

## **Appendix 2 to The Buckingham Neighbourhood Development Plan**

### **Issues of Flooding**

Flooding and flood protection remain great concerns within the community in Buckingham. [There is an active Flood Action Group - <https://en-gb.facebook.com/FloodAction4Buckingham>]. Recent incidences of flooding are recorded in Appendix B of the Strategic Flood Risk Assessment Level 1 for the Vale of Aylesbury Plan [SFRA], August 2012

There have been two notable flooding events involving the River Great Ouse in recent years – in 1998 and in 2007.

The town centre in particular has a number of properties at risk from 1 in 10 year flooding and two properties in the 1 in 5 year event risk level. [SFRA, August 2012, para. 3.5.11]

A sizeable proportion of land in the centre of Buckingham lies in Flood Zones 2 & 3, in addition to that which is in Flood Zone 1, which means that detailed consideration has to be given to flood risk in the BNDP.

#### *Flood Defences*

Prior to 2008 there had been a proposal for a flood alleviation scheme consisting of upstream flow balancing, which was calculated as reducing the flood risk from 1 in 25 years to 1 in 50 years, and increasing protection for 44 properties. [SFRA para.3.5.11]. Instead a scheme offering flood protection to individual properties affected in the 2007 event was offered by AVDC working with the Environment Agency, where a grant from Defra was obtained, alongside a section 106 contribution, which allowed for assessment of need and provision of flood defences for 90 properties. [SFRA para.3.5.9]. Whilst this has aided in mitigating the effects on existing vulnerable properties, it does not offer protection to the town's defences per se.

#### *Flooding in the Planning Framework*

Flooding remains a major issue for future development within the town

centre. The NPPF's stated objectives of Town Centres First for sustainable development must be balanced with the NPPF's own policies on the natural environment.

Paragraphs 100-104 set out the NPPF stance on flooding:

*100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.<sup>19</sup> Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:*

- applying the Sequential Test;*
- if necessary, applying the Exception Test;*
- safeguarding land from development that is required for current and future flood management;*
- using opportunities offered by new development to reduce the causes and impacts of flooding; and*
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.*

*18 Unless material considerations indicate otherwise.*

*19 Technical guidance on flood risk published alongside this Framework sets out how this policy should be implemented.*

*101. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.*

*102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- a site-specific flood risk assessment must demonstrate that 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. Both elements of the test will have to be passed for development to be allocated or permitted.*

*103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment<sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.*<sup>21</sup>

*104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test.*

*Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests<sup>22</sup> but should still meet the requirements for site-specific flood risk assessments.*

*20 A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.*

*21 The Floods and Water Management Act 2010 establishes a Sustainable Drainage Systems Approving Body in unitary or county councils. This body must approve drainage systems in new developments and re-developments before construction begins.*

More detail on the above tests is found in the National Planning Practice Guidance [NPPG].

It is felt that the lack of available sites within the town centre that fall outside of zones 2 & 3 make a case for stating that a wider sustainability issue of the vitality & viability of the town centre, in accordance with the NPPF policy of promoting vital town centres found at paragraph 23, can be made. It would also find support in paragraph 0.19 of the NPPG.

The BNDP would not wish to see development in Zone 3. Therefore it is only in relation to zone 2 that requirements need to be considered.

The BNDP would not seek to place residential development, which is classified as “more vulnerable” by Table 1 of the NPPG in Zone 2. Only development classified as “less vulnerable” such as retail and business would be considered. Therefore following Table 2 of the NPPG there would be no need to use the Exception Test. It is suggested that the Sequential Test is met by the lack of available zone 1 sites within the town centre.

As published in the Vale of Aylesbury Plan Strategy the Local Plan [VAP] would appear to limit the potential for the above course of action by the BNDP (as it must be in general conformity with the Local Plan), as in the

Implementation and Monitoring section, Table 4 at p.45 it is stated that it will ensure that development does not increase the amount of the District in flood zones 2 & 3, and that there will be no planning permissions for new developments in zones 2 & 3. For the purposes of the BNDP, this has been interpreted to mean that no greenfield development should be allowed, i.e. completely new development in previously undeveloped land, and that redevelopment of brownfield sites would be permissible, subject to NPPF requirements above. This is the basis on which site allocation in the BNDP proceeded.

To strengthen this position, it is noted that changes in drafting, for clarification, have been made to the draft Vale of Aylesbury Plan which will permit development in brownfield sites in zone 2. [AVDC Vale of Aylesbury Plan, CD-SUB-003 – Table of suggested view post publication changes to the Vale of Aylesbury Plan Strategy (AVDC August, 2013) Ref. PC24] The new text reads “No planning permission for greenfield development in flood zones 2 or 3”

Aylesbury Vale District Council has commissioned a Strategic Flood Risk Assessment which is noted above.

The following relevant document produced by the Environment Agency and the relevant policy for Buckingham contained within have been noted.

The Great Ouse CFMP (EA, 2011)

[<http://www.environment-agency.gov.uk/research/planning/114303.aspx> at .p.22] ] denotes that Buckingham will be managed by Policy Option No. 4 – “ Areas of low, moderate or high flood risk where we are already managing the flood risk effectively but where we may need to take further actions to keep pace with climate change.”

The BNDP would seek to work within this policy. There are also stated actions for Buckingham as follows: develop a flood risk study for Buckingham to investigate options to manage future flooding; provide local

property-level flood mitigation for the town of Buckingham to reduce flood risk in low magnitude flood events; consider developing a surface water management plan for Buckingham; ensure any policies within the Local Development Framework or any revisions are in line with the CFMP policy; continue with improvements to the flood warning service by extending the current Floodline Warnings.[above at p.23]. The BNDP would look to support these policies where relevant to the purposes of the Plan.