Response to Independent Examiner's Questions for Hellingly Neighbourhood Development Plan Hearing – Question 4

Is the plan's approach to flooding, including designating Areas of Critical Flood and Drainage Concern, which covers areas beyond Flood Zones 2 and 3 appropriate and consistent with national policy and advice?

Our reason for extending the Area of Critical Flood and Drainage concern beyond Flood Zones 2 and 3 is summarised in our topic paper 5 at paragraph 32. Land that is near to watercourses will be most suitable for the future management of surface water, and provision of other drainage or wastewater treatment facilities.

The revised NPPF of February 2019 includes several relevant paragraphs:

22 – *"Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure."* Our plan will support the strategic need for Wealden District Council to allocate land for management of flood risk into the future.

117 - *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment"*. Again, our policy supports this aim.

118 - Planning policies should *"recognise that some undeveloped land can perform many functions such as for wildlife, flood risk mitigation, carbon storage etc "*

148 - *"the planning system should support the transition to a low carbon future -taking full account of flood risk to minimise vulnerability and increase resilience"*

155 - *"where development is necessary it should be made safe for its lifetime without increasing flood risk elsewhere"*

157(b)- *"safeguarding land from development that is required or likely to be required , for current or future flood management"*

CIWEM's review[i] of the 25 Year Environment Plan (UK Government, 2019)[ii] advocates a collaborative and systems-based approach to managing flood risk, with those agencies currently involved in the management of surface water working more closely together.

A recent paper in the Journal of Flood Risk Management[iii] highlights the failure of a "strengthened" planning system to provide adequate, robust policies to ensure sustainable drainage is provided for new developments. We may therefore need to re-visit current building programmes to retrospectively create community surface water drainage facilities. There are already local examples where the surface water drainage specified at the planning stage for new housing appears to be inadequate. We may also want to expand surface water treatment to areas that do not currently have this, increase sewer capacity for foul flows, or alleviate highway flooding.

The Natural Flood Management Toolkit (Environment Agency, 2017)[iv] provides guidance for managing flood risk in a sustainable way; most recommendations will require land area, and our plan supports the availability of land near to watercourses for this purpose. Potential future changes to water management, such as separation of grey water (from sinks and baths) from sewage for separate treatment would also require land, ideally adjacent to watercourses.

As we see increasing collaboration between LLFAs, WLMBs, Water Companies and Highways Authorities, and an increasing demand for low carbon technology, land availability for water treatment and flood risk mitigation will become ever more important, and the new NPPF demonstrates this need. Our plan will help to keep this land available for the future management and mitigation of flood risk.

Our plan therefore remains consistent with national policy and advice, despite several developments in policy and advice since its initial drafting.

Nina Downes, February 2020

Is the requirement to balance flood risk against "other public benefits" consistent with the Secretary of State's advice for dealing with development in areas subject to flooding and is it in general conformity with Policy EN4 of the Wealden Local Plan 1998?

In the 2007 publication "Improving the flood performance of new buildings"[v] the Secretary of State acknowledges that we may have to build on sites with some risk of flooding and places a focus on making those buildings resilient to flood conditions. The hierarchy of flood avoidance / flood resistance / flood resilience / flood repairable is considered an appropriate mitigation approach to building in a flood prone area.

Where "other public benefits" are reason for building in a flood prone area, we are therefore aligned with the advice of the Secretary of State, as our policy asks that "*the risk can be shown to be satisfactorily mitigated".*

Policy EN4 of the Wealden Plan 1998 states " *New development will be resisted within areas at risk of deep tidal flooding, coastal erosion or within river floodplains*"

Our policy is in general conformity with this policy as the area identified on the Proposals Map does include river floodplains. However, we note that policy EN4 is not one of the policies saved by Wealden District Council in 2007[vi].

Is the presumption against land raising on development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?

Land raising is a practice that increases the risk of flooding the surrounding area wherever it is used, and is best illustrated with a theoretical example:

If we have a parcel of land that is 10m x 10m that is flooded to a depth of 2cm with water, the water volume retained on the land is 10 x 10 x 0.02 m^3 = 2 m^3.

If we build on the land, covering half the surface area, the water that can be retained on the land to the same depth is now only 1 m^3. The extra water will run off to adjacent land. If the entire surface of the land is raised, the entire 2m^3 of water formerly held on the land is now shed to its surroundings.

Land raising therefore increases the flood risk to neighbouring land, hence our policy heavily resists this option.

Buildings in flood prone areas can be made flood resistant by following the guidance in the 2007 "Improving Flood Performance" document cited above. Within this document, the following advice appears:

"*It is important that land raising is not carried out in areas, which will result in increased flood risk elsewhere. Typically, this would be in the areas alongside watercourses or poorly drained areas. The potential impacts of land raising could be to reduce flood storage capacity and displace flood water, thus increasing flow speeds and water depths in adjacent areas"*

Virtually all the Parish is poorly drained, so our policy is seeking to reinforce the guidance already in place.

---

[i] Chartered Institution for Water and Environmental Management, 2019 Report Executive Summary 25 Year Environment Plan

[ii] https://www.gov.uk/government/publications/25-year-environment-plan/25-year-environment-plan-our-targets-at-a-glance#mitigating-and-adapting-to-climate-change

[iii] Delivering sustainable drainage systems through the English planning system: A proposed case of institutional void, Tudorel Vilcan & Karen Potter, 22 January 2019

[iv] https://catchmentbasedapproach.org/wp-content/uploads/2018/08/EA-NFM-Toolbox-Final-Draft.compressed.pdf

[v] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7730/flood_performance.pdf

[vi] https://www.wealden.gov.uk/planning-and-building-control/planning-policy/former-local-plans-and-saved-policies/

Nina Downes, February 2020