

# WRITTEN MINISTERIAL STATEMENT

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## Environment

### PUBLICATION OF REVISED DRAFT PPS 15 — PLANNING & FLOOD RISK — FOR PUBLIC CONSULTATION

*Published at 1 pm on Thursday 10 October 2013*

**Mr Durkan (The Minister of the Environment):** I am pleased to inform Assembly members that the Executive, at its meeting on 3 October 2013, agreed to the publication of Revised Draft Planning Policy Statement (PPS) 15, titled 'Planning and Flood risk', which I am now issuing for 12 weeks public consultation..

Revised Draft 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 for public consultation.

The revised draft 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.

**Policy FLD 1** continues the general presumption against development in the flood plains of rivers and the sea. The main features of the revised policy are as follows:

- Continued provision for the development of previously developed land protected by flood defences. However, due to the residual flood risk in these locations, the revised policy proposes to prevent certain types of development such as essential infrastructure and bespoke development for vulnerable groups such as the elderly, infirm and children.
- Continued presumption against most forms of development within the undefended flood plain. However, the original 'exception' for seasonal occupation of land by touring caravans etc has been withdrawn in the revised policy and other minor amendments to exceptions have been made. The revised policy also proposes a new exception allowing for development within the coastal flood plain where the land is raised through infilling to an acceptable level above the flood plain.
- The existing policy allows for development proposals of overriding regional importance and this is expanded to also allow for proposals of sub-regional economic importance. The policy requires developers to demonstrate the economic importance of such proposals and to justify why a location within the floodplain is considered necessary.
- The revised policy now allows for minor development, such as extensions to dwellings, within the flood plain.
- The revised policy lists certain flood protection and management measures that will not be considered acceptable, where proposed by private developers, in order to facilitate development within flood plains.

**Policy FLD 2** seeks to prevent development that would hinder the operation and maintenance of existing flood defences and the revised policy extends such protection to cover drainage infrastructure, including watercourses.

**Policy FLD 3** seeks to manage development in areas subject to surface water flood risk. The revised policy clarifies the circumstances in which a drainage assessment is required and confirms that planning permission will be granted where it is demonstrated through the drainage assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and elsewhere. The revised policy also introduces an onus on developers to assess and mitigate the flood risk in circumstances where a formal drainage assessment is not required, such as

smaller scale development in areas where there is potential for surface water flooding, as indicated for example by the DARD Strategic Flood Map.

**Policy FLD 4** continues the existing policy in seeking to prevent the artificial modification of watercourses (including culverting and canalisation) in all but prescribed circumstances. The revised policy proposes to amend some of the existing exceptions so as to clarify more precisely the circumstances in which such works can be carried out. This will not only reduce flood risk but will also secure environmental benefits such as enhancement of biodiversity.

**Policy FLD 5**, is an entirely new policy which seeks to manage development in proximity to reservoirs with a capacity greater than 10,000 cubic metres. Reservoirs pose a particular flood risk because of the potential for sudden and deep inundation in the event of failure or overtopping of the impounding structure or the controlled release of water from the reservoir. Under Policy FLD 5 the onus will be on the applicant to provide assurance that the reservoir is safe and to provide a flood risk assessment along with the planning application. There will be a presumption against certain types of development, for example essential infrastructure and bespoke accommodation for vulnerable groups, within flood inundation areas. Development will also be prevented in specific areas where there is potential for sudden and deep inundation.

Revised Draft PPS 15 also incorporates **5 Annexes** which provide updated guidance on various aspects of flood risk management such as sustainable stormwater management and the assessment of flood risk and drainage impact. This includes new guidance on flood proofing of buildings, including flood resistant and resilient construction.

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 Draft 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 draft revised policy document.

My Executive colleagues have been consulted on Revised Draft PPS 15 and I am pleased that it has been broadly welcomed. Following the public consultation process, I intend to seek Executive approval before the publication of the final PPS.

Copies of this written statement have been placed in Assembly Member's pigeon holes. A copy of Draft Revised PPS15 is available to view or download from the Departmental website [planningni.gov.uk/draftrevisedPPS15](http://planningni.gov.uk/draftrevisedPPS15).