

Report to	Sustainable development panel	Item
	24 June 2015	
Report of	Head of planning service	6
Subject	Draft Norfolk Local Flood Risk Management Strategy - Norwich City Council consultation response	

Purpose

This report is about Norwich City Council's recent consultation response to the draft Norfolk Local Flood Risk Management Strategy. Members are asked to consider the officer response to the draft strategy and to advise on any update to it they consider necessary.

Recommendation

To consider Norwich City Council's officer response to the Draft Norfolk Local Flood Risk Management Strategy and to advise on an update to it if necessary.

Corporate and service priorities

The report helps to meet the corporate priority a safe and clean city and the service plan priority to implement the local plan for the city.

Financial implications

None

Ward/s: All wards

Cabinet member: Councillor Bremner – Environment and sustainable development

Contact officers

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Background documents

None

Report

1. As a result of the Flood and Water Management Act 2010, Norfolk County Council is required to produce a local flood risk management strategy as Lead Local Flood Authority (LLFA).
2. The strategy covers local flood risk from surface water, groundwater, sewers and streams. It complements strategic documents covering flooding from main rivers such as the Yare and Wensum, which are the responsibility of the Environment Agency. A [consultation draft](#) of the strategy¹ was published in April 2015.
3. An officer response to the consultation was issued (see appendix 1) within the consultation period. However, since consultation on this strategy took place during the purdah period around the local and national elections, city and county council officers agreed that if necessary, subsequent to discussions with the new portfolio holder and the sustainable development panel, an update to the response would be submitted.
4. The consultation response highlights the recent close cooperation between the councils on emergency planning, urban planning and highways. It is generally supportive of the content of the strategy, welcoming:
 - the valuable clarification it provides on the roles the different organisations involved in local flood risk management;
 - its clear explanation of the nature of the local flood issues facing each district within Norfolk;
 - the policies provided to guide local flood management, along with detail on the monitoring and review of the strategy;
 - the promotion of measures to reduce surface water flood risk to 1,500 properties in Nelson/ Town Close wards and Catton Grove/Sewell through sustainable urban drainage retrofit schemes between 2016 and 2019 (though further clarification on funding responsibilities for these schemes is requested);
5. The important role the LLFA has recently played in developing flood risk policy for the city through the local plan, most notably in producing evidence on surface water flood risk, is emphasised.
6. Related to this, the response welcomes the publication of the county council's interim [guidance note](#)² on how their role as statutory consultee on sustainable drainage (SuDS) schemes will be delivered and the commitment to engage directly with staff in local authorities. Such guidance and engagement is necessary in the light of the government's changes on addressing SuDS through planning.
7. It is noted that it is the intention of the LLFA to review how it is consulted on planning applications once the draft Norfolk Local Flood Risk Management Strategy is adopted. An officer meeting to discuss amendments to the interim guidance has been requested. To date, no response has been received to this request.
8. There are concerns that, as currently drafted, the interim approach does not match the LLFA's commitment in the Local Flood Risk Management Strategy to

ensuring that SuDs are implemented on all new development. Without comprehensive advice from the LLFA, which is required to provide expertise as a statutory consultee on SuDS, it will not be possible to implement the policy approach requiring SuDs on all development set out in Norwich local plan policy DM5. The LLFA strongly promoted this approach through the local plan making process and continues to promote such an approach county wide through its Local Flood Risk Management Strategy.

9. Policy DM5 requires all developments in Norwich to provide SuDS, with a particular focus on developments in the LLFA defined Critical Drainage Catchments (CDCs) having a positive impact on surface water drainage, including the use of techniques such as green roofs unless the developer can prove these are not practicable. As such, the advice from the LLFA has to be adequate to enable developers and planning officers to clearly understand what type of SuDS are suitable on what site, whether in a CDC or not.
10. While it is noted that the interim guidance states the intention targeting of advice on high risk areas and CDCs, such as those in Sewell/Catton Grove and Nelson/Town Close wards, it will also be important that bespoke advice is provided outside these areas as SuDs are required on all developments.
11. This may have significant resource consequences for the LLFA. However, the policy approach adopted in Norwich was that strongly promoted by Norfolk County Council, in awareness that Norwich City Council itself would not have the expertise or resources to effectively implement this necessary approach without the full support of the LLFA.

Appendix 1

Norfolk Local Flood Risk Management Strategy - Norwich City Council consultation response (Sent 22/05/2015)

Please note that this is an officer response to the consultation. Since consultation on this strategy took place during the purdah period around the local and national elections, it may be necessary for Norwich City Council to provide an update in late June, after we have had the opportunity to discuss the response with our new portfolio holder and take a report to elected members.

Context

Norwich City Council has worked closely with Norfolk County Council, the Lead Local Flood Authority (LLFA), on flood risk issues in recent years. This includes work on emergency planning, urban planning and highways. The council appreciates the role the LLFA has recently played in developing flood risk policy for the city, most notably in producing evidence on surface water flood risk.

Norwich's recently adopted local plan policy on flood (DM5) provides up to date and comprehensive requirements to ensure that new development mitigates flood risk. It was endorsed by the planning inspector and subsequently adopted by the council in December 2014. In addition to providing policy relating to development in areas at risk of flooding from rivers, the policy takes account of detailed evidence on surface water flooding from heavy rainfall events commissioned by the LLFA. The content of the policy reflects the detailed advice provided by the LLFA, including late amendments based on updated evidence produced by the county council at examination. This extended the physical areas of the "critical drainage areas" to larger "critical drainage catchments" to include all areas that could contribute to surface water flooding in discrete catchments in the city. As such, we believe that the policy reflects the LLFA's aspirations for how local plans should address flood risk.

The close cooperation between Norwich City Council and the LLFA has proved essential as the government's approach to sustainable drainage (SuDS) in new development changed during the plan making period. The government removed the previously proposed role for the LLFA to deal with SuDS on new development itself, instead requiring local plans and planning applications to cover this issue, with the LLFA being made a statutory consultee. Norwich City Council therefore welcomes the publication of Norfolk County Council's interim guidance note on how their role as statutory consultee on SuDS schemes will be delivered. However, we would like to discuss amendments to this interim guidance to enable policy DM5 to be implemented effectively through an officer meeting between the councils.

Overall comments

Norwich City Council welcomes the production of this strategy covering local flood risk from surface water, groundwater, sewers and streams which complements strategic documents covering flooding from main rivers such as the Yare and Wensum, which are the responsibility of the Environment Agency. This clear, well written document provides valuable clarification for the public of the roles that the different organisations involved in local flood risk management play and of the nature of the local flood issues facing each district within Norfolk. It also provides useful policies to guide local flood management, information on measures to reduce flood risk, clarification on the approach to funding and detail on the monitoring and review of the strategy. In relation to urban planning, the strategy makes it clear that local plans should be consistent with the policies in the strategy.

Norwich City Council supports the aims and objectives of the strategy, particularly the LLFA's commitment to increase understanding and awareness of flood risk, to optimise resources to deliver measures to manage flood risk and to ensure that local authorities are properly informed about flood risk.

Policies

The council supports the general thrust of the policy based approach, in particular:

- The potential for the delivery of flood mitigation measures, though we would appreciate greater clarity on which organisations it is anticipated will deliver such measures;
- Addressing sustainability and adaptation to climate change in UC1, UC7 and UC13;
- The LLFA led flood investigations required by UC2, guided by a flood investigation protocol – however, it will be essential that this enables a partnership approach to be taken;
- The LLFA maintaining a flood risk asset register, including SuDS (UC3);
- The approach to Critical Drainage Catchments in UC4 in relation to proactively developing schemes to reduce flood risk in CDCs, though it would be useful to have clarification on the role of the LLFA and the district councils in this regard;
- The commitment from the LLFA to publish flood risk information in UC5;
- The advisory role of the LLFA to Emergency Planning set out in UC6;
- The risk based approach to prioritisation of resources set out in UC8;
- The commitment in UC10 and UC11 from the LLFA to take a proactive role in the development of local plans, to work with the LPAs to prepare guidance for applicants on individual planning applications where these affect or are affected by local flood risks, to require local plans to take account of flood evidence in planning decisions and to secure implementation of SuDS. However, Norwich City Council would like to work further with the LLFA to ensure that these commitments can be achieved.
- The positive environmental policies E1 to E7

Measures and funding

The comprehensive measures set out in appendix 1 are welcomed. Specifically, Norwich City Council welcomes the LLFA's commitment to have a complete portfolio of "shovel ready" local flood risk projects to take full advantage of upcoming funding opportunities. It will be necessary to clarify what role the city council can play in bringing such projects forward (page 153). The city council also welcomes the commitment to engage directly with staff in local authorities (page 151) and to implement flood mitigation measures in the two CDCs in Norwich in Sewell/Catton Grove and Nelson/Town Close wards (pages 154 and 155).

Detailed comments on the text of the strategy

Paragraph / table	Comment / Suggestion
1.7	Reword bullet point 5 to avoid using term "those in authority".
1.8	Change "see para. 3.3 and 3.4" to "see para. 4.3 and 4.4".
7.10	Whilst the great majority of the growth planned for the Greater Norwich area through the Joint Core Strategy is outside fluvial flood risk areas, we welcome the recognition that <i>"It is not always possible to avoid building in areas that are at risk of flooding (many existing historic towns are built within flood risk areas)"</i> . As this applies to some parts of Norwich where it is important to prevent development in the functional flood plain ((zone 3b), but it is not appropriate to prevent development in fluvial flood zones 2 and 3a, we also welcome the statement that <i>"It is important therefore to design built environments in areas at risk of flooding so that, if a flood does occur, the damage to buildings and other infrastructure in the flood area is minimised and they can be brought back into use quickly at minimal cost"</i> . This reflects both national and Norwich local plan

	policy.
8.3 and 8.4	Clarify that within Norwich the city council is an agent for the highway authority, rather than being a highway authority in its own right.
Table 1 district councils bullets	It may be useful to reiterate in bullet 4 that local plan policies should be in compliance with this strategy.
General	The strategy may benefit from providing local examples more e.g. names of water companies, examples of historic towns with some flood risk and by providing more detail on how flood risk is being addressed through urban planning (see comments on paragraphs 10.20/25 and 15.36/38 below).
Map 1	Name River Waveney on map.
9.8	Add “caused by heavy rainfall events” to the end of the first sentence.
Table 3 and tables 4 to 9	The data in the second column of table 3 refers to “Numbers of people”, whilst that in the subsequent tables 4 to 9 refer to “Properties at risk”. It would be useful to include an explanation of why the different data is used in the text.
10.15	Replace “city” in line 4 with “Norwich urban area”.
10.20 and 10.25	The statement in 10.20, referring to the functional flood plains of the Yare, Wensum and Bure, stating that “ <i>Many of these flood plains are under pressure to accommodate development that may decrease their capacity</i> ” should be reworded. It should reflect the fact that national planning practice guidance states that development should be directed away from functional flood plains (zone 3b) and that this national guidance should be reflected in Local Plans and planning decisions. The statement in paragraph 10.20 also suggests that a more nuanced approach to referencing the different strategic flood risk classifications may be needed throughout the strategy. Similarly, paragraph 10.25 should also make it clear that local plan documents, including the Joint Core Strategy, do guide development away from functional flood plains. We suggest the LLFA discuss this issue further with Broadland district council.
15.8	Please verify whether the railway lines east of Whitlingham junction and north of Whitlingham Broad do influence flood risk in Norwich itself.
15.9	Replace “watermill” with “pumping station”.
15.30	After “subsidence” add “in some locations”.
15.36	Add at the end of the paragraph “Accordingly, no sites in functional flood plains have been allocated in the Norwich local plan”.
15.38	Add at the end of the paragraph “Accordingly, Norwich local plan policy DM5 requires SuDS to be used on all new development where practicable and requires developments in the LLFA defined Critical Drainage Catchments to include flood mitigation measures such as green roofs to reduce flood risk in the area. This approach was strongly promoted by the LLFA at the 2014 local plan examination”.

End notes:

¹ Draft local flood risk management strategy (consultation document): Draft local flood risk management strategy (consultation document): https://norfolk.citizenspace.com/consultation/draft-local-flood-risk-management-strategy/supporting_documents/01_Norfolk_LFRMS_v12.3_Draft.pdf

² Norfolk County Council's guidance on Lead flood risk authority: <http://www.norfolk.gov.uk/view/ncc164949>