



# **Policy LP14 Managing Water Resources and Flood Risk Evidence Report**

**Proposed Submission  
April 2016**

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# 1. Introduction and Policy Context

## Introduction

- 1.1 A joint Local Plan for the Central Lincolnshire area is being produced which will set the framework for how development will be considered across the districts of the City of Lincoln, North Kesteven and West Lindsey to 2036.
- 1.2 This Evidence Report (which is one of a collection) provides background information and justification for policy LP14, which relates to managing water resources and flood risk.

## National policy

- 1.3 The National Planning Policy Framework (NPPF) was published in March 2012 and the National Planning Practice Guidance (NPPG) was introduced in 2014 which offers 'live' government guidance.
- 1.4 The need to take flood risk and water management into consideration is referenced throughout the NPPF with supporting guidance in the NPPG on flood risk and coastal change, water supply, wastewater and water quality and climate change.
- 1.5 Section 10 of the NPPF concerns "Meeting the challenge of climate change, flooding and coastal change" and there is a separate section on "Plan-making". The following points are particularly relevant:
  - Paragraph 17, in listing the core land-use planning principles that should underpin plan making, states that planning should "support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change..."
  - Paragraphs 93 to 108 form section 10 and include the following paragraphs that are of particular relevance.
  - Paragraph 94 states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.*"
  - Paragraph 99 requires Local Plans to "*take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.*"
  - Paragraphs 100 to 104 go on to explain that Local Plans should be supported by Strategic Flood Risk Assessments and the details and application of the Sequential Test and Exception Test, if necessary.
  - Paragraphs 150 to 157 concern "plan-making" and includes the following points which are particularly relevant:

*"Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic priorities to deliver... the provision of infrastructure for*

*transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management...*

*“Crucially Local Plans should... plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework”...*

- Paragraphs 158 to 177 provide guidance on the proportionate evidence base on which Local Plans should be based. Within this section paragraph 160 states that local planning authorities should *“work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.”*

While paragraph 162 states that *“local planning authorities should work with other authorities and providers to:*

- *Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and*
- *Take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.”*

And paragraphs 165 and 166 state that *“Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans...”* and *“Local Plans may require a variety of other environmental assessments, including under the Habitats Regulations where there is a likely significant effect on a European wildlife site (which may not necessarily be within the same local authority area), Strategic Flood Risk Assessment and assessment of the physical constraints on land use.”*

- 1.6 The above NPPF policy and associated NPPG guidance has been taken into account in preparing the Local Plan as a whole, and policy LP14 in particular.
- 1.7 Also of relevance is the outcome of government’s recent Housing Standards Review, which resulted in, inter alia, new building regulations for water use, including an optional standard for water efficiency if an adopted Local Plan seeks such a standard. No other water efficiency related policies are, in simple terms, permitted in a Local Plan. This matter has also been taken into account in the formulation of Policy LP14.

## 2 Central Lincolnshire Context in Relation to Policy LP14

- 2.1 The need for development to adequately consider all forms of flood risk has increased in response to recent events and the predicted effects of climate change which include sea level rise, more intense rainfall and increased river flows. This is of particular relevance for parts of Central Lincolnshire which contain significant areas of low lying land at potential risk of flooding. Many of these areas are within the centre of settlements and in wider sustainability terms are often the most sustainable location for future development. A careful balance therefore needs to be struck between further growth in these areas and the risk of flooding.
- 2.2 Knowledge of the impact of surface water flooding has improved in recent years and with the increased likelihood of more intense rainfall combined with further development, there will be an increase in the incidence of surface water runoff placing greater pressure on

existing drainage infrastructure. Combined sewer systems exacerbate the situation (and something the Local Plan seeks to address).

- 2.3 To support the planning process and provide a better understanding of flood risk in the area, Strategic Flood Risk Assessments have been produced for Central Lincolnshire – see E028, E029, E030 and the maps for E031 in the Planning Policy Library. Documents produced by other partners and organisations that have informed the development of the Local Plan include the Joint Lincolnshire Flood Risk and Drainage Management Strategy – see E027 in the Planning Policy Library as well as the Catchment Flood Management plans for the River Witham, River Trent and Grimsby and Ancholme and the Anglian and Humber River Basin Management Plans.
- 2.4 Some parts of Central Lincolnshire are currently constrained by the capacity of water recycling infrastructure and Central Lincolnshire lies within the East Midlands area of serious water stress where drought is a cause for concern. Most of Central Lincolnshire is covered by Anglian Water (AW) while a small part of the area around Gainsborough and the River Trent are covered by both AW and Severn Trent Water. Using information provided by the Water Cycle studies – see E023, E025 and E026 in the Planning Policy Library and by working with both water companies, the Environment Agency and other relevant bodies and through the development management function, the early consideration of the need for the timely provision of new or improved infrastructure provision, protection or improvement of water quality and conservation and management of water resources will be ensured.
- 2.5 The need for, timing and funding for infrastructure is supported by the Infrastructure Delivery Plan (IDP) and the Developer Contributions Supplementary Planning Document (SPD) – see E010 and E012 in the Planning Policy Library - and adoption of a Community Infrastructure Levy (CIL).

### 3 Local Plan Policy: Preliminary Draft

- 3.1 The Preliminary Draft version of the Local Plan (published for consultation in October – November 2014) included a policy on managing water resources and flood risk.
- 3.2 The majority of responses received during the consultation on the Preliminary Draft expressed support with some wording suggestions to strengthen the policy and add clarification.

### 4 Local Plan Policy: Further Draft

- 4.1 The wording of the policy and supporting text in the Further Draft version of the Local Plan was amended in response to comments received at the Preliminary Draft stage, including adding reference to the Level 2 SFRA recently undertaken, GLLEP SEP, and groundwater source protection zones. The Further Draft Local Plan was published for consultation in October – November 2015.
- 4.2 Various comments were received during the Further Draft consultation either supporting the policy or partially supporting elements of the policy particularly the requirement for SuDS and acknowledgement of their multi-functional role improving the water environment,

ecology, amenity and biodiversity and that it was felt that this met the requirements of the NPPF and recent government guidance.

- 4.3 Some felt it was too vague/ unclear particularly with regard to the need for further advice on what is meant by “impractical”, the use of the word “unacceptable” and whether this makes it non NPPF compliant. Clearer guidance was sought on SuDS and greater emphasis given to viability. In response, it is however felt that adequate advice or guidance exists or is available nationally and locally through published documents and advice from relevant organisations, such as Lincolnshire County Council as Lead Local Flood Authority.
- 4.4 Some sought confirmation that there was evidence which showed existing or planned drainage infrastructure was sufficient to meet the needs of proposed development and listed existing problems including some villages being affected by development in other, adjacent villages. Some also expressed concerns that development was being permitted or allocated in flood risk areas and suggesting a new settlement east of Horncastle or elsewhere as an alternative. In response, all proposed sites have also been considered against flood risk information, have been subject to the application of a sequential test and application of a level 2 SFRA, as appropriate – see separate evidence reports for details.
- 4.5 As part of the Further Draft consultation, and subsequently thereafter, clarity has been sought from EA and AW in relation to water stress in Central Lincolnshire, and whether the optional Building Regulation water efficiency standard should apply.

## 5 Local Plan Policy: Proposed Submission

- 5.1 Some of the detailed suggestions to improve clarity/ strengthen policy and supporting text wording have been made for the Proposed Submission Local Plan, including:
- strengthening policy wording that restricts connection to the foul sewage network;
  - that the Level 2 SFRA work being undertaken be referenced;
  - Groundwater Protection Zones be specifically mentioned;
  - that reference to the Water Framework Directive be strengthened; and
  - that Management Companies and Registered Social Landlords be added to the list of SuDS management companies.
- 5.2 In addition, whilst EA and AW couldn't express a definitive answer as to whether they believed the optional standard water efficiency standard should be included, it has been decided to introduce this requirement to the Policy, by replacing the Further Draft version of criteria (j):
- “(j) how efforts have been made to maximise the efficient use of water, including water storage and harvesting wherever practical”
- with the following criteria (j):
- “(j) they meet the Building Regulation water efficiency standard of 110litres per occupier per day”
- 5.3 This requirement is necessary due to the water stress nature of parts of Central Lincolnshire. The cost of such a requirement is low (around £9) and has been tested through the viability evidence as not being a burden. The new wording for (j) is also clearer as to the ‘ask’ being made of developers, and more in line with national policy following the

Housing Standards review (which seeks to prevent bespoke, local standards, as per the Further Draft version of criteria (j)).

- 5.4 The policy is supported by the Strategic Flood Risk Assessments, Water Cycle Studies, the Joint Lincolnshire Flood Risk and Drainage Management Strategy and documents produced by other organisations such as the Catchment Flood Management plans for the River Witham, River Trent and Grimsby and Ancholme and the Anglian and Humber River Basin Management Plans as well as the IDP, SPD, CIL and by policies LP12: Infrastructure to Support Growth and LP20: Green Infrastructure Network.

## 6 Alternative Reasonable Options

- 6.1 The following alternative options have been considered for this policy (**Option 1** is the preferred approach which has been included in the Proposed Submission version of the Local Plan).
- 6.2 **Option 2:** To have no local policy on managing water resources and flood risk but to rely on national policy. Whilst national policy and supporting guidance provide extensive general advice, it is not felt that it provides adequate local guidance and support for Central Lincolnshire. It would also not enable the Water Efficiency optional building regulation standard to be enforced.

## 7 Conclusion

- 7.1 This Evidence Report demonstrates the rationale for the proposed policy as contained in the Proposed Submission Local Plan April 2016. We hope this helps demonstrate how we have responded to comments received during the Preliminary Draft and Further Draft consultation, as well as how the latest evidence and national guidance has been taken into account.