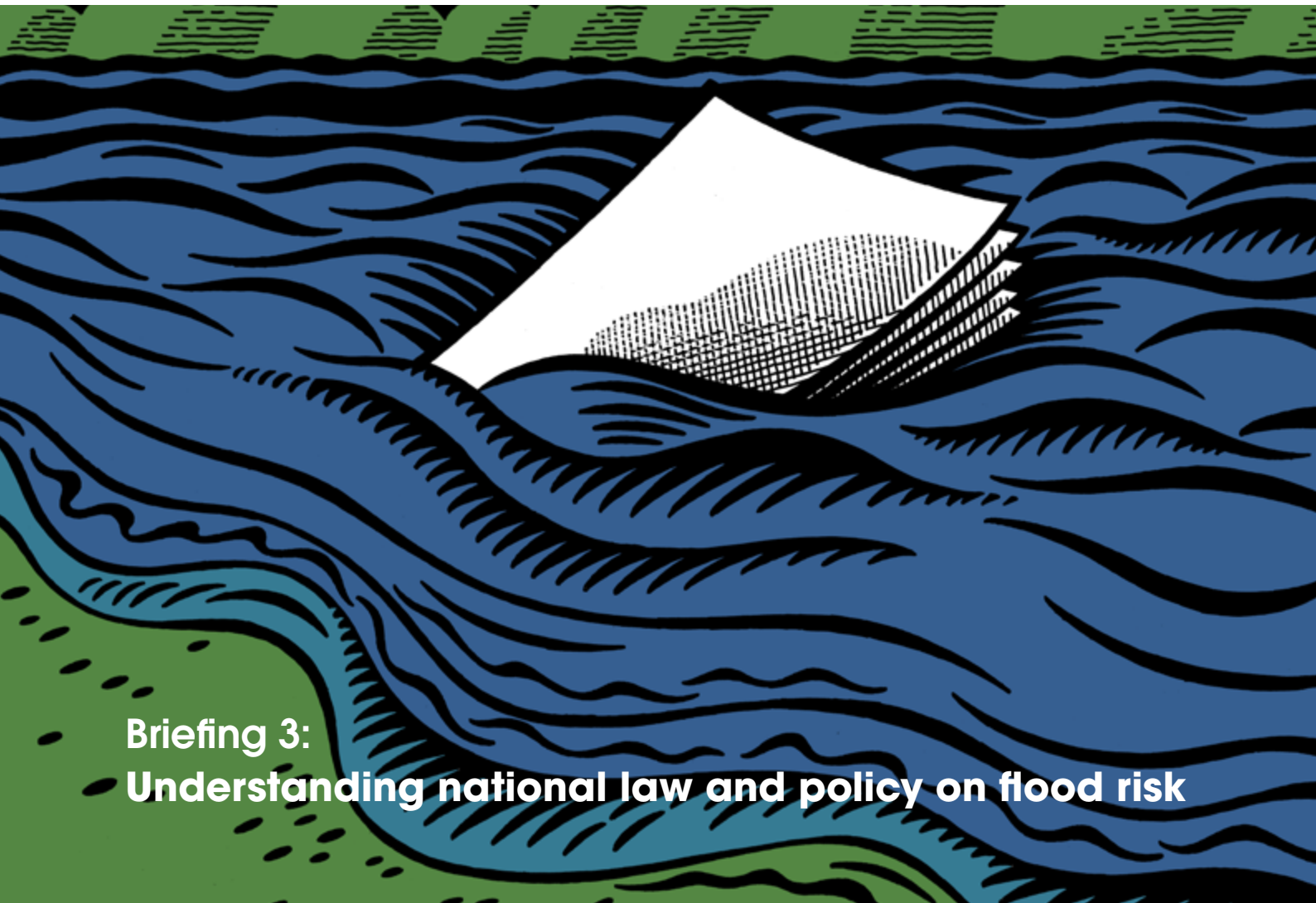


building a safer future

a guide for communities on navigating the planning system in england to tackle flood risk



Briefing 3:
Understanding national law and policy on flood risk



Supported by
FLOODRE

Building a Safer Future – A Guide for Communities on Navigating the Planning System in England to Tackle Flood Risk. Briefing 3: Understanding National Law and Policy on Flood Risk

© Town and Country Planning Association

December 2021

Acknowledgements

The TCPA is very grateful to the National Flood Forum for substantial input into the drafting of this guidance and to Flood Re for funding and supporting this work – see <https://www.floodre.co.uk/>

FLOODRE



Town and Country Planning Association
17 Carlton House Terrace
London
SW1Y 5AS

www.tcpa.org.uk
tcpa@tcpa.org.uk
020 7930 8903



The National Flood Forum
c/o mfg Solicitors LLP
Adam House
Birmingham Road
Kidderminster
DY10 2SH

<https://nationalfloodforum.org.uk/>
info@floodforum.org.uk
01299 403055



Introduction

You are probably reading this because you have experienced flooding at first hand or are worried about flood risk where you live. The risk of flooding is going to increase over the coming decades as a result of climate change, and you certainly do not want any changes made to your local area that could make flooding worse. The planning system in England has a major role in making decisions about where new development will go, and these decisions are crucial to reducing the risk of flooding, both now and in the future.

The future of your community depends on people like you and your neighbours getting involved in the decision-making process, as local communities have unique knowledge of the flood risk in their area, as well as the drive to tackle climate change in order to create a positive future for the next generation.

We hope that this guidance will be a useful starting point to help you get your voice heard when planning decisions that will have an impact on the level of flood risk in your community are made. The guidance takes the reader on a journey through the processes and language used to make decisions within the planning system about flood risk. Both the language and the processes are often not easy to understand, as the system is complex and frequently confusing, but we hope to shed some light on exactly how you can make a real difference in your local area.

The guidance consists of six briefings:

Briefing 1: Future flood risk, and how planning can help

- Introducing flood risk, and planning's role in addressing it
- How communities can influence planning
- Practical solutions to ask for

Briefing 2: Who does what in planning for flood risk?

- Organisations involved and their responsibilities
- When to contact each of these organisations
- Working with your community and local council

Briefing 3: Understanding national law and policy on flood risk

- Flood risk and planning law
- National planning policy on flood risk
- Applying the law and policy to make a difference

Briefing 4: Making a difference to your Local Plan

- The Local Plan-making process
- Influencing your Local Plan
- Other ways to influence planning policy

Briefing 5: Making a difference on planning applications

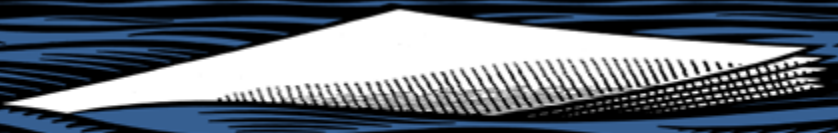
- The planning application process
- Influencing planning decisions
- Challenging a planning decision

Briefing 6: Where to get help – further information and glossary

- Key resources and contacts for further information
- Forming partnerships and building contacts
- Glossary of technical terms

A glossary of the technical terms used in this guide is appended to this Briefing. The first use of a glossary term in each briefing appears in **bold green text. Clicking on this text will take you to the corresponding entry in the glossary. Clickable links to external sources of information are set in **bold dark red type**.**

Briefing 3



Understanding national law and policy on flood risk

'Our challenge has been concerns over the use of a local pond as SuDS attenuation. We believed that there were risks of flooding on and adjacent to the site due to local groundwater conditions. Without a full geological investigation no-one could be certain that the solution would work, and all parties relied on the others to make the decision. Understanding the applicable legislation, the NPPF and PPG has been a challenging yet critical task. Further, understanding the roles and, more importantly, the responsibilities of the LLFA and the Local Planning Authority is essential to being able to create a valid argument, which absolutely must be supported by robust evidence.'

Sue Wyeth-Price
On behalf of Ash Green Residents Association

As well as understanding which organisations do what in managing **flood risk** (see Briefing 2), it is useful to know about the key national laws and **policies** that decision-makers must follow.

Law on planning for flood risk

National law says that **Local Planning Authorities** in England must consider and take action on **climate change** and flood risk in their **Local Plan**. This requirement stems from a number of legal Acts, as summarised in Table 1 on the next page. The situation is complex, but the most important part of relevant law here is Section 19 of the Planning and Compulsory Purchase Act 2004.

Policy on planning for flood risk

The legal obligation to reduce flood risk is, of course, crucial. The detail on how to do this is laid out in national policy set by government. The most important policy documents for anything related to the town and country planning system in England are the **National Planning Policy Framework (NPPF)** and the accompanying **Planning Practice Guidance (PPG)**. They are the core documents that all Local Plans must follow, and their contents include the government's policy on flood risk in England. In turn, **planning applications** must then follow the Local Plan for the area if they are to be granted **planning permission**. The NPPF and PPG carry roughly the same legal weight in local decision-making.

You might think that a common-sense approach would be just to ban **development** in areas that are very vulnerable to flood risk. In fact, the policy is much more complex and open to interpretation. It tries to balance avoiding building in areas at flood risk with meeting the vital need for new homes – the judgement on how to do that in your area is a matter for your local council.

Core principles

National policy contains two key ideas that apply to writing Local Plans and considering planning applications:

- **The Sequential Test:** Put simply, the **Sequential Test** holds that development should be allowed in areas at high risk of flooding only if it is not possible to build in lower-risk areas. Application of the test should mean that Local Plans are drawn up only after careful consideration of which sites should be allocated for new development. In cases where there is a high risk of flooding, alternative sites that will be safe over the long term should be identified. Application of the test could also lead to the refusal of planning permission for planning applications that do not satisfy the test.
- **The Exception Test:** Where there are no other suitable development sites available or where there are other considerations that might make it undesirable to steer development to lower-risk sites, the **Exception Test** can be applied. The Exception Test asks whether the development will have wider benefits to the community which outweigh the negatives

Table 1

Key legislation with a bearing on planning for flood risk in England

Act	Relevant section	What does this mean?
Planning and Compulsory Purchase Act 2004	Section 19(1A): <i>'Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.'</i>	Adapting to climate change – including dealing with flood risk – must be a central part of Local Plans. Local Plans that do not actively contribute to managing this risk are not good enough and should not be allowed.
Climate Change Act 2008	Part 4, Section 58(1): <i>'It is the duty of the Secretary of State to lay programmes before Parliament setting out – (a) the objectives of Her Majesty's Government in the United Kingdom in relation to adaptation to climate change, (b) the Government's proposals and policies for meeting those objectives, and (c) the time-scales for introducing those proposals and policies.'</i>	Certain public bodies and organisations are required to report on the current and predicted impacts of climate change and how they are being addressed. These reports provide evidence upon which to base an appropriate course of action and determine what should be prioritised.
Flood and Water Management Act 2010	Part 1, Section 7(1): <i>'The Environment Agency must develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England (a 'national flood and coastal erosion risk management strategy').'</i> Part 1, Section 9(1): <i>'A lead local flood authority for an area in England must develop, maintain, apply and monitor a strategy for local flood risk management in its area (a 'local flood risk management strategy').'</i> Part 1, Section 9(2): <i>'In subsection (1) 'local flood risk' means flood risk from: (a) surface runoff, (b) groundwater, and (c) ordinary watercourses.'</i>	Various organisations have different responsibilities in managing flood risk (see Briefing 2 for further information).

from flood risk. If development is consequently allowed in that location, measures must be put in place to ensure that it is safe over its whole lifetime (at least 100 years), and it must result in an overall reduction in the level of flood risk.

Housing Briefing report from the findings from the third UK Climate Change Risk Assessment (available [here](#)).

Other relevant policies

Many communities find it hard to see that these two tests are being effectively applied and enforced – and with good reason. There is growing concern from bodies such as the **Climate Change Committee** that too much housing is being allocated to areas with significant flood risk. Approximately 1.9 million people across the UK are currently living in areas at significant risk flooding, from river flooding, **coastal flooding**, or **surface water flooding**. This number could double as early as the 2050s, according to the

The **Flood and Coastal Erosion Risk Management Strategy for England** outlines the framework through which the **Environment Agency** will manage flood (and **coastal erosion**) risk until the year 2100. It sets out the plan for expanding and upgrading national **flood defences** and indicates that greater emphasis will be given to using the power of nature to reduce flood and coastal erosion risk, while also delivering a range of other benefits to communities. The strategy also includes a section on community preparedness.

Table 2

Key elements of policy on the approach to planning for flood risk in England – National Planning Policy Framework

National Planning Policy Framework – Chapter 14: ‘Meeting the challenge of climate change, flooding and coastal change’, available here	
Relevant paragraph	What does this mean?
Paragraph 153: <i>‘Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk...’</i>	The long-term impacts of climate change on flood risk from all sources must be taken into account when producing Local Plans.
Paragraph 154: <i>‘New development should be planned for in ways that [...] avoid increased vulnerability to the range of impacts arising from climate change.’</i>	New development should not increase people’s exposure to the long-term impacts of climate change, such as increased flood risk.
Paragraph 159: <i>‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).’</i>	If at all possible, development should not be located in areas at highest risk of flooding (you can find out whether a proposed development site is in an area at risk of flooding here).
Paragraph 161: <i>‘All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.’</i>	During the Local Plan development process and planning application decision-making, the Local Planning Authority must assess where the best places are to locate new development to minimise flood risk to current and future residents. This is called the Sequential Test. Further detail on this is set out in paragraphs 18-22 of the ‘Flood risk and coastal change’ section of Planning Practice Guidance, available here .
Paragraph 163 and 164: <i>‘If it is not possible for development to be located in zones with a lower risk of flooding [...] it should be demonstrated that:</i> (a) <i>the development would provide wider sustainability benefits to the community that outweigh the flood risk; and</i> (b) <i>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.’</i>	If it is not possible to avoid locating new development in areas at risk of flooding, the Local Planning Authority must demonstrate that the sustainability benefits provided to the community by the development outweigh the negatives from flood risk, and that the risk of flooding can be managed to minimise the risk to people. This is called the Exception Test. Further detail on this is set out in paragraphs 23-28 of the ‘Flood risk and coastal change’ section of Planning Practice Guidance, available here .
Paragraph 169: <i>‘Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.’</i>	Where appropriate, new development should include sustainable drainage systems to help manage the risk of surface water flooding.

Table 3

Key elements of policy on the approach to planning for flood risk in England – Planning Practice Guidance

Planning Practice Guidance – ‘Flood risk and change’ section, available here	
Relevant paragraph	What does this mean?
<p>Paragraph 001: <i>‘Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers ensure development is appropriately flood resilient and resistant, safe for its users for the development’s lifetime, and will not increase flood risk overall.’</i></p> <p><i>Local planning authorities and developers should seek flood risk management opportunities (eg safeguarding land), and to reduce the causes and impacts of flooding (eg through the use of sustainable drainage systems in developments).’</i></p>	<p>If development cannot be avoided in areas at risk of flooding, then Local Planning Authorities and developers are required to introduce measures to improve a development’s resilience to the impacts of flooding over the long term. For example, a Local Planning Authority could require a developer to include sustainable drainage systems as part of the development in order to reduce the impact of flooding when it does occur. Such requirements are usually included as a ‘planning condition’ when the Local Planning Authority grants a developer planning permission.</p>
<p>Paragraph 049: <i>‘When considering the potential impacts of permitted development on local flood risk, a local planning authority may consider making an Article 4 direction.’</i></p>	<p>The change of use of a building from an office to a house is permitted development (i.e. it is allowed without full planning permission). However, a local authority can impose an Article 4 Direction for a particular area (to remove national permitted development rights to protect local amenity or the wellbeing of an area) if there is a high risk of flooding.</p>

Flood risk is also mentioned in other national policies, including the **25 Year Environment Plan**, which promises to improve existing arrangements for managing surface water.

The importance of an evidence base in local policy

The content of Local Plans and decisions on planning applications should be based on appropriate, up-to-date evidence on all sources of flood risk. Any decisions should also follow the advice given by the Environment Agency and **Lead Local Flood Authorities**. Some of the most important information sets published by the Environment Agency are the **climate change allowances** (also known as flood risk allowances), which summarise the latest science on the impact of climate change on flood risk (see [here](#) for further information). They give estimations for the expected increased river flows or sea level rises, which planners then need to take into account in their plan-making. You may be surprised to find just how dramatic the increases in both river flows and sea levels are projected to be.

How can national policy help communities to make a difference in their local areas?

Communities concerned about new development in flood risk areas are often left uncertain when planners quote national policy documents to justify their actions, but these documents are available for you to look at too. When both sides have seen the rule book, conversations tend to be a bit more evenly matched. To increase your impact in such conversations, you should:

- Research what the Local Plan for your area says about planning for flood risk, and consider whether the proposed development disregards what is set out in the plan.
- Look up the relevant sections of national planning policy, most importantly the National Planning Policy Framework and Planning Practice Guidance (see Tables 2 and 3). If you can reference some of this policy (particularly in your written responses to plans and applications) you will be taken more seriously. Local councils must take your input into account in the decisions that they make, and they must follow national policy or have very good reasons for not doing so.

Glossary

25 Year Environment Plan

Strategy document, published in 2018, setting out the UK government's plan for improving the natural environment over a 25-year period – available [here](#). It includes actions aimed at creating better habitats for wildlife, improving air and water quality, and reducing the amount of plastic in the ocean.

Canalisation

The straightening, deepening and widening of a natural river channel to increase flow capacity so that flood water is carried away more quickly. However, it may increase **flood risk** further downstream and can also have a negative impact on river ecosystems.

Change of use

The conversion of a building from one type of use to another, for example from a commercial use to residential use. Until very recently, change of use usually required **planning permission**.

Climate change

The long-term change in weather due to human activity. Global temperatures are continuing to increase, and extreme weather events are becoming more common.

Climate Change Act 2008

UK legislation that includes a target to reduce greenhouse gas emissions to net-zero by 2050.

Climate change allowances

Predictions of anticipated change in peak river flow, peak rainfall intensity and sea level rise caused by future **climate change**. **Local Planning Authorities** must consider local climate change allowances when preparing **Strategic Flood Risk Assessments**. Climate change allowances are also known as flood risk allowances.

Climate Change Committee

Independent organisation that advises the UK government on how the nation should reduce greenhouse emissions and cope with the impacts of **climate change** – see [here](#).

Coastal erosion

The loss of land along the coast due to the action of waves, tides, currents, and wind-driven sea water over time. Over a long period it is possible that homes and even whole villages will fall into the sea as the land retreats.

Coastal flooding

Seawater flooding of an area of land on the coast, often caused by a severe storm which forces excessive quantities of sea water onto the land.

Coastal Protection Authority

District and **Unitary Authorities** in coastal areas are designated as Coastal Protection Authorities. They have the responsibility of co-ordinating **coastal erosion** risk management activities in their area, including drawing up a **Shoreline Management Plan**.

Community Infrastructure Levy (CIL)

A charge that local authorities can require **developers** to pay as part of granting **planning permission** for new development. It is used to pay for the improvements to local infrastructure needed to support the increase in population and other impacts of new development. Further information is available [here](#).

Consultation (or Public consultation)

The process through which a public body, such as the government or a local authority, invites members of the public to give their opinion on proposals that are likely to affect their lives – such as a draft **Local Plan**.

Councillor

An elected member of a council.

County Council

A form of elected local government for a county area, responsible for functions such as education, but also minerals and waste planning.

Culvert

A man-made structure that allows water to flow underneath a road, footpath, or railway line. Culverts can become blocked by debris, which may cause flooding.

Department for Levelling Up, Housing and Communities (DLUHC)

The UK government department responsible for housing, communities and local government in England (formerly known as the Ministry of Housing, Communities and Local Government).

Department for Environment, Food and Rural Affairs (Defra)

The UK government department responsible for safeguarding the natural environment, supporting the food and farming industry, and supporting the rural economy.

Design code

A set of rules dictating what a new **development** should look like.

Developer/property developer

A company that purchases land to be used for new development, such as housing and, usually, undertakes the building of (for example) houses and the development of other infrastructure.

Development

Building on or carrying out other industrial activities on an area of land. In the **planning system**, it most often refers to the building of new homes.

Development control (or Development management)

The process of approving or rejecting applications for **planning permission**.

District Council

A form of elected local government for a rural or urban district, with local planning among its responsibilities (some district-level councils are formally named borough councils or city councils).

Environment Agency

Public body with oversight of the management of all sources of flooding and **coastal erosion** – although it is directly responsible only for managing the risk of flooding from **main rivers**, reservoirs, estuaries, and the sea. It advises on **Strategic Flood Risk Assessments** and **site-specific flood risk assessments**, and on the appropriateness of a proposed **development**.

Environmental Impact Assessment (EIA)

The process of collecting information about the impact a proposed **development** on the environment. The results are considered by the **Local Planning Authority** when deciding whether to grant **planning permission**.

Examination (or Public Examination)

Meeting held to assess whether a **Local Plan** follows national law, **policy**, and procedure. It is run by the **Planning Inspectorate** and provides an opportunity for members of the public to voice concerns about draft planning policies and suggest amendments, based on evidence.

Exception Test

A test undertaken as part of the process of granting **planning permission** in an area at risk of flooding. If the **Sequential Test** shows that it is not possible to develop in a lower-risk area, the Exception Test is used to assess whether the wider benefits of building in a location with higher risk outweigh the disbenefits from the **flood risk**.

Flash flooding

Rapid flooding of low-lying areas. It may be caused by heavy rainfall or by meltwater from heavy snow or ice. The impact is usually worse in built-up areas, where there are fewer permeable surfaces for the flood water to drain away.

Flood Action Group (FAG)

A group formed by people living within a community threatened by the risk of flooding. Flood Action Groups act as a representative voice for their wider community when working with their **Local Planning Authority** and in influencing the **planning system** on matters concerning local **flood risk**.

Flood and Coastal Erosion Risk Management Strategy for England

A document (issued in 2020) setting out what needs to be done by all Risk Management Authorities involved in flood and coastal erosion risk management in England – see **here**.

Flood and Water Management Act 2010

UK legislation introduced to improve the nation's approach to the management of **flood risk** and **coastal erosion**. Further information is available **here**.

Flood defences

Structures designed to prevent flooding or control flood water in order to minimise the harm to people and property.

Floodplain

A flat, low-lying area next to a body or bodies of water prone to flooding.

Flood risk

The combination of the likelihood of a flood event occurring and the impact that the flood would have if it did occur.

Flood Risk Management Strategy

A document produced by the **Lead Local Flood Authority** which assesses **flood risk** for the whole area, sets objectives for the management of flood risk, outlines the responsibilities of **Risk Management Authorities**, lists the costs and benefits of measures proposed to meet the objectives, and sets out how these measures will be funded.

Flood Zone

A system of four Flood Zones – called 1, 2, 3a, and 3b – is used to indicate the probability of **flood risk**, ignoring the presence of any flood defence. Areas in Flood Zone 1 are least likely to flood, with areas in Flood Zone 3 most likely. A map on the **Environment Agency's** website indicates the Flood Zone in which a property is located – available **here**. Flood Zones do not take into account flood risk from sewers, ground or surface water, or reservoirs.

Fluvial flooding

Flooding caused when the water level in a river, ditch or stream overflows.

Groundwater flooding

Flooding caused by a rise in the level of underground water (known as the water table) to above ground level, as a result of prolonged or heavy rainfall. Groundwater flooding tends to happen gradually and can last much longer than other types of flooding as the water cannot drain into the saturated ground.

Internal Drainage Board

An authority established in areas of special drainage need in England and Wales, with powers to improve water level management in their particular area, known as an internal drainage district.

Lead Local Flood Authority (LLFA)

An area's Lead Local Flood Authority is either the **County Council** or the **Unitary Authority**. Lead Local Flood Authorities are responsible for providing advice on how **developments** manage surface water drainage and use **sustainable drainage systems**, and on the management of **flood risk** from **groundwater** and **surface water**. They are required to comment on all major **planning applications** with regard to flood risk from 'local' sources of flooding, such as surface water, groundwater, and **ordinary watercourses**.

Local Plan

The plan for future development in your local area, prepared by the **Local Planning Authority**. It includes maps of where new housing, other **development** and infrastructure are to go, and also contains **policies** prescribing the sort of things that can and cannot be built and rules on the quality of anything that is built. A **planning application** will be accepted much more easily if it is in line with the Local Plan. But **planning permission** can be given to proposals in areas not allocated in the plan if a substantial case is made. Further information is available **here**.

Local Planning Authority (LPA)

The council (or National Park Authority in some cases) that carries out planning functions for your local area. In areas where there is both a **County Council** and a **District Council**, it is the District Council that prepares the **Local Plan**.

London Borough Council

The Local Planning Authority for the London boroughs.

Main river

Main rivers are the main watercourses shown on the statutory main river maps drawn up by the **Environment Agency** and the **Department for Environment, Food and Rural Affairs**.

Major development

For residential development, any **development** consisting of ten or more residential units.

Material consideration

A planning term for something that should be taken into account when deciding whether to grant **planning permission** – such as the risk of flooding. Almost anything that relates to **development** or the use of land is capable of being a material consideration, but it will need to relate to the **National Planning Policy Framework** or **Planning Practice Guidance** to be taken seriously.

Minor development

For residential development, any **development** consisting of nine or fewer residential units.

National Planning Policy Framework (NPPF)

Document setting out the government's planning policies in England, and outlining how they should be applied. The NPPF must be taken into account by the **Local Planning Authority** when drawing up a **Local Plan** and in making decisions on **planning applications**. The NPPF is available **here**.

Natural flood management

The use of natural processes to minimise the impact of flood events. Examples include restoring bends in rivers to allow more water to be carried, and changing the way that land is managed so that the soil can absorb more water.

Neighbourhood Forum

A body formed either by a **Town Council** or a **Parish Council** (where one exists) or by local people for the purpose of producing a **Neighbourhood Plan**.

Neighbourhood Plan

A document produced by the local community, as represented by a **Neighbourhood Forum**, which sets out planning **policies** for a local area and is used by the **Local Planning Authority** when deciding whether to approve or deny a **planning application**.

Ombudsman

An independent official appointed to investigate complaints by members of the public against a company or an organisation.

Ordinary watercourse

Any watercourse not designated as a **main river**.

Parish Council

A form of local government – not present in all locations – based on civil parishes and with varying but limited powers. Parish Councils and **Town Councils** form the lowest tier of local government in the UK.

Permission in principle

Certain types of land (such as brownfield land) can be granted **planning permission** in principle, where the concept of **development** on that site is pre-approved but the details are not confirmed. Before starting to build on this land, **developers** have to submit to the **Local Planning Authority** limited details of what they intend to do.

Permitted development rights (PDR)

Certain changes to a building can be made without the need to apply for **planning permission**, under what are termed permitted development rights, although, in most cases, the risk of flooding must still be taken into account.

Planning and Compulsory Purchase Act 2004

A key piece of UK legislation within the planning system and on the compulsory purchase of land. It is of particular relevance as it places a legal duty on local authorities to address climate change.

Planning appeal

The process through which a **developer** or individual making a **planning application** can appeal against a planning decision, including the decision by a **Local Planning Authority** to reject the application. In England, appeals are processed and decided by the **Planning Inspectorate**.

Planning application

A document (physical or electronic) completed by a person, a group of people or an organisation to request permission from the **Local Planning Authority** to build something new or make a change to an existing building or structure.

Planning committee

A panel of local **councillors** at a **Local Planning Authority** who consider each **planning application** and vote on whether to grant **planning permission**.

Planning condition

Rather than refusing a **planning application**, a **Local Planning Authority** can grant **planning permission**, but with conditions that must be met by the **developer**.

Planning Inspector

A planning expert employed by the **Planning Inspectorate** to provide independent scrutiny of plans (such as **Local Plans**) before they can be adopted. Planning Inspectors also preside over **Examinations** of plans and decisions, and **planning appeals** on and inquiries into decisions that have been made.

Planning Inspectorate (PINS)

The national government agency responsible for **planning appeals**, national infrastructure **planning applications** and the **examination** and approval of **Local Plans**.

Planning officer

A planning professional employed by a **Local Planning Authority** to process (and for certain types of application decide on the outcomes of) **planning applications** and develop planning **policy** and **Local Plans**.

Planning permission

Formal permission from a **Local Planning Authority** for either a new **development** or a change to an existing building.

Planning Practice Guidance (PPG)

National guidance on various topics of relevance to the **planning system**, including **climate change** and **flood risk**. It is intended to be read alongside the **National Planning Policy Framework** and must be considered by planners when preparing the **Local Plan** and in decision-making on **planning applications**. The full Planning Practice Guidance set is available **here**.

Planning system

The set of processes which together are intended to ensure that **development** happens in the right place and at the right time, to the benefit of people, the economy, and the environment. These processes are multiple, complex, and carried out by a number of different organisations – mostly public bodies.

Policy

A set of ideas or a plan of what to do in particular situations that have/has been officially established by national or local government.

Prior approval

A condition of certain types of **permitted development** is the submission of a **planning application** to the **Local Planning Authority** for its 'prior approval'. This process allows the Local Planning Authority to consider the proposal with regard to certain, pre-defined factors.

Public hearing

A formal meeting to hear community viewpoints, held as part of the process of drawing up a **Local Plan**.

Regional Flood and Coastal Committee

There are 12 Regional Flood and Coastal Committees in England. They work with the **Environment Agency** and other partners to understand local issues better.

Resilience

The capacity to withstand or recover from a disaster or emergency such as flooding.

Resilience Forum

A local partnership consisting of representatives from local public services, including the emergency services, local authorities, the NHS, the **Environment Agency**, and others. Resilience forums plan and prepare for incidents and emergencies. They identify risks and produce emergency plans to either prevent or mitigate the impact of any incident on their local communities.

Risk Management Authorities (RMAs)

Public bodies, including the **Environment Agency** and **Lead Local Flood Authorities**, who work with communities to manage the risk of flooding from rivers, the sea, surface water, groundwater, and reservoirs.

Secretary of State

A senior Minister who is head of a UK government department.

Secretary of State call-in

The **Secretary of State** for Levelling Up, Housing and Communities has the power 'call in' any **planning application** to decide the outcome on behalf of the **Local Planning Authority**. The Secretary of State can call in a planning application for any reason – however, such instances usually relate to applications considered to be of national significance.

Sequential Test

A planning test comparing a proposed **development** site with other available sites to determine which has the lowest **flood risk** and to explore whether development could be steered to lower-risk areas.

Sewer flooding

Flooding occurring when sewage or water leaks from a sewerage system or rises above ground level through drainage systems, toilets, sinks, or showers.

Shoreline Management Plan (SMP)

A document assessing the risks associated with coastal processes over a large area, and setting a framework to address these risks and manage the shoreline in ways that reduce the risks to people and the environment.

Site-specific flood risk assessment

An assessment of **flood risk** on and resulting from a **development** site, carried out either by or on behalf of a **developer** as part of a **planning application**. The **Local Planning Authority** receiving the planning application uses the assessment to help determine whether to grant or deny **planning permission**.

Statutory consultee

An organisation that must be consulted and provide a substantive response to a **Local Planning Authority** concerning a **planning application**, prior to a final decision being made.

Storm surge

A change in sea level caused by a storm. It can lead to extensive flooding and poses danger to people living in coastal areas. The main causes of a storm surge are low pressure and high winds – high winds push the seawater towards the coast, causing it to pile up there, and low pressure at the centre of the storm can also 'pull' the water up. Strong winds in the storm can also generate large waves on top of the surge, which can cause damage to sea defences or spill over their tops, adding to the **flood risk**.

Strategic Environmental Assessment (SEA)

The process of collecting information about the environmental impact of the **policies** included in a draft **Local Plan**. It is undertaken at the plan-making stage.

Strategic Flood Risk Assessment (SFRA)

The process of collecting information about the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of **climate change**. It assesses the impact that land use changes and **development** in the area will have on **flood risk**. **Environment Agency** guidance on producing a Strategic Flood Risk Assessment is available [here](#).

Supplementary Planning Document (SPD)

A document produced by a **Local Planning Authority** providing further information for **developers** on how policies detailed in the **Local Plan** are to be implemented.

Surface water flooding

Surface water flooding occurs when water that has fallen onto the ground flows over impermeable surfaces, or accumulates in low spots, and the capacity of drainage systems is exceeded. It is very difficult to predict, as it is usually caused by very localised, intense storms which overwhelm surface water sewers and drainage systems. These **flash floods** typically occur and then disappear in a short space of time, but they can still be devastating if they get into our homes. The risk of surface water flooding can be exacerbated by sealing previously permeable surfaces (paving over gardens and other green spaces, for example), with the result that water can no longer soak away into the ground.

Sustainable drainage system (SuDS)

A drainage system in which water does not flow directly into the sewer network. Instead, water is stored locally, thus reducing the risk of **surface water flooding**. High-quality SuDS schemes include trees and/or other vegetation and provide other landscape and amenity benefits for local communities, but sometimes schemes referred to as a SuDS are just a concrete storage tank underneath a car park.

Town Council

A form of local government – not present in all locations – for small municipalities, operating with varying but limited powers. **Parish Councils** and Town Councils form the lowest tier of local government.

Unitary Authority

A form of elected local government responsible for providing all local government services for that area.

Viability test

A test carried out during the **planning application** process to determine whether it is viable for **developers** to deliver the other measures requested by the **Local Planning Authority** alongside the proposed **development**. It has been widely criticised for allowing landowners and developers to claim to be unable to contribute towards infrastructure costs and affordable housing, thus undermining **policy** requirements and maximising land value and profits at the expense of local communities.



**Town and Country Planning Association
17 Carlton House Terrace
London
SW1Y 5AS**

**www.tcpa.org.uk
tcpa@tcpa.org.uk
020 7930 8903**



**The National Flood Forum
c/o mfg Solicitors LLP
Adam House
Birmingham Road
Kidderminster
DY10 2SH**

**<https://nationalfloodforum.org.uk/>
info@floodforum.org.uk
01299 403055**