

Planning & Flooding

SUPPLEMENTARY ADVICE NOTE NO. 9

Introduction & Background

Flooding is a natural phenomenon that plays an important role in shaping the environment and is part of a natural cycle of events which serve to sustain riverline ecosystems. It cannot be entirely prevented. While the primary responsibility for safeguarding land and property against flooding rests with the owners of such land, the cost of flooding in financial, human and environmental terms can be extremely high. This supplementary advice note aims to provide additional guidance to prospective applicants for planning permission about Clackmannanshire Council's policy towards applications for development on, or close to, land potentially liable to flood, and also proposals for flood prevention works where these are not permitted development. What the Council is seeking to achieve is to minimise and manage the threat of flooding by adopting a precautionary approach by ensuring that flood risk is fully accounted for in both the Development Plan and in planning applications for development. Flood prevention may be achieved by either (a) avoiding development in areas potentially at risk, or (b) through the management of the threat by taking account of the impact of run off from developments located within the catchment of the river.



The Councils Position - General Guidelines

In Clackmannanshire, there are four main areas where the risk of flooding is important:

1. Areas within the natural, low lying flood plains of the Rivers Devon and Black Devon, which are susceptible to regular riverline flooding. Here the risk is from inundation, however development in these locations may also cause flooding to be transferred further up or downstream.
2. Areas Adjacent to the River Forth that may be at risk from tidal flooding. Here the risk is primarily from inundation arising from a combination of high tides, heavy rainfall and other meteorological conditions.
3. Areas on higher land but close to burns contributing to the main rivers. Here, burns may overtop their banks during times of heavy rainfall, causing localised flooding. Areas close to water courses that have not been maintained are similarly at risk.
4. Areas that if developed, would cause a significantly increased level of run off to a nearby river. Here, the risk is not from inundation, but of increasing the likelihood and extensiveness of inundation elsewhere on a water course.

Clearly, any site close to a river or burn will be at some risk, therefore every planning application will be analysed on its own merits in respect of flood risk. Uncertainty is inherent in predicting where and when floods will occur, but the Council will adopt a precautionary approach to enable as much information to be available as possible, permitting more open and better informed decisions.

Planning applications where flooding issues will have to be considered include those for development:

1. On land with a previous history of flooding, including riverine flood plains and low lying coastal land.
2. On land within, or adjacent to, a watercourse.
3. Which involves, or is adjacent to, a floodbank, flood control structure or culvert under an embankment.
4. Likely to involve the culverting or diversion of a water course.
5. Which may involve land raising and other remedial measures in areas known to be susceptible to flooding.

Accordingly, the Council will adhere to the following five general principles when considering development that falls within the criteria outlined above.

1. Avoidance

Where the risk of flooding is considered to be significant, planning consent may not be granted for

- (a) new development which would be placed at risk.
- (b) development within risk areas which would significantly increase surface water run off and therefore contribute to increasing the flood risk.
- (c) development which would likely require public expenditure on additional flood protection.
- (d) the intensification of existing development already identified as potentially at risk and
- (e) new development located outwith identified risk areas but within the upstream catchment and likely to generate significant surface water run off.



2. Managing The Threat

In some instances, other reasons for granting permission take precedence over flood risk, and here the avoidance principle cannot be practised. Here management of the threat of flooding will be sought through surface water management techniques or where appropriate through flood defence.

These are described on page 6.

3. Information

The Council will seek to obtain additional information from other statutory agencies, including East of Scotland Water and the Scottish Environment Protection Agency regarding flood risk where it may affect prospective development. The information received will be weighted accordingly in the determination of planning applications. Applications intending to develop on land identified as potentially at risk may be requested to supply additional information to enable the Council to make a full judgement of the flood risk and of any flood prevention measures put forward.



4. Environment

The threat of flooding must be managed in an environmentally sensitive way and the Council will request that applications for flood prevention works are supplemented with clear evidence that any adverse impact on the ecological characteristics of the river will be minimised. An ecological survey of the wildlife value of the Rivers Devon and Black Devon has been undertaken by Scottish Natural Heritage and will be used when evaluating Flood prevention proposals.



5. Precaution

Predicting where flooding will occur, and the damage it may cause, is inherently uncertain. Flooding can have significant social and environmental impacts and accordingly the Council will act on the basis of the precautionary principle. The precautionary principle is defined as taking action now to avoid possible environmental damage even when the scientific evidence for acting is inconclusive. This means that the Council may insist upon reasonable actions to mitigate the risk of flooding even where that risk may not be absolutely proven.

What Clackmannanshire Council's Development Services Will Do

Under the provisions of Scottish Office National Planning Policy Guideline No 7, the Development Service will undertake a proactive programme of measures in addition to the provisions laid down in this advice note. These are:

1. To formally adopt a flooding policy within the Development Plan text at a future review of the Development Plan.
2. To consider and appraise flood risk when assessing new development sites for identification in the Clackmannanshire Local Plan. This will be completed in conjunction with Environmental Assessment of all potential development sites.
3. To consider flood risk as an issue when undertaking preparation of the Clackmannanshire-Stirling Structure Plan.
4. To liaise with other local authorities and public bodies as appropriate (either as part of a formal Flooding Advisory Group or on an adhoc basis to discuss particular issues) in order to obtain further information about best practice in respect of planning and flooding.
5. To undertake further evaluation of flooding in Clackmannanshire to and to provide new information enabling decisions about flood risk to be taken more accurately.
6. To work with the Scottish Environment Protection Agency to bring forward a guidance note for consultants employed to compile flood risk assessments on sites where flooding is an issue.

The Development Plan Context

The Clackmannanshire Local Plan, formally adopted in 1994, identifies site specific policies and proposals for development. The Local Plan presently makes no reference to the need to address flood risk, however the Council has adopted the following policy as its interim policy on flooding:

Assessment of flood risk will be examined for all applications for new development. Particular consideration will be given to new development or an intensification of existing development on or close to land potentially at risk of flooding. In such areas developments are unlikely to be approved unless a "managing the threat" approach is deemed appropriate and where appropriate regard for remedial measures to alleviate the flood risk has been taken. Further, new developments located within upstream catchments and likely to generate surface water run off will also be given particular consideration. Full consideration of the management of run off water in particular should be provided. Flood prevention measures, particularly the creation and strengthening of levees, will generally be supported only where there is a clear justification of need and where evidence is provided that any adverse impact upon the natural characteristics of a water course will be minimised.

It is intended that a policy based on the above will be introduced into a future review of the Local Plan. Under this, a general policy of caution will prevail and, accordingly, particular consideration of flood risk and the impact of surface water run off will be given in potentially at risk areas and additional information may be sought as part of any planning application. As a result, additional measures may be required to be implemented as part of any consent in order to manage the potential threat of flooding. The Central 2000 Structure Plan also currently makes no reference to floodlighting. In preparing a replacement Clackmannanshire-Stirling Structure Plan, the Council will evaluate the potential for including a strategic policy in respect of flooding.

Development Control - New Development in Flood Risk Areas

The Council will use the policies identified in this leaflet and Scottish Office National Planning Policy Guideline 7 (Planning & Flooding) as material considerations when making decisions on planning applications where flood risk is an issue. Planning Applications for either new development or intensification of use of existing development may therefore be refused on the grounds of insufficient evaluation of flood risk.

Where flood risk may be an issue, prospective applicants should initially consult with the Council's Development Services to discuss the nature of the flood risk in more detail. In making decisions on specific types of applications where flood risk is an issue, the Council will consult with the Scottish Environment Protection Agency and other interested agencies. Additional information required about flood risk or impact may involve any of the following:

1. Hydrological Survey

These can determine the full extent of the flood risk in relation to a particular site and enable these risks to be quantified and brought into the decision making process. Where appropriate, prospective applicants may be asked to provide a full hydrological survey to establish flood risk. These should be undertaken by appropriately qualified hydrological consultants and should conform to standards acceptable to the Council and the Scottish Environment Protection Agency.

2. Surface Water Management

Applications made for significant new development on land identified as at risk, or from which surface water run off could contribute to flooding, should be supplemented with information regarding the management of surface water run off. The way in which surface water is discharged from a site can have a significant impact on flooding. Traditional management of surface water by means of concrete drainage channels may lead to flash flooding in times of heavy rain. Therefore, more natural methods of surface water management, such as use of permeable surfaces, settlement ponds, specially designed filter strips, swales and holding tanks

are encouraged so as to enable as far as possible, the natural filtration process to take place. Utilisation of such measures is also beneficial in terms of reducing surface water pollution, and when combined with suitable open space and/or landscaping may increase the nature conservation value of the site. The Scottish Environment Protection Agency have published a Guide to Surface Water Best Management Practices, which provides additional advice in respect of surface water management. The Council supports these approaches, and will seek to integrate best management practices within appropriate development sites.

3. Ecological Survey

Where development may impact upon the natural characteristics of a flood plain or a water course, additional information about the ecology of the affected area may be required.

Development Control - Flood Prevention Works

The risk of flooding can be reduced by the implementation of appropriate prevention works. However, while such works can be effective at reducing local flooding, it can in some instances only transfer the problem to other, previously non-risk areas either on opposite banks or further up or downriver, thereby increasing the overall flood risk. In addition, insensitive prevention measures can destroy the natural characteristics of a river which will have an adverse impact upon the flora and fauna it supports. Displacing flood waters to other areas may also adversely impact the ecology and landscape/productive value of these areas that previously were not susceptible to flood. For these reasons, the Council will not consider favorably proposals for significant new flood prevention works or the creation, lengthening, heightening or strengthening of levees and flood banks, unless there is both a clear justification of need, and evidence is provided that any adverse impacts upon the ecology or natural characteristics of a water course can be eradicated or minimised. In significant cases, applicants may be required to undertake modelling studies in order to establish impact in more detail.

