



Report To: Planning Portfolio Holder

8 November 2016

Lead Officer: Joint Director for Planning and Economic Development

Adoption of Cambridgeshire Flood and Water Supplementary Planning Document

Purpose

1. The purpose of this report is to consider the results of the public consultation carried out on the draft Cambridgeshire Flood and Water Supplementary Planning Document (SPD), and to seek approval for this SPD to be formally adopted by the Council and for the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' document to be agreed as Council Policy.
2. This is not a key decision because the SPD does not create new policy, but provides further guidance on implementing existing planning policies in the Council's adopted Local Development Framework. Agreement to carry out public consultation on the draft SPD was given at the Planning Portfolio Holder meeting held on 9 July 2015.

Recommendations

3. It is recommended that the Planning Portfolio Holder:
 - (a) **CONSIDERS** the representations received on the draft Cambridgeshire Flood and Water SPD and **AGREES** the Councils' responses (as included in Annex B of Appendix 3 of this report);
 - (b) **APPROVES** the adoption of the Cambridgeshire Flood and Water Supplementary Planning Document (see Appendix 1 of this report);
 - (c) **AGREES** the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' document (see Appendix 2 of this report) as Council Policy and be used as a material consideration when considering planning applications; and
 - (d) **DELEGATES** any subsequent minor amendments and editing of the SPD and 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' document to the Joint Director for Planning and Economic Development.

Reasons for Recommendations

4. The Cambridgeshire Flood and Water SPD has been produced by Cambridgeshire County Council (as the Lead Local Flood Authority) in conjunction with the five other local planning authorities in Cambridgeshire. The SPD will support the implementation of flooding and water related policies in each local planning authority's respective adopted or emerging Local Development Framework (LDF) or Local Plan.

5. If agreed by the Planning Portfolio Holder, the SPD will be adopted by South Cambridgeshire District Council and will be a material consideration when considering planning applications.

Executive Summary

6. The Cambridgeshire Flood and Water SPD has been produced by Cambridgeshire County Council in conjunction with South Cambridgeshire District Council and the four other local planning authorities in Cambridgeshire. A county wide SPD has been produced to ensure that Cambridgeshire has a consistent, locally appropriate approach to flood risk and water management.
7. The Planning Portfolio Holder gave his agreement for public consultation on the draft SPD to be undertaken at his meeting on 9 July 2015. A six week period of public consultation took place between 4 September and 16 October 2015. During the consultation period 149 representations were received: 14 support, 16 objections, and 119 observations. The Councils have considered the representations received and, where appropriate, changes have been made to the SPD.
8. The SPD is now ready for adoption. Members at Cambridgeshire County Council endorsed the SPD in July 2016, but will not formally be adopting the SPD. Member(s) at Cambridge City Council will be asked to agree the responses to the consultation and proposed changes to the SPD in December 2016, with a recommendation that the SPD is adopted alongside their Local Plan. Member(s) at the other three local planning authorities are being asked to agree the adoption of the SPD in November 2016, December 2016 and early 2017.
9. For South Cambridgeshire, once adopted the SPD will form part of the Local Development Framework and will be a material consideration when considering planning applications. To accompany the SPD, the Council has produced a guidance note on the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' to be agreed as Council Policy and be used as a material consideration when considering planning applications.

Background

10. The Cambridgeshire Flood and Water SPD has been produced by Cambridgeshire County Council (as the Lead Local Flood Authority) in conjunction with South Cambridgeshire District Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council, the Environment Agency, Anglian Water, and the Internal Drainage Boards. A county wide SPD has been produced to ensure that Cambridgeshire has a consistent, locally appropriate approach to flood risk and water management. The SPD has been developed to support the implementation of flooding and water related policies in each local planning authority's respective adopted or emerging LDF or Local Plan.
11. For South Cambridgeshire, the SPD will initially support policies in the adopted Development Control Policies Development Plan Document (DPD). Once the Local Plan is adopted, the SPD will need to be reviewed through an appropriate process in

conjunction with the other five local planning authorities in Cambridgeshire, and then re-adopted to support the Local Plan.

12. A significant amount of new development will occur in Cambridgeshire over the next 20 years and beyond. In order to reduce the impact of these developments on the water environment, national planning policy and guidance and local planning policies, included in the Development Control Policies DPD, require that new development must be appropriately located, well designed, and managed to take account of climate change and flood risk.
13. The SPD provides detailed supplementary guidance for applicants on developing proposals that:
 - are not at risk of flooding and that do not increase the risk of flooding elsewhere, including providing guidance on the Sequential and Exception Tests, how to produce a site specific Flood Risk Assessment, and measures that can be taken to manage flood risk;
 - include the use of sustainable drainage systems (SuDS) that effectively manage water, are aesthetically pleasing, conserve, accommodate and enhance biodiversity, and provide amenity for local residents; and
 - either enhance the quality of the water environment and / or do not have an adverse impact on the quality of water bodies including rivers, lakes and groundwater.
14. The SPD also includes checklists to be completed and submitted by applicants at different stages in the planning application process and also checklists to ensure that any Flood Risk Assessment includes all the necessary information (see Appendices B, E and F of the SPD). On adoption of the SPD, it is recommended that the submission of these checklists is included on the Council's local list, which sets out the information that needs to be submitted to the Council with a planning application for it to be validated and considered. The Council is in the process of updating its local list and has therefore proposed that the checklists included in the Cambridgeshire Flood and Water SPD are added to the Council's list. Consultation has been carried out on the updated local list, and the Planning Portfolio Holder will be asked to consider the results of the consultation and approve the updated list.
15. Chapter 6 of the SPD (section 6.9) sets out guidance on the adoption and maintenance of sustainable drainage systems (SuDS) and recommends that a statutory organisation, such as a local authority, Anglian Water or an Internal Drainage Board, takes on the role of adopting and maintaining SuDS. Some local authorities, such as Cambridge City Council, will adopt and maintain SuDS provided that they meet specific design and adoption standards.
16. South Cambridgeshire District Council will not generally adopt or maintain SuDS, and therefore the Council has produced a document (see Appendix 2 of this report) setting out what needs to be provided by an applicant as part of any planning application that includes SuDS to demonstrate that suitable adoption and maintenance arrangements are in place. The Planning Portfolio Holder is being asked to agree the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' document as Council Policy to be used as a material consideration when considering planning applications.

Considerations

Results of Public Consultation and Consideration of Responses

17. A six week period of public consultation took place between 4 September and 16 October 2015. During the consultation period 149 representations were received on the draft SPD: 14 support, 16 objections, and 119 observations.
18. Cambridgeshire County Council, in conjunction with the other local authorities, has considered the representations received on the draft SPD and, where appropriate, changes have been made to the SPD. A schedule of all representations received is provided in Annex B of Appendix 3. The schedule provides a summary of each representation received in document order together with the Councils' assessment of them and, where appropriate, sets out amendments to the text of the SPD. The full representations can be viewed using Huntingdonshire District Council's online consultation system: <http://consult.huntingdonshire.gov.uk/portal/pp/spd/fw?pointId=3513470>
19. The main issues raised in the representations sought:
 - to make the document as user friendly as possible;
 - further clarity regarding the requirement for developers to provide evidence in relation to the sequential test;
 - acknowledgment of the differences in landscapes and topography across the county (city to fen) as often it is perceived that SuDS cannot be used in fen areas;
 - clarification of the role of Internal Drainage Boards;
 - to strengthen the guidance on the design of SuDS, in particular in relation to maintenance and to ensure the maximum benefit of any schemes for wildlife and people;
 - to provide more information on the likely impacts on the historic environment;
 - additional guidance on the importance of more trees and woodlands where they can safeguard clean water, help manage flood risk or improve biodiversity; and
 - to include a statement that acknowledges that the Water Framework Directive categorises water bodies into natural or heavily modified/artificial, which in turn directs the appropriate course of action of ecological status or ecological potential.
20. These issues have been considered and amendments have been made to the SPD. The main changes are:
 - amendments to the layout of the document to make it more reader friendly, and specific chapters have been restructured in response to the comments received;
 - guidance on the sequential and exception tests, and undertaking flood risk assessments, revised and restructured to provide clarity for users;
 - additional information included to explain the differences between landscapes across the county and how these differences should be considered when mitigating flood risk and designing SuDS;
 - simplification of information relating to Internal Drainage Boards, including on their role and requirements;
 - additional information added on designing SuDS, including considering maintenance and creating benefits for both wildlife and people;

- references added to ensure that the historic environment is considered when mitigating and managing flood risk, and designing SuDS;
 - inclusion of guidance on the use of trees to help manage flood risk and improve biodiversity; and
 - information added to explain the categorisation of waterbodies and their associated environmental objectives.
21. The steering group has also considered the Inspectors findings relating to the Sequential Test in an appeal decision issued in August 2016 relating to a proposal for residential development in Farnham, Surrey (APP/R3650/W/15/3136799). As a result, amendments have been made to the guidance on the Sequential Test included in Chapter 4 of the SPD, to ensure that the guidance provided is consistent with national guidance and the Inspectors findings.

Adoption of the SPD

22. The SPD has been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs and is now ready for adoption. Once adopted, the SPD will form part of the Local Development Framework and will be a material consideration when considering planning applications. Once the Local Plan is adopted, the SPD will need to be reviewed through an appropriate process in conjunction with the other five local planning authorities in Cambridgeshire, and then re-adopted to support the Local Plan.
23. The SPD, as proposed for adoption, includes guidance on the adoption and maintenance of SuDS. To accompany the SPD, the Council has produced a guidance note on the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' which the Planning Portfolio Holder is being asked to agree as Council Policy to be used as a material consideration when considering planning applications.
24. Members at Cambridgeshire County Council, as Lead Local Flood Authority, endorsed the SPD in July 2016, but will not formally be adopting the SPD. Member(s) at East Cambridgeshire District Council will be asked to agree the adoption of the SPD on 16 November 2016. Member(s) at Cambridge City Council will be asked to agree the responses to the consultation and proposed changes to the SPD on 6 December 2016, with a recommendation that the SPD is adopted alongside their Local Plan. Member(s) at Fenland District Council will be asked to agree the adoption of the SPD on 15 December 2016. It is anticipated that Member(s) at Huntingdonshire District Council will be asked to agree the adoption of the SPD in 2017.
25. A number of supporting documents have also been prepared:
- Consultation Statement: local authorities are required to prepare a Consultation Statement setting out who has been consulted while preparing the SPD; a summary of the main issues raised; and how these issues have been addressed in the SPD. Cambridgeshire County Council has prepared the Consultation Statement (see Appendix 3) on behalf of, and in conjunction with, all the local planning authorities that provides a detailed record of the consultation undertaken during the process of preparing the SPD.

- Sustainability Appraisal and Habitat Regulations Assessment Screening Report: local authorities are not required to produce Sustainability Appraisals of SPDs as they do not contain new policies, instead SPDs provide more detailed guidance relating to policies that have already been subject to Sustainability Appraisal. Occasionally an SPD can give rise to significant environmental effects and therefore local authorities need to screen their SPDs to ensure that the legal requirements for Sustainability Appraisal and Habitat Regulations are met. The screening reports (see Appendix 4 and 5) prepared by Cambridgeshire County Council demonstrate that the draft SPD does not give rise to significant environmental effects.
- Equality Impact Assessment: local authorities have a legal responsibility to ensure that their policies do not adversely affect the different sections of their communities. Cambridgeshire County Council has completed an Equality Impact Assessment of the SPD (see Appendix 6) which shows that the SPD will have a neutral and / or positive impact on equality and diversity.

26. As with the plan making process, any person aggrieved by the SPD can apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

Options

27. The Planning Portfolio Holder has the following options:
- (a) agrees that the Cambridgeshire Flood and Water SPD (see Appendix 1) be adopted and the 'Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire' document (see Appendix 2) be agreed as Council Policy, as set out in the recommendations in paragraph 3; or
 - (b) decides not to adopt the SPD – it is likely that the other local planning authorities within Cambridgeshire will continue to seek adoption of the SPD.

Implications

28. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Staffing

29. The SPD will assist developers, householders and landowners in preparing planning applications for submission to the local planning authority and will also help the Council in determining planning applications.

Legal

30. The SPD has been produced by Cambridgeshire County Council in conjunction with the five other local planning authorities within Cambridgeshire, the Environment Agency, Anglian Water, and the Internal Drainage Boards. The SPD has been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs.

Equality and Diversity

31. The SPD has been subject to an Equality Impact Assessment which shows that the SPD will have a neutral and / or positive impact on equality and diversity.

Climate Change

32. The SPD supports the delivery of sustainable developments and will ensure that developments are located, designed, and managed to take account of climate change.

Consultation responses (including from the Youth Council)

33. The Cambridgeshire Flood and Water SPD has been prepared by Cambridgeshire County Council in conjunction with the five other local planning authorities within Cambridgeshire, the Environment Agency, Anglian Water, and the Internal Drainage Boards. A steering group was set up with representatives from each of these organisations and meetings were held between June 2014 and August 2016. The steering group provided comments on behalf of their organisations on the SPD as it was drafted, and also in the process of considering the comments received during the public consultation.
34. A six week period of public consultation took place between 4 September and 16 October 2015. During the consultation period 149 representations were received on the draft SPD: 14 support, 16 objections, and 119 observations. Cambridgeshire County Council, in conjunction with the other local authorities, has considered the representations received on the draft SPD and, where appropriate, changes have been made to the SPD.
35. A detailed record of the consultation undertaken during the process of preparing the SPD is set out in the Consultation Statement (see Appendix 3).

Effect on Strategic Objectives

Objective 1 – Living Well: support our communities to remain in good health whilst continuing to protect the natural and built environment

36. The SPD supports the delivery of sustainable developments and will ensure that developments are located, designed, and managed to take account of climate change and flood risk. This will ensure that developments are safe for their lifetime and the inclusion of SuDS will help to make new developments aesthetically pleasing and provide amenity for local residents.

Background Papers

Report to Planning Portfolio Holder Meeting on 9 July 2015 – Consultation on Cambridgeshire Flood and Water Supplementary Planning Document:
<http://scamb.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=6610>

Full Representations on draft Cambridgeshire Flood and Water Supplementary Planning Document:
<http://consult.huntingdonshire.gov.uk/portal/pp/spd/fw?pointId=3513470>

Appeal Decision for Residential Development in Farnham, Surrey (August 2016):
<https://acp.planninginspectorate.gov.uk/ViewCase.aspx?caseid=3136799>

South Cambridgeshire Local Development Framework:
<https://www.scambs.gov.uk/content/local-development-framework>

South Cambridgeshire Local Plan (submitted in March 2014):
<https://www.scambs.gov.uk/localplan>

Appendices

Appendix 1 – Cambridgeshire Flood and Water SPD

Appendix 2 – Adoption and Maintenance of Sustainable Drainage Systems in South Cambridgeshire

Appendix 3 – Consultation Statement

Appendix 4 – Sustainability Appraisal Screening Report

Appendix 5 – Habitats Regulations Assessment Report

Appendix 6 – Equality Impact Assessment

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