

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
HEAD OF PLANNING	EXECUTIVE COMMITTEE	17 OCTOBER 2023	7
FLOODING, WATER MANAGEMENT AND SUSTAINABLE DRAINAGE SYSTEMS SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Corporate and Economic Development (Councillor Karen Buckley).

PURPOSE OF THE REPORT

The Flooding, Water Management and Sustainable Drainage Systems SPD (Appendix 1) gives the Council support in its implementation of Policies GD7, CL1 and CL2 of the Local Plan, by providing guidance on flood risk and the location of development, managing and mitigating flood risk, sustainable drainage systems and water quality and pollution control.

The Flooding, Water Management and Sustainable Drainage Systems (SuDS) SPD has been revised from the draft version having regard to representations received during the consultation. The Summary of Responses (Appendix 2) gives details of the representations made to the consultation and provides a consideration of the response proposed by the Council, noting where changes are considered necessary.

The Screening Opinion which concludes that Strategic Environmental Assessment/Sustainability Appraisal is not required on the Draft SPD is also provided for members' information (Appendix 3).

Members are invited to adopt the Flooding, Water Management and Sustainable Drainage Systems SPD, having regard to the contents of this report and supporting appendices. The document will then be used to inform the validation and determination of planning applications by the council.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATIONS

1. That the results of the Screening Opinion conducted on the Draft Flooding, Water Management and Sustainable Drainage Systems SPD as set out in Appendix 3 are noted.
2. That the responses to the consultation on the draft Flooding, Water Management and Sustainable Drainage Systems SPD as set out in the Summary of Representations (Appendix 2) are noted.
3. That the Flooding, Water Management and Sustainable Drainage Systems SPD (Appendix 1) is adopted for development management purposes.

REPORT

INTRODUCTION

1. Supplementary Planning Documents (SPDs) provide greater clarity as to the requirements of local plan policies for specific situations or types of development. SPDs may not make policy, but rather provide guidance on the application of the policies contained in the adopted Fylde Local Plan to 2032 (incorporating Partial Review) (the Local Plan).
2. Paragraph 3.9 of the Local Development Scheme 2020 identifies an SPD addressing Sustainable Drainage Systems and Critical Drainage Areas as one of the next suite of SPDs to be produced to support the policies of the adopted Fylde Local Plan to 2032 (incorporating Partial Review). The Flooding, Water Management and Sustainable Drainage Systems SPD is considered necessary for a number of reasons:
 - Flood risk and water management are key issues that need to be addressed in Fylde for both existing and future developments.
 - The coastal, low lying geographical location of Fylde places it a high risk of experiencing future flooding events from all sources.
 - Increasingly extreme weather events and other climatic changes, especially rainfall intensity and sea level rise are likely to increase the risk of flooding from all sources and the challenge of managing it effectively.
 - The integration of surface water and flood risk management measures will influence the design of all development proposals.
 - To provide practical guidance and advice for developers, planners, designers and consultants on what is expected of them as they bring sites forward across Fylde in relation to water management and the implementation of SuDS.

THE FLOODING, WATER MANAGEMENT AND SUSTAINABLE DRAINAGE SYSTEMS SPD

3. Chapter 1 of the SPD provides an introduction to the SPD. It provides background as to why the SPD is needed and some of the main issues considered. The scope of the SPD is limited to the legislative remit of Fylde Council as the Local Planning Authority.
4. Chapter 2 provides the local context, and explains why parts of Fylde are at relatively high risk of flooding.
5. Chapter 3 lists the Issues and Objectives.
6. Chapter 4 provides a review of Legislation and Policy, including the National Planning Policy Framework, the Planning Practice Guidance, the Local Plan, Neighbouring Local Plans and Neighbourhood Plans. It also summarises other relevant flooding and coastal plans and documents.
7. Chapter 5 provides detailed guidance on Flood Risk and Location of Development, it includes the Sequential Test, the Exception Test, Site Specific Flood Risk Assessments, Pre-purchase and Pre-Application Advice and advice related to Householder Developments.
8. Chapter 6 Managing and Mitigating Flood Risk covers detailed site design including finished floor and ground levels, site levels, floor levels, culverting, flood resilient construction materials, safe access and egress routes, green infrastructure and natural flood management.
9. Chapter 7 includes the Discharge Hierarchy and detailed advice on SuDS benefits, the SuDS management train, design principles, plus source control including rainwater harvesting, permeable surfaces, living roofs and walls and swales and filter strips, site control (including detention basins and underground storage). Regional Control is also covered and includes retention ponds and retrofitting. The Lead Local Flood Authority's (LLFA) SuDS pro forma is signposted and guidance on maintenance and adoption are also included.
10. Chapter 8 contains information on water quality and pollution control.
11. References are included plus the relevant Local Plan policies CL1 and CL2, the flood risk vulnerability and flood zone 'incompatibility' table, resistance and resilience measures, case studies, information relating to riparian ownership and definitions of resistance and resilience.

SCREENING AS TO WHETHER STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) IS REQUIRED

12. The Environmental Assessment of Plans and Programmes (EAPP) Regulations 2004 gave legislative effect in the UK to the EU Directive 2001/42/EC, requiring strategic environmental assessment (SEA) of certain plans and programmes. They remain in force, subject to certain amendments, following the UK's exit from the EU. In order to ensure that the SPD can be legally adopted, the Council has employed consultants to undertake a brief screening assessment on each SPD being brought forward.
13. The screening assessment of the draft SPD is presented in Appendix 3. This concludes that SEA is not required for the SPD (page 8 of the screening document). The statutory bodies that the EAPP Regulations states must be consulted as part of the SEA process concur with this view (Appendix to the screening document).

REPRESENTATIONS MADE TO THE DRAFT SPD AND CONSEQUENTIAL CHANGES

14. Following SEA screening, the draft SPD was published for consultation, in line with Regulation 12b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, for a period of four weeks between 29th June and 27th July 2023.
15. There were responses from 16 consultees. The full detail of the responses, and the Council's recommended response, are set out in the table in Appendix 2, set out in the order of the content of the document. Some content is repeated where it applies to more than one section of the SPD. The Council's response column notes where changes have been incorporated into the SPD.
16. The changes made from the Draft SPD are as follows:
 - At the request of the LLFA the SuDS proforma was removed from the SPD and is signposted instead. Climate change allowances have been added at paragraph 5.35. Advice on the lifetime of developments has also been included.
 - Further detail has been added to the Vision and Objectives, with respect to the protection of areas of peat, as requested by the Environment Agency.
 - The reference to the LLFA pre-application advice has been changed to the 'Surface Water Planning Advice Service'.
 - Paragraph 5.8 and 5.9 have been amended to clarify those circumstances where a sequential test will be required, as requested by Strategic Land Group.
 - The term playing pitches has been replaced by playing fields, at the request of Sport England. More text has been included at 6.13 to explain that these areas should be positively drained and included in the drained area of any development proposal.
 - More detail has been included on reservoir flooding at 5.10 at the request of United Utilities (UU), plus an additional bullet at 5.11 to cover hydraulic locking of outfalls from public sewers on development sites. Further text was also added to the sections relating to Pre-Purchase and Pre-Application Advice, about consulting UU, plus more information in the Householder Section on the impacts of paving over gardens.
 - Text on retrofitting Green Infrastructure has been added to 6.33 at the request of Natural England.
 - Further advice has been provided with respect to changes in levels and diversions of the public sewer system which will be unacceptable to United Utilities, along with advice that the connection of land drainage to the public sewer will not be permitted.
 - At the request of the LLFA a reference to their Ordinary Watercourse Consent Service has been provided.
 - Text has been included relating to the on-going management and maintenance of buffer zones at the request of the Canal and River Trust.
 - Wording has been added to paragraph 5.37 to clarify that Lancashire County Council (LCC) Highways do not accept third party discharge into any highway drains except in exceptional circumstances.

- Further text on minimising pumped discharges and design principles and SuDS, plus rainwater harvesting has been added at the request of UU.
- Additional text at 7.5 about the LLFA objecting to proposals to pump surface water.
- A footnote about consulting the LCC Heritage Environment Team has been included as text.
- Text has been added to advise that the Council will work with the Canal and River Trust to protect the water quality of the Lancaster Canal.
- At the request of UU further text added to appendix E to clarify that it is in the owner’s interest to ensure that a point of outfall for the discharge of surface water to any watercourse/waterbody is secured as soon as possible, the right to discharge should be a key consideration in the acquisition of a site.

ADOPTION

17. The Flooding, Water Management and Sustainable Drainage Systems Supplementary Planning Document has been the subject of extensive consultation in line with the necessary legislative framework. Where appropriate, the document has been amended to reflect the comments that have been received and so Members are now invited to formally adopt the SPD, for use in the validation and determination of planning applications.

CORPORATE PRIORITIES	
Economy – To create a vibrant and healthy economy	✓
Environment – To deliver services customers expect	✓
Efficiency – By spending money in the most efficient way	✓
Tourism – To create a great place to live and visit	✓

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	Prevention of Flooding and Pollution is important for community safety.
Human Rights and Equalities	Flooding often has a disproportionate effect on the poorest communities, its prevention is crucial to equality.
Sustainability and Environmental Impact	The SPD follows the principles of sustainable development.
Health & Safety and Risk Management	Flooding is a risk to public health and safety. The SPD helps to mitigate the risk.

SUMMARY OF PREVIOUS DECISIONS
18 th January 2023 Planning Committee resolved that the Draft Flooding, Water Management and Sustainable Drainage Systems Supplementary Planning Document together with the Statement of Consultation with the results of the Sustainability Appraisal Screening added, be issued for public consultation.
8 th June 2022 Planning Committee resolved that the Flooding, Water Management and Sustainable Drainage Systems (Scoping) be issued for public consultation.
14 th October 2020 Planning Committee approved the LDS 2020 which sets out a list of SPDs which will be produced by officers.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Fylde Local Plan to 2032(incorporating Partial Review)	December 2021	Adopted Fylde Local Plan to 2032 (incorporating Partial Review) – Fylde Council
Draft Flooding, Water Management and SuDS SPD	January 2023	Draft-Flooding-Water-Management-and-Sustainable-Drainage-SPD.pdf (fylde.gov.uk)
Statement of Consultation (Draft Flooding, Water Management and SuDS SPD)	January 2023	Reg-12a-Consultation-Statement-for-Flooding-Water-Management-and-SuDS-SPD.pdf (fylde.gov.uk)
Flooding, Water Management and SuDS SPD Scoping Document	May 2022	Document.ashx (cmis.uk.com)

LEAD AUTHOR	CONTACT DETAILS	DATE
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Attached documents:

Appendix 1 Flooding, Water Management, and SuDS SPD

Appendix 2 Summary of Representations Made Under Regulation 13 to the Draft Flooding, Water Management and SuDS SPD.

Appendix 3 SEA Scoping Report