C. National Policy, Acts and Technical Standards

National Planning Policy Framework

1.1. The National Planning Policy Framework[1] (NPPF) 2022 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

1.2. The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

1.3. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), it may be necessary to demonstrate through the Exception Test that:

- The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

1.4. The NPPF states that when determining planning applications, Local Planning Authorities (LPA) should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific Flood Risk Assessment. Development should only be allowed in areas at risk of flooding where it can be demonstrated that:

- Within the Proposed Development, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- The development is appropriately flood resistant and resilient;
- It incorporates Sustainable Drainage Systems (SuDS), unless there is clear evidence that this would be inappropriate;
- Any residual risk can be safely managed; and
- Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

1.5. Major developments should incorporate SuDS unless there is clear evidence that this would be inappropriate. The systems used should:

- Take account of advice from the lead local flood authority;
- Have appropriate proposed minimum operational standards;
- Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- Where possible, provide multifunctional benefits.

1.6. Flood risk vulnerability is split into five classifications in Annex 3 of the NPPF as follows:

- Essential Infrastructure, e.g. essential transport and utility infrastructure, wind turbines;

[1] Ministry of Housing, Communities and Local Government, February 2019. *National Planning Policy Framework*

- Highly Vulnerable, e.g. emergency services (those required to be operational during flooding), basement dwellings;
- More Vulnerable, e.g. residential dwellings, hospitals, schools, hotels, drinking establishments;
- Less Vulnerable, e.g. retail, offices, storage and distribution, leisure, restaurants; and
- Water-Compatible Development, e.g. docks, marinas, wharves.

1.7. The NPPF states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change) (NPPG (para 033). It should therefore be noted that even in areas at low risk of flooding (Flood Zone 1), there may be circumstances where the Sequential Test may need to be applied, for example, where other sources of flood risk to the Proposed Development are identified.

Planning Practice Guidance

1.8. The Planning Practice Guidance[2] (PPG) provides additional guidance to LPAs to ensure effective implementation of the planning policies set out within the NPPF regarding development in areas at risk of flooding. An update to the PPG that affects site specific FRAs is in force from 25th August 2022. This includes the updates as follows:

- Flood Zone 3b is now defined as 1 in 30 (3% AEP) rather than 1 in 20 (5% AEP) – this could restrict land available for development on policy grounds.
- Lifetime of commercial development is now assumed at 75 years – this is likely to require an increase in climate change allowance.
- The “design flood” now includes the 1 in 100 (1% AEP) pluvial/surface water flood event, which must also be accounted for when assessing access and egress routes.
- Evacuation procedures need to consider the 1 in 1,000 (0.1% AEP) extreme flood.
- Inclusion of a new "non-major" category of development that sits between minor/permitted and major.

1.9. The PPG states that developers and LPAs should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of SuDS. Referencing information provided by the Environment Agency (EA), the PPG provides advice on taking account of climate change, setting out recommended contingency allowances for net sea level rise and peak rainfall intensities. It also advises on flood resilience and resistance measures when dealing with the residual risks remaining after applying the sequential approach and mitigating actions.

1.10. The PPG also includes advice on flood risk vulnerability and flood zone compatibility. The following flood zones refer to the probability of river and sea flooding, without the presence of defences:

- Zone 1 - low probability: less than 1 in 1000 annual probability of river or sea flooding (<0.1%) in any year;
- Zone 2 - medium probability: between a 1 in 100 and 1 in 1,000 annual probability of river

[2] Ministry of Housing, Communities and Local Government, March 2014. *Planning Practice Guidance (updated August 2021)*

flooding (1% to 0.1%) or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% to 0.1%) in any year;

- Zone 3a - high probability: 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability flooding from the sea (>0.5%) in any year; and
- Zone 3b - the functional floodplain: where water has to flow or be stored in times of flood; identification should take account of local circumstances but would typically flood with an annual probability of 1 in 30 (3.3%) or greater in any year or is designed to flood in an extreme 1 in 1,000 (0.1%) flood.

Non-statutory Technical Standards for Sustainable Drainage

1.11. The Non-Statutory Technical Standards for Sustainable Drainage Systems[3] was published in March 2015 and is the current guidance for the design, maintenance and operation of SuDS.

1.12. The standards set out that the peak runoff rate should be as close as is reasonably practicable to the greenfield rate but should never exceed the pre-development runoff rate.

1.13. The standards also set out that the drainage system should be designed so that flooding does not occur on any part of the Proposed Development for a 1 in 30 year rainfall event, and that no flooding of a building (including basement) would occur during a 1 in 100 year rainfall event.

1.14. It is also noted within the standards that pumping should only be used when it is not reasonably practicable to discharge by gravity.

Water Industry Act

1.15. Wessex Water is the local Sewerage Undertaker and provides sewerage services under the guidance of the Water Industry Act 1991.

1.16. Under Section 106 of the Water Industry Act, the developer currently maintains the automatic right to ‘communicate’ with the public foul water sewer system.

[3] Department for Environment, Food and Rural Affairs, March 2015. *Non-statutory technical standards for sustainable drainage systems*