

# minutes



Meeting FLOODING SELECT COMMITTEE

Date Monday, 12 February 2007 (commencing at 10.00 am)

## Membership

Persons absent are marked with 'A'

## COUNCILLORS

Councillor Yvonne Davidson (Chair)  
Councillor Brian Wombwell (Vice-Chair)

A John Carter  
John Clarke  
Sybil Fielding  
Pat Lally

A Tom Pettengell  
Peter D Prebble  
Sue Saddington

## MINUTES

The minutes of the last meeting held on 15 January 2007, having been circulated, were confirmed and signed by the Chair, subject to the following changes:-

1. That Councillor John Clarke be marked as being absent.
2. That the following be inserted before the |Presentation from the Environment Agency.

## URGENT ITEM

In accordance with Section 100 (B)(4) of the Local Government Act 1972 the Chair approved for a representative from the Environment Agency to attend the meeting to update members of the Select Committee on the effect the Defra cuts will have on the Environment Agency's annual budget.

3. That the following words be inserted after the first sentence in the last paragraph of the Environment Agency's presentation.

The Environment Agency was hopeful that the scheme would go through as planned but if it was delayed considerably at the planning stage, then there was a risk that the monies earmarked for the scheme could be reallocated to another scheme.

4. That the name Rob Crowther referred to under the item Farewell be changed to read Rob Crowder.

## **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Peter D Prebble.

## **DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS**

None.

## **BUILDING DEVELOPMENT PLANNING APPLICATIONS – PRESENTATION BY NEWARK & SHERWOOD DISTRICT COUNCIL**

Mike Evans, Head of Planning Services at Newark & Sherwood District Council gave a presentation to the Select Committee on Development and Flood Risk.

Mr Evans explained that decisions on planning applications were mainly a District Council function in consultation with others. In doing so, he said that they had to have particular regard to the policies in the Planning Policy Statement (PPS) and, as relevant, in their regional Spatial Strategy (RSS), as material considerations which may supersede the policies in existing development plans, when considering planning applications for developments in flood risk areas.

In terms of the Planning Policy Statement 25: Development and Flood Risk, he said that this was an important document to be taken into account. One of its aims was to ensure that flood risk was taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding. He added that where new development was necessary in such areas the policy aimed to make it safe without increasing flood risk elsewhere.

Mr Evans explained to Members that a flood risk assessment should be carried out to assess the risks of all forms of flooding to and from development. In areas at risk of river or sea flooding, preference should be given to locating new development in flood zone 1, areas of lowest probability of flooding. Flood zone 2 was defined as medium to low risk and zone 3 was defined as an high risk area. Central to the policy was the sequential risk based approach used to determine the suitability of land for development in flood risk areas. Flood zones were the starting point for the sequential approach. In terms of the functional flood plain, zone 3b, Mr Evans explained that it was important that this land was protected since it was land where water had to flow, or be stored, in times of flood. It was therefore important to be aware of other Districts along the Trent catchment. Where it is not possible for the sequential test alone to deliver acceptable sites the Exception Test is used. This test provided a method of managing flood risk while still allowing necessary development to occur.

Mr Evans referred to the problems associated with flash flooding which occurred during periods of intense rainfall, in particular, with regard to some older drainage systems being unable to cope. The management of surface water was an essential element in reducing flood risk and a requirement of the flood risk assessment.

Without these measures in place the volume of water that runs off a site and the peak run-off flow rate were likely to increase. He pointed out that Newark & Sherwood District Council were very interested in the use of sustainable drainage systems (SUDS) in the management of run-off. Mr Evans said that the effective disposal of surface water from development was also a material consideration in determining proposals for a development and use of land that the guidance now placed a duty on planning authorities to consult with the Environment Agency on all applications for development in areas of flood risk or where critical drainage problems exist.

Mr Evans said that under previous guidance some inappropriate developments, in flood risk areas, had been granted planning permission by Local Planning Authorities against Environment Agency advice. A new Direction the Town and Country Planning (Flooding) (England) 2007 had come into force on 1 January 2007, which introduced a new arrangement to act as a safeguard in such cases.

The Environment Agency had produced a Standing Advice Development and Flood Risk, which was an initial planning response matrix for planners to use to determine where they stood. This meant that a planning authority could not approve a planning application where the Environment Agency objected, without further discussion. Where no agreement is reached the matter would be referred on to the Secretary of State via the Government Office of the East Midlands (GOEM). The Direction also gave the potential to call-in applications where District Council's were not seen to be listening.

Following his presentation the Select Committee were invited to ask questions.

Councillor Saddington was pleased to note the use of flood risk assessments by Newark & Sherwood District Council and wondered, if any of the areas assessed, were found to be outside a 1 in 100 annual probability of flooding, would the Insurance Companies honour this. Mr Evans explained that they would be carrying out Strategic Flood Risk Assessments, and that the Environment Agency would be committed to work with whoever was appointed to do this. In terms of Insurance cover he pointed out that the Association of British Insurers nationally had agreed to work with the Environment Agency to try and find a common base. He said insurers were becoming more reasonable.

Councillor Carter wondered if zone 1 areas were objected to because areas in zones 2 and 3 were seen as being more desirable, and whether Planning Authorities along the River Trent worked together. He referred in particular to the possibility for Nottinghamshire standing to lose the money earmarked for the left bank scheme should the Broxtowe Planning Authority refuse to approve the Attenborough section of the scheme. In reply, Mr Evans said that, under PPS25, agreement would not be given where flood risk assessment was not provided. He explained that they tended to work as Districts and that the Environment Agency invited District Council's to meetings. He confirmed that the Environment Agency did talk to them about the knock on effects along the Trent catchment.

In terms of the funding of schemes, Mr Evans referred to the recent cut in the Environment Agency's budget and reported that in some areas of the country Local Authorities had received contributions from developers towards minimising flood risk. Mr Evans cited Shrewsbury as an example of where this had happened. The Select

Committee wondered what DEFRA's view was in relation to Councils putting developer 106 monies into flood defence work.

Councillor Lally expressed his concern about the cumulative effect of smaller developments and said he felt that these should also be included in local development strategies. Mr Evans said that you might need evidence to demonstrate the risk attached to these smaller types of development. The Select Committee felt that the matter should be raised at Regional level.

In terms of other issues, Mr Evans pointed out that he felt that the crossings over the river Trent could pose a problem if the emergency services were unable to cross the Trent during a flood.

The chair asked about responsibilities for drainage in areas of new development and felt that it was necessary to learn more about this. She suggested that a representative from the County's Highways Department come and talk about sustainable development. In response, Mr Evans said that developers put in the minimum and that it was very difficult to get pipes adopted. Councillor Carter offered to find information on Severn Trent's policies on adoption.

The Select Committee felt that it was important for the District Planning Officers to have meetings throughout the County on development.

The chair thanked Mr Evans for his presentation and invited him to come to the next meeting at which it was hoped that representatives from the County's Highways Department and Severn Trent plc would be present.

The chair wondered if other authorities had a policy on putting in more drainage. Mr Evans said that there was a problem with sewers and drainage in terms of their adoption. It was suggested that Severn Trent be invited to the next meeting of the Select Committee to ascertain their brief in this area.

The Select Committee agreed:-

1. That the Select Committee be provided with copies of the PPS25 and 2007 Directive.
2. That a letter be sent to DEFRA regarding its position on section 106 contributions.

### **WORK PROGRAMME**

The Select Committee felt that it was still necessary for them to receive further information on particular matters. In light of the timescales involved they agreed to forego a visit of the City's Emergency Response Centre.

The Select Committee agreed to:-

That a report on the breakdown of the Select Committee's finding be presented to its next meeting on Monday, 12<sup>th</sup> March 2007.

The meeting closed at 11.05am.

**CHAIR**

**Ref: flooding/m\_12feb 07.**