

**Link response to Consultation on Planning Policy Statement 25:  
Development and Flood Risk  
February 2006**

## **INTRODUCTION**

Wildlife and Countryside Link (Link) brings together 37 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production practices and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link welcomes the opportunity to respond to this consultation paper. Link believes that planning is fundamental to protecting and enhancing wildlife and the natural and historic environment. This response is supported by the following organisations:

- Association of Rivers Trusts
- Buglife: The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign to Protect Rural England
- Friends of the Earth
- Herpetological Conservation Trust
- Pond Conservation
- RSPB
- The Wildlife Trusts

## **Key points**

Link:

- Supports the broad thrust of revised policy, and the proposed arrangements for call-in powers and consulting the Environment Agency;
- Would like to see greater emphasis on the beneficial role of flooded landscapes, particularly for biodiversity, and for multi-functional greenspace;
- Welcome the statement that 'all forms of flooding, and their impact on the natural environment are material planning considerations';
- Welcomes the strategic, risk-based approach, including the use of regional and strategic flood risk assessments;
- Supports the principle of the sequential approach, and the exception test;
- Is concerned about the detailed application of the Exception Test for wetland creation;
- Proposes that SUDS should be the norm in new development, not the exception;
- Is concerned that building behind existing defences may limit future options for flood risk management in cases where managed retreat may be the most sustainable solution in the long term.

## **Introduction**

Link welcomes the consultation on draft PPS25 and the associated documents. We make our comments in the context of our long-standing position that we need a planning policy statement on water, dealing with issues of water conservation, supply, demand and environmental capacity, as well as pollution and flooding, to encourage an integrated approach to planning for the water environment. This has become all the more important in the light of the implementation of the

Water Framework Directive, and we are pleased that the ODPM is seriously considering this option. With this caveat in mind, we support the broad thrust of policy in revised PPS25, the proposed arrangement for call-in powers by the Secretary of State, and making the Environment Agency a statutory consultee on development affected by or affecting flood risk. However, we have some concerns about the detailed application of the policy, which are discussed further below.

### **A positive vision for wetlands and new habitat**

PPS25 and its predecessor PPG25 have been designed to manage the interaction between the built environment and flooding, and Link understands and fully accepts the reasons for this. Although paragraph 1 of PPS25 recognises that flooding is a natural process that plays an important role in shaping the natural environment, we would like to see greater emphasis given to the beneficial role that flooded landscapes play in the environment, particularly for biodiversity.

Many wetland habitats, which depend on regular flooding, have been significantly reduced in extent over the past few decades. In the case of coastal and floodplain grazing marsh, for example, this is due not only to industrialisation and urbanisation, but factors such as ecologically insensitive flood defence works. Targets for maintaining and enhancing this habitat under the UK Biodiversity Action Plan are currently being revised.

Wetlands have an important role to play in managing flood risk, acting as a sponge to soak up sudden changes in water volume. However, in the case of creating new wetland habitat, this may involve ‘development’ within the meaning of the Planning Acts, such as engineering works on ditches, pools and lakes. It is important that PPS25 specifically refers to the benefits of new wetlands, otherwise there is a danger that planning authorities will take an overly-legalistic approach to this type of development in the flood plain. We make further comments below on the implications of the Sequential Approach and the Exception Test for wetland creation.

### **Flooding as a material planning consideration**

Link welcomes the statement in paragraph 3 that ‘all forms of flooding, and their impact on the natural environment are material planning considerations’. From this, we believe that decisions made to accommodate flooding, that have an impact on the natural environment are material planning considerations. However, we feel that this guidance could be made clearer.

### **Multi-functional greenspace**

The comments above are made in relation to land whose primary purpose is nature conservation. In contrast, there are several welcome references to the multi-functional role of land whose primary purpose is for flood management (paragraph 21 last bullet, paragraph F14 last bullet and particularly paragraph G6). All of them, however, are well buried within the PPS. We would like to see more prominence given to the benefits of multi-functional greenspace (such as for biodiversity, sport and informal recreation), which will deliver the greatest environmental, social and economic benefits, consistent with the Government’s sustainable development principles. This could be achieved by an appropriate reference in the ‘Background’ section.

### **Strategic approach**

We welcome the emphasis on a more strategic, risk-based approach to development and flood risk. In particular, we welcome the use of regional and strategic flood risk assessments (RFRAs/SFRAs) for regional spatial strategies and local development documents respectively. As a general principle, dealing with environmental issues such as flood risk at a more strategic level, in addition to detailed consideration at the project level, should lead to better outcomes for

development and the natural environment. This should include identifying opportunities for planning gain, including habitat creation and enhancement.

PPS25 itself contains little detail on how to carry out FRA at different scales, as this will be dealt with in the Practice Guide. It will be crucial to publish the Practice Guide at the same time as PPS25 so that planning authorities have sufficient guidance to implement the policy. This has not always happened in the past (e.g. with PPS9 and its Good Practice Guide).

### **Sequential approach and exception test**

We support the principle of the sequential approach, and the Exception Test.

### **Criteria for determining the need for Flood Risk Assessment (FRA)**

The criteria for determining the need for Flood Risk Assessment set out in paragraph E8 seem reasonable for new built development. However, we are concerned by the requirements for changes of use such as from agriculture to nature conservation (which may involve ‘development’ under the Planning Acts), especially where wetland restoration is proposed. It is unclear whether this type of development, which must be ‘water compatible’ by definition, should be subject to the Exception Test. The PPS should be amended to clarify that water compatible uses (including nature conservation) do not need to be subject to the Exception Test. The Practice Guide should elaborate on how proposals for wetland restoration should be dealt with through the planning system.

### **Managing Surface Water**

While the opening text of paragraph F1 rightly focuses on flood risk, it is also worth noting that the sustainable management of run-off should also consider water quality and its impacts on the receiving watercourse. We are concerned that SUDS are still seen as something of a novel way to deal with run-off. PPS25 should underline the fact that all drainage systems should be sustainable and that the range of techniques listed as SUDS should be the normal approach to surface water control, not the exception. The wording therefore needs to be strengthened; not merely to encourage the use of SUDS ‘wherever practicable’ (3<sup>rd</sup> bullet), but to reverse the emphasis so that developers are required to justify where SUDS features cannot be adopted.

### **Managing Residual Flood Risk**

Although Annex G discusses residual risk in detail, it should be explicitly included as a decision-making principle in paragraph 7. This will help to underline it as a key consideration for planners when making decisions because the consequences of a defence failing or being overwhelmed will vary radically depending on its location and type.

We are also concerned that the use of developer contributions could be seen as a way of buying out of restrictions on development in the floodplain. Recognising that the Exception Test still has to be passed, it should be made clear that the option is only available in exceptional cases. The use of commuted sums and section 106 agreements can only guarantee funds for a limited period of time, and planning authorities must be careful that the creep of development into floodplains does not saddle public authorities with liabilities once the design life is exceeded.

Building behind an existing defence will always increase the overall risk as defined in current flood risk management policy (risk = probability x consequences). By allowing increased development behind existing defences, planning authorities may limit options for flood risk management operating authorities to retreat or abandon defences, thus creating a greater maintenance burden into the future.

## Practice Guide

We welcome the preparation of a Practice Guide. This should give further advice on the following issues:

- How to deal with planning applications for wetland creation or restoration
- Opportunities to deliver multi-functional greenspace in development schemes
- How to integrate RFRA/SFRAs with sustainability appraisal

We would also like to see a greater use of case studies to illustrate the points made.

The Practice Guide also needs to make appropriate references to relevant planning policy statements (see comments above) and to other relevant guidance such as the forthcoming good practice guide which will accompany the final version of PPS9.