment. These are provided in Appendices A - H in the attached Report. For fluvial (river) and sea flooding, this is principally land within Flood Zones 2 and 3. It can also include an area within Flood Zone 1 which the Environment Agency has notified the local planning authority as having critical drainage problems.
- 11 The NPPF is a source of guidance for local planning authorities to help them prepare Local Plans and for applicants preparing planning submissions. In particular it encourages Local Authorities, in addition to sources of flooding, to take into account climate change including factors such as flood risk as new development should be planned to avoid any increase vulnerability to the range of impacts arising for climate change.
- 12 Further Guidance on flooding was provided in the National Planning Practice Guidance (NPPG) in March 2014 and sets out how the policy should be implemented. It states that Local Planning Authorities should undertake a Strategic Flood Risk Assessment to fully understand the flood risk in the area to inform Local Plan preparation.
13. The NPPG states that *“In plan-making, local planning authorities apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk. In plan-making this involves applying the ‘Sequential Test’ to Local Plans and, if needed, the ‘Exception Test’ to Local Plans”.* This document therefore helps the Council to carry out a sequential test and identify the areas that are at lowest risk from flooding, in order to locate development.
- 14 This Assessment will help Sevenoaks District Council in the preparation of its Local Plans, as well as inform neighbourhoods in preparing neighbourhood plans. It will also be relevant to applications for planning permission and applications for prior approval for certain types of permitted development.

The Findings of the Strategic Flood Risk Assessment

- 15 This Strategic Flood Risk Assessment is looking at a high level across the District. It is considered that a Level 1 Strategic Flood Risk Assessment is appropriate at this stage. Once the Council begins to look at specific sites then a further Level 2 Strategic Flood Risk Assessment may be appropriate for some sites, where development cannot be located entirely within areas with a low probability of flooding and where it is considered additional more detailed information is required.
- 16 The SFRA will however assist the Council in ensuring that inappropriate development in areas at risk of flooding will be avoided by directing development away from areas at highest risk, but where development is necessary making it safe without increasing the flood risk elsewhere. The Environment Agency and Lead Local Flood Authorities have been involved in the Assessment.
- 17 In particular the Sevenoaks District Council's Flood Risk Assessment provides the following information:
- A) Evidence or the location of the following:
- Topography, geology and soils
 - Historical flooding
 - Water Courses
 - Fluvial Flood records
 - Surface Water Flooding
 - Ground Water Flooding
 - Flooding from reservoirs
 - The Impact of climate change
 - Existing defences within the District
 - Alleviation schemes in place.
 - Flood zones
- B) It looks at ways to reduce Flood Risk in developments
- C) It includes information on Surface Water Management and SuDs.
(Note - SuDs - Sustainable Drainage Systems are water management practices which aim to enable surface water to be drained in a way that mimics (as closely as possible) the run-off and drainage prior to site development by encouraging water to flow along natural routes and thereby reduce run off rates and volumes during a storm).
- D) The management of flood emergencies across the District and community Flood Plans.
- E) It provides Development Control recommendations when assessing individual applications.

- 18 This information will assist in the following:
- Determining the variations in risk from all sources of flooding across their areas, and also the risks to and from surrounding areas in the same flood catchment
 - informing the sustainability appraisal of the Local Plan, so that flood risk is fully taken into account when considering allocation options and in the preparation of plan policies, including policies for flood risk management to ensure that flood risk is not increased;
 - applying the Sequential Test and, where necessary, the Exception Test when determining land use allocations;
 - identify the requirements for site-specific flood risk assessments in particular locations, including those at risk from sources other than river and sea flooding;
 - considering opportunities to reduce flood risk to existing communities and developments through better management of surface water, provision for conveyance and of storage for flood water.
- 19 It is a complete document and provides the necessary information and evidence to assist Sevenoaks District Council in producing their Local Plan.

Procurement of the Flood Risk Assessment

- 20 Through our duty to co-operate meetings, we were aware that Maidstone Borough Council had contacted a number of consultants who were invited to tender for their Strategic Flood Risk Assessment in 2015. JBA were commissioned by Maidstone Borough Council following this procurement process.
- 21 We were also informed that Tunbridge and Malling Borough Council commissioned JBA Consulting last year, because they have a strong track record in this field and are one of the few consultancies that have worked on this type of project on behalf of local authorities and in partnership with the Environment Agency. In this particular case JBA have carried out substantial work in the locality already, including specific projects related to the River Medway catchment, National Flood Zone modelling, Tonbridge & Malling Surface Water Management Plan and Updated Flood Map for Surface Water. JBA have also worked closely with KCC on surface water management matters and specifically prepared the Surface Water Management Plan for T&M on behalf of KCC.
- 22 Due to the procurement process carried out by Maidstone Borough Council and the endorsement of Tonbridge and Malling Borough Council, and the fact that there were few consultancies who carried out this work and most importantly due to their significant local knowledge, Sevenoaks District Council commissioned consultants, JBA Consulting, to undertake the Flood Risk Assessment in July 2016.

Next Steps

- 23 The Strategic Flood Risk Assessment will be used to inform development options using the sustainability appraisal, by enabling the Council to consider flood risk (including potential impact of development on surface water run off) and other planning objectives. It will also help the Council develop local planning policies, to produce appropriate policies and guidance regarding flood risk and SuDs. This will be considered in accordance with other evidence gathered by the Council as well as ensuring that any policy and guidance is consistent with the NPPF and Planning Practice Guidance and any further data or policy that is produced.
- 24 Looking at the data that has been produced since the last Strategic Flood Risk Assessment (Paragraph 5) the Environment Agency have informed us that they are likely to be commissioning flood risk modelling of the River Darent this year, including climate change information, so it is likely that the information provided on this aspect will need to be updated following the publication of this data towards the end of the year.

Other Options Considered and/or Rejected

- 23 Members may wish to consider the option not to endorse an up-to-date Strategic Flood Risk Assessment for the purposes of the new Local Plan. It should be noted that, the current SFRA is out of date and does not comply with current legislation and guidance and it is also based on information that is out of date. It is considered vital that an up to date Flood Risk Assessment that identifies the nature, frequency and location of flooding forms part of the evidence base, especially when considering development options and location in the District. If a sound evidence base is not produced for the purposes of the new Local Plan, the soundness of the Local Plan could be compromised at public examination.

Key Implications

24 Financial

The Flood Risk Assessment is funded through the LDF budget.

25 Legal Implications and Risk Assessment Statement.

There are no legal implications as a result of this report.

26 Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 27 The Council is currently preparing its new Local Plan, following the revision of the District's housing need for the period, up to 2035. As such, the Council is required to update its evidence base to ensure that it has local planning policy which is consistent with the NPPF and other Guidance and also recent information and data. The Strategic Flood Risk Assessment is an evidence base which will be used by the Council to inform the allocation of development by identifying land in the District that is at low risk from flooding. It will also enable the Council to develop its local planning policies and guidance for the District in regard to flooding. It will also aid the decision making process and should therefore be accepted.

Appendices

[*Appendix A - Sevenoaks District Council Level 1 - Strategic Flood Risk Assessment 2016.](#)

*This Appendix is available online on the link above and not part of the printed agenda. The large maps will also be available to view in the meeting room prior to the start of the meeting.

Background Papers:

[Sevenoaks Local Development Scheme \(LDS\) August 2016](#)

[National Planning Policy Framework \(NPPF\)](#)

Paragraphs 99 - 100

Paragraphs 101 - 102

[National Planning Practice Guidance](#)

Paragraphs - Climate Change

Paragraphs - Planning and Flood Risk

Paragraph: 001 Reference ID: 7-001-20140306

Paragraph: 002 Reference ID: 7-002-20140306

Paragraph: 009 Reference ID: 7-009-20140306

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