



Report to:	Development Committee
Subject:	Belfast City Council response to Revised Draft Planning Policy Statement 15 'Planning and Flood Risk'
Date:	3 December 2013
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1	Relevant Background Information
1.1	The Department of the Environment (DOE) published the revised draft Planning Policy Statement (PPS) 15 'Planning and Flood Risk' in October 2013 for public consultation. The Department has requested comments on the guide before the closing date on the 10th January 2014.
1.2	The revised draft Planning Policy Statement 15 'Planning and Flood Risk' sets out the Department's policies in order to minimise the risk of flooding to people, property and the environment. The main objective of the revised draft is to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere.
1.3	In addition, the revised draft seeks to ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning/designating land for development in development plans.
1.4	The revised draft identifies 4 main sources of flooding: <ul style="list-style-type: none">- Flooding from rivers whereby the water overtops the river banks;- Coastal flooding can occur due to a combination of high tides, wave action and storm surges.- Surface water flooding occurs as a result of high intensity rainfall which is unable to drain away through the normal (natural or manmade) drainage system.- Flooding from reservoirs or dams as a result of overtopping or failure of the impounding structure.
1.5	In 2008, the Rivers Agency published Strategic Flood Maps for Northern Ireland. The maps are being regularly updated with more detailed flood hazard and risk data.

2	Key Issues
2.1	PPS 15 will apply to any building or infrastructure works undertaken by the Council that requires a planning application. The onus will rest on the Council to identify and assess the potential flood risk of the development by referring to the Strategic Flood Maps. The Strategic Flood Maps indicate that areas of the City Centre along the River Lagan are at risk from flooding.
2.2	An assessment of flood risk will have to be undertaken if the proposal is located within or adjacent to a flood risk area. The revised draft seeks to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks. A drainage assessment may have to be undertaken if there is a risk of surface water flooding. In this regard, PPS 15 promotes the use of Sustainable Drainage Systems (SuDs) to minimise potential surface water flooding.
2.3	It is noted that from reviewing the Strategic Flood Maps, the North Foreshore site appears not to be affected by potential flooding. However, due to its coastal location, PPS 15 may require a planning application for development of the North Foreshore site to be accompanied by a Flood Risk Assessment to demonstrate that there is no risk of flooding. The Council is proposing to implement SuDs on the site to manage the volume of surface water.
2.4	Where flooding is identified as a potential development constraint and it is considered within PPS 15 that there may be no justification for the development to proceed, the Council will be required to give consideration to an alternative site.
2.5	The Council has responsibility for a significant area of “green” land in the City and may come under pressure from developers and others (Rivers Agency) to allow Council owned land to be used for flood alleviation measures. This could involve swales, attenuation ponds etc and may restrict future use of the land. This will need to be considered when wider development is planned and also could affect future proposals for use of the land.
2.6	Upon the reform of local government and the transfer of planning functions, PPS 15 will have implications for the Council as the Council will be required to assess the flood risk of planning, regeneration or community proposals to determine if the development is feasible or appropriate.
2.7	PPS 15 explains that if flood risk changes with higher frequencies being experienced, the Development Plan may be reviewed and amended to restrict future development. In this regard, the Council would require further clarification on the future role and relationship with Rivers Agency in relation to their input into the preparation of development plans. Paragraph 4.7 highlights that the Strategic Flood Maps are available on the Rivers Agency website however further information is requested on how the maps will inform and be integrated into the plan
3	Resource Implications
3.1	No revenue cost associated with the request

4	Equality and Good Relations Considerations
4.1	There are no specific Equality and Good Relations Considerations attached to this report.

5	Recommendations
5.1	Members are requested to consider the content of the proposed draft response to Revised Draft Planning Policy Statement 15 'Planning and Flood Risk', as set out in Appendix 1, and if appropriate endorse this as the formal response to the Department of the Environment.

6	Decision Tracking
Submission of an agreed response following consideration and agreement of the Committee.	

7	Key to Abbreviations
DOE - Department of the Environment PPS - Planning Policy Statement SuDs - Sustainable Drainage Systems	

8	Documents Attached
Appendix 1 - Belfast City Council response to Revised Draft Planning Policy Statement 15 'Planning and Flood Risk'	

Appendix 1: Belfast City Council response to revised draft Planning Policy Statement (PPS) 15 Planning and Flood Risk

Background

- 1.1 Belfast City Council welcomes the opportunity to comment on revised draft PPS 15 Planning and Flood Risk. Recent flooding incidents within the Belfast City Council area have resulted in increased attention on flood risk and prevention of flooding, particularly in densely populated urban areas. These events triggered the Council to undertake flooding research in conjunction with external consultants in 2009.
- 1.2 The existing PPS 15 informed this research which also addressed the various flooding emergency response recommendations, flooding emergency plans and work on flooding alleviation schemes/drainage studies that are either being developed or have been implemented over the past few years. Accordingly the Council welcomes the revised PPS 15 and the efforts to prioritise protecting areas within flood plains and areas known to be at risk from flooding.

General Comments

- 1.3 The revised draft PPS 15 sets out the Department's policies in order to minimise the risk of flooding to people, property and the environment. It acknowledges the role of landuse planning in flood risk management by influencing where development takes place and also preventing development in areas at risk from flooding. The main objectives of the revised draft are therefore to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere.
- 1.4 In addition, the revised draft seeks to ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning/designating land as part of the process for the proposed development plans. In future planning authorities will be required to consider a catchment wide approach to flood risk management (i.e. River Lagan Catchment from source to Lough). With the reform of local government and the transfer of planning functions, PPS 15 will also have implications for the Council, which will be required to assess the flood risk of planning, regeneration or community proposals to determine if the development is feasible or appropriate.
- 1.5 PPS 15 explains that where flood risk changes with higher frequencies being experienced, the Development Plan may be reviewed and amended to restrict future development. In this regard, the Council would require further clarification on the approach to such modifications being proposed and the formal relationship with Rivers Agency in relation to their input into the preparation of development plans. Paragraph 4.7 highlights that the Strategic Flood Maps are available on the Rivers Agency website however further information is requested on how the maps will inform decision making and be integrated into the plan.
- 1.6 PPS 15 will apply to any building or infrastructure works undertaken by the Council that requires a planning application. It is recognised that the onus will rest on the Council to identify and assess the potential flood risk of the development by referring to the Strategic Flood Maps. The Council notes that the Strategic Flood

Maps indicate that areas of the City Centre along the River Lagan are at risk from fluvial and coastal flooding.

- 1.7 It is noted that an assessment of flood risk will have to be undertaken if the proposal is located within or adjacent to a flood risk area. The revised draft seeks to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks. A drainage assessment may have to be undertaken if there is a risk of pluvial flooding.
- 1.8 Furthermore, where flooding is identified as a potential development constraint and it is considered within the policy that there may be no justification for the development to proceed, the Council will be required to give consideration to an alternative site.
- 1.9 The Council has responsibility for significant areas of “green” land in the City and may come under pressure from developers and others (Rivers Agency) to allow Council owned land to be used for flood alleviation measures. This could involve swales, attenuation ponds etc and may restrict future use of the land. Whilst this will need to be borne in mind when future developments are planned for Council assets, the ownership of these areas should not be assumed to contribute to the mitigation or alleviation of risk associated with other non-Council developments.
- 1.10 It is noted that from reviewing the Strategic Flood Maps, the Council owned North Foreshore site appears not to be affected by potential coastal, fluvial or pluvial flooding. The site will have a minimum height of c7 metres OD and maximum height of c24m OD. Nevertheless, due to its coastal location, PPS 15 may require a planning application for development of the North Foreshore site to be accompanied by a Flood Risk Assessment to demonstrate that there is no risk of flooding. The Council is also proposing to implement Sustainable Drainage Systems (SuDs) on the site to manage the volume of surface water.
- 1.11 In terms of implementing the policies within PPS 15, the Council would encourage early identification by the Department of potential flood risk assessment issues within development proposals and early notification of these issues to the development sector/ applicants in order to achieve expedient processing of planning decisions and an approach that should seek to provide certainty for land owners.
- 1.12 The Council also welcomes the inclusion of new Reservoir legislation which is due to come into effect next year.

Specific Comments

- 1.13 Policy FLD 1 “Development in Fluvial (River) and Coastal Flood Plains” sets a presumption that no development will be permitted in areas of high flood risk. Exceptions may include:
 - a. Development of previously developed land protected by flood defences that are confirmed by DARD;
 - b. New development within the coastal floodplain where the land is raised to an acceptable level above the flood plain;
 - c. Replacement of an existing building;
 - d. Development for agricultural use, transport and utilities infrastructure which for operational reasons has to be located within the flood plain;

- e. Water compatible development which for operational reasons has to be located within the flood plain;
- f. The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes; or
- g. The extraction of mineral deposits and necessary ancillary development.

- 1.14 Policy FLD 1 explains that a Flood Risk Assessment is required to demonstrate that:
- a) all sources of flood risk to and from the proposed development have been identified;
 - b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

The Council would suggest providing further clarification to the wording to reflect that both elements will need to be provided.

- 1.15 Development proposals of overriding regional or sub-regional economic importance may also be permitted subject to:
- demonstrating the exceptional benefit to the regional or sub-regional economy;
 - demonstrating that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

The Council would again suggest providing clarification if applicants will be required to meet either or both criteria. In addition, the Department should assess whether the proposed development will require the modification of the flood plain boundary.

- 1.16 Policy FLD 2 “Protection of Flood defence and Drainage Infrastructure” explains that development will not be permitted if it would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. The Council recognises the important role of well maintained gulleys and drainage channels in the reducing the risk and impact of flooding. The continued maintenance of the on-street infrastructure and protected access for regular cleaning are important considerations for proposals in sensitive or at risk areas.

- 1.17 Policy FLD 3 “Development at Surface Water (Pluvial) Flood Risk Outside Flood Plains” identifies development proposals which will require a Drainage Assessment. The policy states that where there is potential for surface water flooding, it is the developer’s responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. The explanatory text (paragraph 6.37) suggests that consideration should be given to the use of SuDs as the preferred drainage solution. In an effort to promote greater use of SuDs and to minimise potential pluvial floods, it is recommended that a reference to SuDs should be incorporated into the main policy outlined in FLD 3.

- 1.18 The annexes are considered to be very comprehensive covering all aspects of flooding impact and mitigation including emergency preparedness, individual property protection and insurance for those properties already flooded or at risk in flood plains.

- 1.19 Annex B (B7) explains that flood insurance in Northern Ireland was provided for through a temporary agreement between the Association of British Insurers (ABI) and the Northern Ireland Assembly. This ensured that subject to conditions, private

flood insurance remained widely available as a standard feature of domestic property insurance and where possible at an affordable price. It is noted that this agreement expired in June 2013 and is unlikely to be renewed. Consequently, those living in flood risk areas will either have to pay significantly more for flood insurance or could be denied cover. The Council recognises that this could potentially affect commercial investment decisions, and may naturally deter any new commercial development in high risk areas.

- 1.20 In addition, the section on SuDs is very comprehensive and is an area where significant progress and improvement is essential. Uptake of SuDs in Northern Ireland for new development is less than 5%. We are now dealing with the consequences of massive surface water run-off from new development and also from existing properties where permeable gardens and surfaces have been replaced by hard non-permeable surfaces. As noted above, it is suggested that there should be greater effort to promote the use of SuDs therefore the priorities in Annex C should be incorporated into Policy FLD 3.