

WRITTEN MINISTERIAL STATEMENT

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Environment

PLANNING POLICY STATEMENT 15 — PLANNING & FLOOD RISK

Published at 12.30 pm on Tuesday 23 September 2014

Mr Durkan (The Minister of the Environment): I am pleased to inform Assembly members that the Executive, at its meeting on 9 September 2014, agreed to the publication of Revised Planning Policy Statement (PPS) 15, titled 'Planning and Flood risk', which I am now issuing in final form.

Revised PPS 15 sets out the Department's planning policies to minimise flood risk to people, property and the environment. Its primary aim is "to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere".

In June 2006, when PPS 15 was first issued, a commitment was given to review this important policy document within 5 years of its publication. The purpose of this commitment was to make sure planning policy on flood risk remains relevant and up to date taking into account evolving information on climate change as well as new evidence and experience of implementing flood risk policy.

Since 2006, there have been a number of important changes in the policy context that have underpinned this review of existing planning policy on flood risk. The European Directive on the Assessment and Management of Flood risks (the Floods Directive) came into force in November 2007 and was transposed into local legislation in 2009. This has led to significant improvements in regard to the quantity and quality of flood risk information now available through the ongoing implementation of the EU Floods Directive in Northern Ireland by DARD, as the competent authority.

Other significant developments include ongoing inter-departmental work aimed at promoting the use of sustainable drainage systems within Northern Ireland. Furthermore, a Reservoirs Bill is due to be enacted next year that will set out provisions for the management of this new source of flood risk highlighted by the Floods Directive.

The Review of this PPS is, therefore, well-timed and I am pleased to be issuing it today in final form.

The revised document contains 5 operational policies. Four of these policies, FLD 1 to FLD4 are carried forward from the existing PPS 15. While the overall thrust of the policies remains the same, some amendments have been made to provide greater clarity or to take account of current best practice. There is one new policy, FLD 5, which sets out planning policy for development in proximity to reservoirs. The revised PPS continues the core PPS 15 policy in setting out a presumption against development in flood plains. The revised PPS also enhances public awareness of flood risk and encourages preparedness through referring to the flood risk information now available and providing new and updated guidance. This includes a review of the guidance on sustainable drainage systems (SuDS) and new guidance on flood proofing of buildings.

In terms of the more detailed changes to the existing policies some will introduce additional constraint to development in flood risk areas and others will introduce additional flexibility where this is proportionate and the flood risks can be adequately mitigated and managed.

The key changes to the existing policies that will introduce additional constraints to development in flood risk areas, include:

- Within defended areas of the flood plain (ie those areas protected by adequate flood defences), the allowance for development of previously developed land is now expressly curtailed in regard to specific types of development because of the residual flood risk. Thus, there is now a stronger presumption against development which involves essential infrastructure, storage of hazardous substances, bespoke accommodation for vulnerable groups (eg residential / nursing homes) and for any development located close to the flood defences;
- Within undefended areas of the flood plain, the existing 'exception' allowing for the use of land for sport and outdoor recreation or amenity space is now amended so as to exclude playgrounds for children, thereby improving safety for this vulnerable group;
- Within undefended areas of the flood plain, the existing 'exception' allowing for the use of land for seasonal occupation by touring caravans and / or camp sites is now removed as an 'exception'. This takes account of changing weather patterns and the vulnerable nature of this form of development.
- Increased protection of flood defence and drainage infrastructure (including watercourses) against development likely to impede operational effectiveness;
- Strengthening of the presumption against the artificial modification of watercourses, for example through culverting.

In addition, a new policy is now introduced that will carefully manage new or replacement development in proximity to reservoirs. This will apply to the potential flood inundation areas of reservoirs above a threshold size of 10000 cubic metres. The policy will require the developer to provide assurance about reservoir safety before planning permission will be granted. In addition, the policy will preclude certain types of development considered inappropriate in these areas (eg bespoke accommodation for vulnerable groups and essential infrastructure) and also any development in which there is a risk of exposure to deep or fast flowing flood water (eg in areas close to the reservoir impoundment).

Changes that will introduce additional flexibility for development in flood risk areas include:

- In addition to the existing provision for consideration of development proposals in the flood plain which are of overriding regional importance, the revised PPS also makes provision for proposals of overriding sub-regional economic importance to be considered, subject to satisfactory Flood Risk Assessment;
- Some changes in regard to the prescribed 'Exceptions' to the policy allow additional flexibility for development in flood plains, subject to meeting the policy criteria and satisfactory Flood Risk Assessment. These are:
 1. A new 'exception' allowing for new development in settlements in the undefended coastal flood plain (eg in areas such as Titanic Quarter in Belfast), provided that the building(s) is elevated to an appropriate level above the flood plain and subject to a number of other policy caveats to ensure safe and sustainable forms of development;
 2. An amendment to the existing 'exception' for development within the undefended flood plain where such a location is essential for operational reasons; to allow expressly for agricultural development, where the farm unit is located wholly or largely within the flood plain and alternative suitable sites elsewhere are not available.
- A clearer presumption in favour of development in areas outside flood plains that may be susceptible to surface water flooding. The new policy permits development subject to a

satisfactory Drainage Assessment (where this is required), and otherwise, where there is no evidence of a history of surface water flooding;

While flooding is a natural phenomenon that cannot be entirely eliminated, we in government need to do all we can to address this recurring problem which can have devastating impacts on the individuals and communities affected. I believe it is important to ensure that the planning system continues to manage new development so as to further reduce the risk of flooding to people and property.

I am delighted that there is much joined-up work in tackling flooding currently being progressed. Revised PPS 15 is one important example of this. I would like to record my thanks to the Minister of Agriculture and Rural Development whose officials from DARD Rivers Agency have made an invaluable contribution to the review of the existing policy and in helping to bring forward this revised policy document.

My Executive colleagues have welcomed Revised PPS 15. I now commend it to you.

Copies of this written statement have been placed in Assembly Member's pigeon holes. A copy of Revised PPS15 is available to view or download from the Departmental website www.planningni.gov.uk/pps15revised