Flood risk and coastal erosion

FAQs following PPG update webinars
31 January 2023

The TCPA
The Town and Country Planning Association (TCPA) works to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. Founded in 1899, our work over the last century has focused on improving both the art and science of planning in the UK and abroad.

Flood Re
Flood Re is a re-insurance Scheme that makes flood cover more widely available and affordable as part of your home insurance. Flood Re helps households at the highest risk of flooding. We also provide information about taking action to reduce flood risk. Flood Re will run for 25 years, at which point insurers should be offering policies based on actual risk to property.

The Environment Agency
The Environment Agency (EA) work to create better places for people and wildlife and support sustainable development. EA is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs.

1 Introduction

The Planning Practice Guidance (PPG) on Flood Risk and Coastal Erosion was updated in August 2022, following a government review of policy for development in areas of flood risk, and to bring in line with updates to the National Planning Policy Framework. The updates cover a range of important areas relating to planning and flood risk management including:

- the application of the sequential and exception tests.
- the use of multifunctional Sustainable Drainage Systems (SuDS).
- surface water flood risk.
- safeguarding land for future flood risk management.
- natural flood management.
- supporting transition in unsustainable locations.

To support local planning authority officers understand the implications of these updates, the TCPA hosted two webinars to give an essential overview of these changes. This document captures a summary of key questions raised during these webinars and provides brief responses, provided by the Environment Agency, to support local authority planners to implement the new guidance in their practice.

These resources were made possible thanks to funding from Flood Re, and contributions from the Environment Agency. This FAQ document was produced in late January 2023 and therefore reflects the policy context at that time.

2 Frequently asked questions (FAQs)

2.1 The sequential test

Q: What tools and sources of information can local planning authorities use to consider all sources of flooding (such as surface water flooding) as part of the sequential test?

A: *The National Planning Policy Framework (NPPF) is clear that the sequential test should consider all sources of current and future flood risk. Strategic Flood Risk Assessments (SFRAs) should form the basis for the sequential test. The EA's guidance How to prepare a strategic flood risk assessment provides advice on how SFRAs should account for surface water flood risk. The guidance encourages Local planning authorities (LPAs) to include a ranking methodology in their SFRA which should enable the relative risk of different sites to be consistently compared. The EA guidance lists the factors which should be considered in producing a ranking methodology which works for your particular area. The joint*

ADEPT and EA SFRA Good Practice Guide (see section 10) includes advice and case studies about applying the sequential approach to all sources of flooding.

Q: What tools and sources of information can planners use to assess future flood risk when carrying out the sequential test?

A: *The NPPF is clear that the sequential test should consider all sources of current and future flood risk. Strategic Flood Risk Assessments (SFRAs) should form the basis for the sequential test. It is therefore for the SFRA to assess all sources of flood risk and how these risks may change over the anticipated lifetime of development. The EA has many detailed hydraulic models which it makes freely available to planners and developers. These models will usually include runs that account for climate change. Where there are gaps in the evidence needed to inform local plan preparation (e.g. a site allocation is being considered where there is no detailed hydraulic model or a model does not include the latest climate change allowances), it is for the LPA in its SFRA to fill these gaps, either by commissioning new modelling or re-running existing models.*

The EA's second National Flood Risk Assessment (NaFRA2), due to complete by the end of 2024, will include national climate change modelling for rivers, the sea and for surface water. It should also include the flexibility to adapt quickly to changes in the climate change allowances. Once released it should make preparing and updating SFRAs somewhat easier for LPAs.

Q: Does paragraph 36 of the guidance imply that for development on brownfield land to be considered as having 'wider sustainability benefits to the community' it must be part of a wider regeneration scheme, or would other brownfield sites potentially qualify?

A: *Paragraph 36 is about the first part of the Exception Test. The re-use of brownfield land as part of a local regeneration scheme is just one of several examples on a non-exhaustive list of ways development could provide 'wider sustainability benefits to the community'. There is no reason why brownfield land that does not form part of a regeneration scheme couldn't provide other 'wider sustainability benefits to the community'.*

Q: Should flood risk be a key consideration in calculating housing need?

A: *Flood risk is not a consideration in calculating housing need. However, a housing need figure is not a housing requirement figure. Once a housing need figure has been calculated, a housing and economic land availability assessment is needed. Flood risk and coastal change are examples of factors that can be accounted for when assessing the suitability, availability and achievability of sites*

and broad locations. It is then for the local planning authority to establish if identified need can be met, accounting for any identified constraints and any evidence on whether these constraints can be overcome. Ultimately it is for the LPA to demonstrate that the plan is sound and meets the legal tests, including the S19 climate change mitigation and adaptation duty.

2.2 Development locations

Q: How should planners be considering the impact of climate change on Flood Zones? Could these be mapped as current and with consideration of climate change?

A: *The NPPF is clear that planning should account for all sources of current and future flood risk when considering the location and design of development. It is for strategic and site-specific flood risk assessments to assess these flood risks and how they're expected to change over the anticipated lifetime of the development being considered. However, the Flood Zones as defined in Table 1 of the PPG and do not account for climate change. Whilst it is essential that equivalent scenarios are considered with climate change to understand how the extent and severity of risk will change over time, these areas should not normally be called Flood Zones 2 or 3 as this would run contrary to the definitions provided in Table 1 of the PPG.*

Q: Are there any plans for the EA to carry out modelling for the functional floodplain at 3.3% AEP?

A: *The Environment Agency is in the process of preparing its second national flood risk assessment (NaFRA2) which is due to be published during 2024. As part of this we expect it to provide defended flood extents for the 3.3% AEP event across the whole of England. This should help LPAs to define and map areas of functional floodplain in their strategic flood risk assessments. In the meantime, the Environment Agency has many detailed hydraulic models which can be made freely available to LPAs to help them identify functional floodplain.*

2.3 Roles and responsibilities

Q: There appears to be a gap in the operational responsibility for groundwater. The LLFA has strategic responsibility, but operational responsibility is not legislated for and is therefore sometimes undefined. Can you clarify this?

A: *Lead Local Flood Authorities (LLFAs) are responsible for managing groundwater flooding, however, they are not specifically a statutory consultee on*

development in areas at risk of groundwater flooding. It is the LPA's responsibility in its SFRA to assess all sources of current and future flooding and to identify those areas where a flood risk assessment will be needed. It is also for the LPA to satisfy itself that the sequential test has been undertaken and satisfied – including for development in areas at risk from groundwater flooding. In cases where development is at risk of flooding from groundwater, the EA encourages the LPA to ask the LLFA if it wishes to be consulted.

2.4 Surface water flood risk

Q: Is there an intention to make climate change modelled data available for surface water flood risk? This might reduce the burden of technical work required for minor development.

A: *Yes. The EA's second national flood risk assessment will include surface water flood risk mapping which accounts for climate change. This work is likely to be completed by the end of 2024.*

2.5 Coastal change management areas (CCMAs)

Q: Is there an intention to produce / update guidance on CCMAs?

A: *This is being kept under review. The PPG update included more detail and some helpful clarifications around the designation and operation of CCMAs. We are undertaking some work as part of the refresh of Shoreline Management Plans (SMPs) to better understand the links between planning and SMPs. We are looking to conduct a survey of planners as part of this work, and will look to use this opportunity to seek feedback about what further guidance, if any, may be necessary, and in what form.*

Q: How should CCMAs take account of climate change? There is currently no guidance which leaves them vulnerable to using unrealistic climate change scenarios.

A: *LPAs should refer to relevant Shoreline Management Plans and the Environment Agency's National Coastal Erosion Risk Map (NCERM) when considering the need to designate CCMAs. Both do take some account for climate change – albeit not using the latest climate change allowances. NCERM will be updated later this year to, among other things, account for the latest climate change allowances. LPAs should also refer to their Strategic Flood Risk Assessment to understand how sea level rise will affect flood risk and inundation. Reference should be made to Flood Risk Assessments: Climate Change*

Allowances which include the Environment Agency's advice on appropriate climate change allowances.

Q: Should LPAs set out expectations for when coastal change vulnerability assessments will be required in CCMAs?

A: *Yes, it would be helpful for LPAs to set out the circumstances in which a coastal change vulnerability assessment will be required and, ideally, what should be contained within it. These requirements should be reflected in local lists of information requirements to ensure the necessary information is submitted up-front. There may also be other circumstances outside a CCMA where it's reasonable to request a coastal change vulnerability assessment as well.*

Q: How can we help streamline and better interlink the planning system with shoreline management plans and better manage development in areas with rapidly changing coastlines?

A: *It's important that there are strong links between planning decisions and SMPs, as well as other relevant evidence on coastal change such as the National Coastal Erosion Risk Map (NCERM) and latest evidence on how climate change will affect flood risk and coastal inundation. Both SMPs and NCERM are due to be updated over the next year and it's important that local plans are revisited to respond to any changes. The Environment Agency is also producing a Shoreline Management Plan Explorer, which is a digital platform that will bring all relevant SMP information together into one place. Designing local policies (including the designation of CCMAs) so they can be agile to changes in evidence would be a sensible approach.*

The other key factor to better interlink SMPs with planning is appropriate engagement and consultation with coastal groups and the coast protection authority during SFRA and local plan preparation. It may also be appropriate to set up local consultation arrangements with the coast protection authority so that appropriate expert advice and up-to-date local knowledge can be brought to bear on individual development proposals.

2.6 Sustainable Drainage Systems (SuDS)

Q: Are SuDS now expected to meet the four pillars set out in guidance?

A: *Paragraph 55 of the PPG is now clear that, to be considered a sustainable drainage system, it must meet the 4 pillars. This means that on all major developments and on all developments in flood risk areas, if a sustainable drainage system providing the 4 pillars is not provided, the applicant must justify, with clear evidence, why the use of SuDS is inappropriate. There will be legitimate circumstances when some types of SuDS are not appropriate, for example the use of infiltration approaches on contaminated land. But circumstances where a sustainable drainage system of some sort is not possible, should be extremely rare. LPAs can help prevent SuDS from being an afterthought by ensuring that Sustainable Drainage Strategies are included on their local list of information requirements. LPAs can then refuse to validate applications that fail to include such a strategy.*

Q: Does this mean that reliance on traditional piped and tanked storage systems are not SuDS?

A: *Correct. Such a system would likely only meet one of the four pillars so would not be considered a SuDS. To justify such a system, the developer would need to provide clear evidence of why the use of SuDS is inappropriate.*

2.7 Cumulative impact

Q: Does this guidance strengthen local planning authorities ability to manage the impact of householder level developments (e.g the use of conditions against use of concrete/astroturf in gardens and communal areas)?

A: *Yes. Firstly, there is emphasis on understanding and assessing flood risk across the LPA area through preparation of a strategic flood risk assessment. EA guidance on How to prepare a strategic flood risk assessment is clear that SFRAs should include an assessment of the cumulative impacts of development and land-use change, including impacts expected from things like permitted development and urban creep. This assessment should provide information on how sensitive the area is to such changes. The guidance explains that further actions could include policies controlling the design of development; the approach to green and other infrastructure; or the removal of permitted development rights. Paragraph 51 of the PPG explains the approach to 'minor' developments. Paragraph 53 of the PPG explains the approach to removing permitted development rights. Paragraph 49 of the PPG also explains the valuable contribution that SuDS, natural flood management and green infrastructure can make to mitigating the cumulative impacts of development on flood risk.*

2.8 Flood evacuation plans (FEPs)

Q: Is it reasonable to expect developers to submit FEPs at application stage? Our LPA often gets push back from developers that expect this to be dealt with through conditions.

A: *Yes, this would be reasonable. It would rarely be acceptable to require submission of an emergency plan after the grant of planning permission because the plan may show that the development cannot be made safe, at which point the principle of development has already been established. This joint Environment Agency and ADEPT guidance, Flood Risk Emergency Plans for New Development provides detailed guidance on when an emergency plan should be requested and what they should contain. This is supported by the PPG guidance in paragraph 43.*

2.9 Climate change allowances

Q: Is there further clarity on how to calculate climate change allowances and which level of allowance should be used in assessing development?

A: *The Environment Agency guidance, Flood Risk Assessments: Climate Change Allowances, uses the latest climate science to provide full details on how climate change should be accounted for in assessing flood risk. It includes allowances for peak river flow, peak rainfall intensity, sea level rise, offshore wind speed, extreme wave height and storm surge. It also explains how to use different allowances depending on factors like the vulnerability and scale of the development being proposed. The onus is then on planning applicants in site-specific flood risk assessments, and LPAs in strategic flood risk assessments, to assess how flood risk could change over the anticipated lifetime of the development being considered.*

2.10 Transitional arrangements

Q: Is there any guidance on transition to the use of the new PPG? For example, where a local plan is in the late stages of adoption, or where allocations were not assessed for a specific type of flood risk?

A: *No, there are no formal transition arrangements in place. The updated PPG became a valid consideration upon publication. In most cases the PPG's introduction is unlikely to significantly affect plan preparation as it merely provides additional clarification and explanation of existing policies. The one area which may cause some issues is the change to the definition of functional floodplain.*

The starting point for determining functional floodplain has been amended from the 5% annual exceedance probability (AEP) event to the 3.3% AEP event. As before, this remains a starting point and needn't be determined on the basis of rigid parameters. In isolation, this change is unlikely to bring about the need for an SFRA review – although it could be one of several factors in triggering a review.

In relation to both individual planning applications and local plan preparation, the EA advocate a risk-based approach to undertaking further analysis on the presence or absence of functional floodplain based on the revised definition. This approach should be informed by the scale and vulnerability of the development in question and informed by local knowledge of the catchment's likely sensitivity to this change.

Regardless of the presence / absence of functional floodplain, it remains crucial to be satisfied that the proposed development will be safe throughout its lifetime without increasing flood risk elsewhere. Please speak to your local Environment Agency Sustainable Places team to discuss any specific cases.

Q: Is the old PPG available/ still accessible somewhere if we need to refer back to it? Might be useful where we have referred to specific paragraphs of the old PPG in planning responses.

A: *Yes, a link is included at the top of the new PPG page. It's in the archive. See here: https://webarchive.nationalarchives.gov.uk/ukgwa/20220802221446/https://www.gov.uk/guidance/flood-risk-and-coastal-change#lead-local-flood-authorities111.*