

Local Plan Working Group

20 April 2021

Report of the Director of Environment, Transport and Planning

Portfolio of the Executive Member for Economy and Strategic Planning

Strategic Flood Risk Assessment Update

Summary

1. The National Planning Policy Framework (NPPF) details how flood risk management requirements are to be incorporated in planning policy and necessitates that all Local Planning Authorities prepare a Strategic Flood Risk Assessment (SFRA).
2. The York SFRA was last updated in 2013. Updated Environment Agency flood mapping has required a further update to the report. The report has been updated to reflect the latest mapping and strategic level planning policy. The report has been simplified and a separate drainage guidance document has been developed to support the development of effective and sustainable developments. The updated plan is included in Annex 1 of this report.
3. Members are recommended to approve the updated document as detailed in paragraph 4 of this report.

Recommendations

4. For Local Plan Working Group to recommend to Executive to:
 - i. Accept the updated SFRA as evidence base to support decision-making and the emerging Local Plan policy
 - ii. Agree to submit the SFRA for consideration as part of the ongoing Local Plan Examination and for consultation purpose.

Reason: To ensure there is up-to-date evidence base to support flood risk policy and decision-making in relation to flood risk.

Background

5. The York Strategic Flood Risk Assessment provides detailed information on the city's rivers and associated flood risk from all sources. It supports the management of flood risk in future development and was produced in response to and in adherence with the NPPF, it assesses the different levels of flood risk in the York area and maps these to assist with statutory land use planning and to support the development of strategic and development level plans.
6. The report documents the process that must be taken to determine how developments are sited across the city to remove the risk of flooding completely or, when relevant tests of wider sustainable need are passed, the way in which developments could be adapted to ensure they are resilient to current and future flood risks.
7. This updated document proactively refreshes the Local Plan evidence base in advance of examination hearing sessions on detailed policies. The Strategic Flood Risk Assessment (2013) report [SD091] and Flood Risk Management Strategy (2015) [SD092] were submitted as part of the Local Plan evidence base and currently underpin Policy ENV4 in the plan. This evidence fed into the preparation of the plan as well as the methodology for identifying suitable sites for allocation and has been used to inform planning decisions.
8. The updated report also comments on any flood risk impacts in relation to site allocations taken forward in the Local Plan based upon the updated outcomes. This has concluded that there were no significant changes identified.
9. A separate guidance document for developers has been produced and published called "York Sustainable Drainage Systems Guidance for Developers". This document signposts other policies and regulations that developers have to adhere to when designing and building developments in and around flood risk areas in York. The guidance document can be accessed via the Council's Flood Risk Management webpage¹:

Consultation

10. Following Members decision, the SFRA will be submitted to the Local Plan Inspectors for consideration as part of the Local Plan evidence base

1 <https://www.york.gov.uk/downloads/file/2724/sustainable-drainage-systems-guidance-for-developers>

undergoing examination. Officers intend to include this technical evidence as part of a forthcoming consultation on the Local Plan evidence base and further documents submitted post hearing sessions in December 2019.

11. Subject to the Inspectors confirmation, the SFRA will be placed into the Local Plan Examination Library² and will be made available for a 6-week citywide consultation.
12. All of the representations received as a result of consultation will be wholly provided to the Planning Inspectors for their consideration. Outcomes of the consultation will be reported in summary via a Consultation Statement prepared in accordance with Regulation 22 of the Town and Country Planning Regulations. Additional consultation and reporting as part of the Duty-to-Cooperate with neighbouring authorities and statutory bodies will also be undertaken, where necessary.

Options

13. As a statutory requirement and a key aspect of the Local Plan evidence base only two options are available for members to recommend to Executive:
 - i. Accept the updated SFRA as evidence base to support decision-making and the emerging Local Plan policy and agree to submit the SFRA for consideration as part of the ongoing Local Plan Examination and for consultation purpose.
 - ii. Reject the plan as proposed and advise on alternate content or details to be developed and included within the city's SFRA.

Analysis

14. Members are recommended to support option 1. The report updates the policy and procedure required to effectively manage flood risk and drainage in planning applications; it does not deviate from the overarching guidance in the National Planning Policy Framework and the national Flood Risk Planning Policy Guidance.
15. It has evolved the 2013 plan and updated the evidence base to include the latest modelling from the Environment Agency. A further opportunity has been taken to simplify the document for usage by all users, the development of the separate drainage guidance document has helped achieve this.

² Available via: www.york.gov.uk/localplanexamination

16. The updated SFRA provides technical guidance to support the emerging Local Plan. As part of this process, the consultants have tested the development sites allocated in the plan concluding that there are no strategic development sites within high flood risk areas and it is therefore not intended to progress to a Level 2 Strategic Flood Risk Assessment at this time. This supports the outcomes of the Site Selection Process undertaken in identifying suitable site allocations to include in the Local Plan to meet the city's development needs.
17. The submission of this evidence base to inform the ongoing Local Plan Examination refreshes part of the evidence base supporting policy ENV4. This proactive approach helps to address concerns expressed by our Local Plan Inspector regarding evidence base supporting the plan.

Council Plan

18. The plan supports the delivery of sustainable and flood resilient developments in the city and helping to develop a prosperous city for all through safer communities for residents, businesses and visitors and supporting mitigation and adaptation for becoming a greener and cleaner city.

Implications

19. The following implications have been assessed:

- **Financial**

No impact: the updated plan will be used to advise and steer safe and sustainable developments in terms of flood risk and drainage matters across the city.

In respect of the Local Plan, it should also be considered that if the approach taken is subsequently judged to be non-compliant with Government Guidance could lead to further technical work and additional consultation adding to the identified costs and creating delay.

- **Human Resources (HR)**

There are no HR implications

- **One Planet Council / Equalities**

The Flood risk assessment will help to mitigate and adapt to future flood risk events. It will ensure that new development is located where

adverse effects are avoided or can be mitigated. This will have a positive overall effects for York's population now and in the future.

- **Legal**

The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.

The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:

- Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
- Justified: the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective: deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy: enable the delivery of sustainable development in accordance with the policies in the Framework.

In order for the draft Local Plan to pass the tests of soundness, in particular the 'justified' and 'effective' tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).

In addition the Council also has a legal "Duty to Co-operate" in preparing the Plan. (S33A 2004 Act).

- **Crime and Disorder**

There are no Crime and Disorder implications

- **Information Technology (IT)**

There are no IT implications

- **Property**

There are no implications directly to CYC Property, however, the plan has been developed to steer all developments within the city and CYC plans and projects will be influenced by its requirements

- **Other**

There are no other implications

Risk Management

20. There are no risk management implications associated with this plan.

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Chief Officer Responsible for the report:**James Gilchrist**

Director of Environment, Transport and
Planning

Report **Date** 08/04/2021
Approved

Wards Affected

All

For further information please contact the author of the report

Annexes

Annex 1 – CYC Level 1 SFRA

Background Papers:

Strategic Flood Risk Assessment (2013) [SD091]

<https://www.york.gov.uk/downloads/file/1714/sd091-city-of-york-council-strategic-flood-risk-assessment-revision-2-2013->

Strategic Flood Risk Strategy (2015) [SD092]

<https://www.york.gov.uk/downloads/file/1715/sd092-york-local-flood-risk-management-strategy-2015->

York Sustainable Drainage Systems Guidance for Developers (2018)

<https://www.york.gov.uk/downloads/file/2724/sustainable-drainage-systems-guidance-for-developers>