

Development in areas of flood risk. Planning position statement



Development in areas of flood risk
26/07/2022





Contents

Introduction	3
Purpose	3
Objectives	3
Bristol Avon Flood Strategy	4
The preferred approach	4
Delivery	5
Integrating with new development	6
Next steps	7
Ensuring development is safe	7
National and local policy	7
Emerging position	9
Balance of risks and benefits	9
Technical requirements	10
Precedents of other planning permissions	10
Summary of position	11





Introduction

Large areas of central Bristol are at risk of flooding, both now and in the future. It is estimated that around 1,000 properties are at risk of flooding from the river Avon in the present day, and it is thought that because of climate change this figure will rise to around 4,500 existing properties by the end of the century if no action is taken. Areas of growth and regeneration identified in the emerging Bristol Local Plan, most notably Western Harbour, St Phillips Marsh and Frome Gateway are strategically important sites that need to change. They are anticipated to accommodate many new homes required to meet the needs of a growing city, but they are also located in areas at increasing risk of flooding. It is vitally important that the risk is appropriately managed so that new development in these areas is adequately safe from the risk of flooding.

Purpose

The purpose of this document is to set out the adopted and emerging planning policy position in respect of managing flood risk in Bristol. This document does not introduce new policy requirements but does draw together existing strategy and policy and provides a guide to applicants and communities as to how flood risk can be managed through development in Bristol.

Planning decisions will continue to be made on a site-by-site basis in line with the National Planning Policy Framework and other planning considerations. The NPPF and PPG, Local Plan unless material considerations indicate otherwise, this Position Statement, the Bristol and Avon Flood Strategy, and recent appeal and called in decisions are all capable of being material planning considerations.

Objectives

The objectives of this statement are to:

- Provide clarity on the current position and direction of travel with regards to managing flood risk in Bristol
- Promote development that is adequately safe from the risk of flooding in sustainable brownfield locations
- Set out our future aspirations for the city to rely on flood defences being delivered



Bristol Avon Flood Strategy

The preferred approach

The Bristol Avon Flood Strategy sets out the long-term plan to better protect homes and businesses in Bristol and neighbouring communities from River Avon flooding and enhance the river for all. The Strategic Outline Case (SOC) was endorsed by Bristol City Council's cabinet in March 2021 following technical assurance and approval by the Environment Agency. The SOC and all supporting evidence can be viewed at

www.ask.bristol.gov.uk/bristol-avon-flood-strategy-consultation

The preferred long-term adaptive approach is to create new flood defences or raise the level of existing flood defences in phases along sections of the river Avon riverbanks to better protect people and property from the increasing risk of flooding from the river Avon.

The objectives of the strategy are:

- To support safe living, working, and travelling in and around central Bristol by ensuring flood threat is reduced and measures address residual risks
- To facilitate the sustainable growth of Bristol and the West of England by supporting opportunities for employment and residential land, and infrastructure
- To maintain natural, historic, visual, and built environments within the waterfront corridor and where possible deliver enhanced recreational, heritage and wildlife spaces
- To ensure navigation of river and marine activities continues
- To ensure the strategy is technically feasible and deliverable

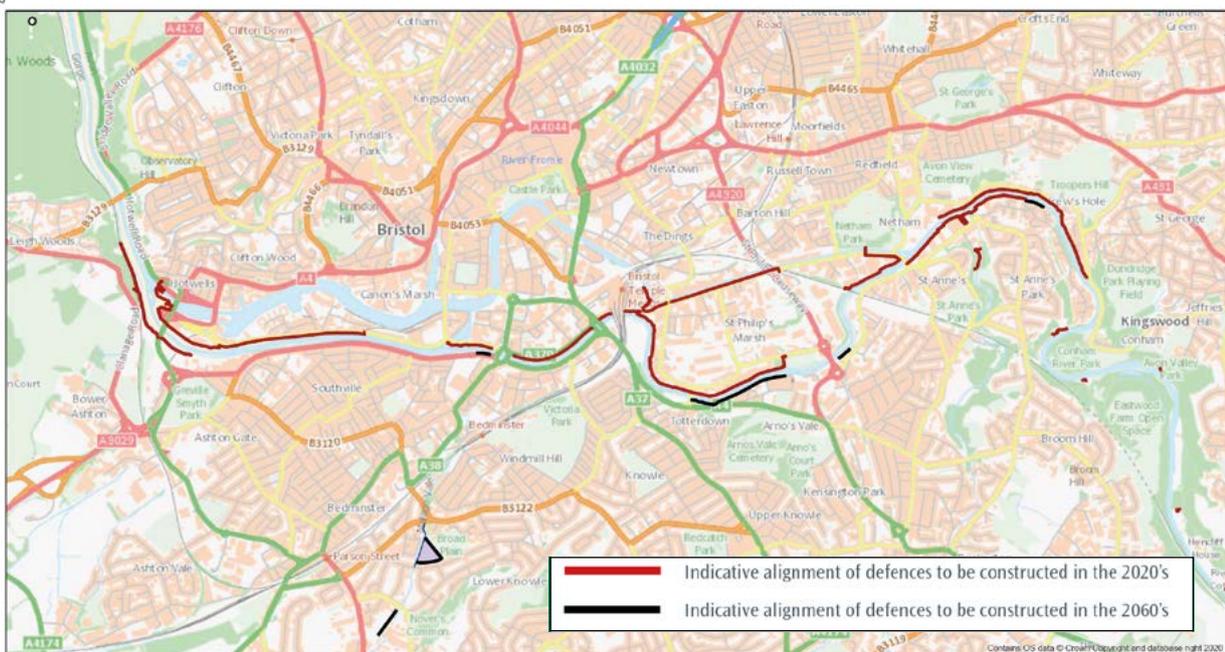
These objectives were used to evaluate the flood risk management strategic approaches and to support the appraisal process, but our vision is much broader. Our vision is to design measures that work for Bristol year-round. Defences need to better protect homes and businesses on the rare occasions that flooding occurs, but they also need to work on the vast majority of days when river levels are normal. Underpinning this vision are three pillars:

- Future-proofing the city and neighbouring communities
- Enabling a greener, more active city
- Unlocking Bristol's potential



Ours is an adaptive approach. This means we will build in phases over time as we monitor changes to the threat of flooding in Bristol. Creating and improving flood defences gives us an opportunity to improve walking and cycling routes along the river Avon. Links could be created with other parts of the city, and improved walking and cycling links could also be incorporated into the defences themselves. In areas where more space is available, defences could take the form of a green space that provides wildlife or recreation value, so that it can be enjoyed on the majority of days when there is no risk of flooding.

Having a long-term plan in place reduces the threat that flooding poses to the future success of Bristol. By defending locations currently at risk of flooding, we can unlock areas for regeneration and new development, creating the jobs, homes and public spaces needed to ensure Bristol is a resilient city where people and business can thrive now and in the future.



The geographic extents of the proposals are wide. In central Bristol, new defences are proposed along parts of the river from Cumberland Basin in the west of the city centre to St Anne's Park to the east.

Delivery

Our proposals are ambitious and will rely on funding from a range of sources. Bristol City Council will generally seek to secure contributions towards implementation of the strategy through the Community Infrastructure Levy (or any successor). The strategy has a programme level allocation of £69m from DEFRA funding Flood Defence Grant in Aid, and a £10m allocation from the regional Economic Development Fund. In March 2022, Bristol City Council also committed £10m of reserves funding towards delivery of the strategy at its annual full council budget meeting.



Significant additional funding will need to be secured as the strategy progresses. A funding strategy is under preparation that builds on the funding identified to date, including new funding committed since the SOC adoption, and new funding yet to be committed but under consideration, including circa £20m of CIL funding, and other significant funding sources.

Contributions from the private sector will be expected, particularly from beneficiaries of the proposals such as existing businesses benefitting from a reduction in flood risk, or landowners and developers benefitting from a reduced burden to manage flood risk on a site-specific basis.

In some instances, it may be appropriate to pursue S106 contributions where such a request meets the requirements of the NPPF and CIL Regulations, namely that they are necessary to make a development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development. In other instances, where off site infrastructure is required to make a site safe from flooding, development, or occupation, may not be able to happen until that infrastructure is provided. In such a scenario, statutory and non-statutory consultees will be consulted on any application to discharge such a “Grampian” type condition.

Where the Avon Flood Strategy defence alignment sits within or adjacent to the footprint of a development proposal’s site boundary, the council will proactively engage with parties and may seek works within the site to deliver part of the wider strategic defence proposals. Further clarity on the planning authority’s expectations in this scenario will develop in due course and may be the subject of a supplementary planning document expanding on the new Local Plan (once adopted).

Integrating with new development

The council wish to actively engage with developers to integrate the strategy with any proposals coming forward. The planning authority in consultation with the Environment Agency will seek to resist development that is incompatible with the flood strategy. The proposed alignment of defences has been identified, but the physical footprint of the required infrastructure has not yet been finalised and will vary significantly by location. As such, riverside proposals should seek to engage with the council at an early stage to discuss and negotiate suitable set back distances and / or identify opportunities to integrate sections of defences within development proposals. It is intended that land which requires safeguarding to enable the delivery of the strategy will be identified in the new Local Plan.



Next steps

The outline business case to support the case for investment in the strategy phase one, build stage one, is currently under preparation. Once approved, funding will be unlocked to progress to full business case, detailed design and consenting. Our ambition is to commence build stage one construction in 2026. This focusses on new flood gates at either end of the harbour together with works upstream and downstream of the city centre. Build stage two (the remainder of phase one) is sought to be completed by around 2030. Phase two (extending and raising phase one) is anticipated to commence around 2065 but will be kept under review.

Ensuring development is safe

National and local policy

The National Planning Policy Framework sets out a strategic approach to mitigating and adapting to climate change, including taking account of the long-term implications of flood risk. Specifically, it notes that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

And, in respect of the determination of planning applications:

“...local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) 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;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”



At a local level the Bristol Core Strategy sets the current statutory development plan policy for managing flood risk across the City. Policy BCS16 states:

“Development in Bristol will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a sequentially greater risk of flooding will be considered where essential for regeneration or where necessary to meet the development requirements of the city. Development in areas at risk of flooding will be expected to:

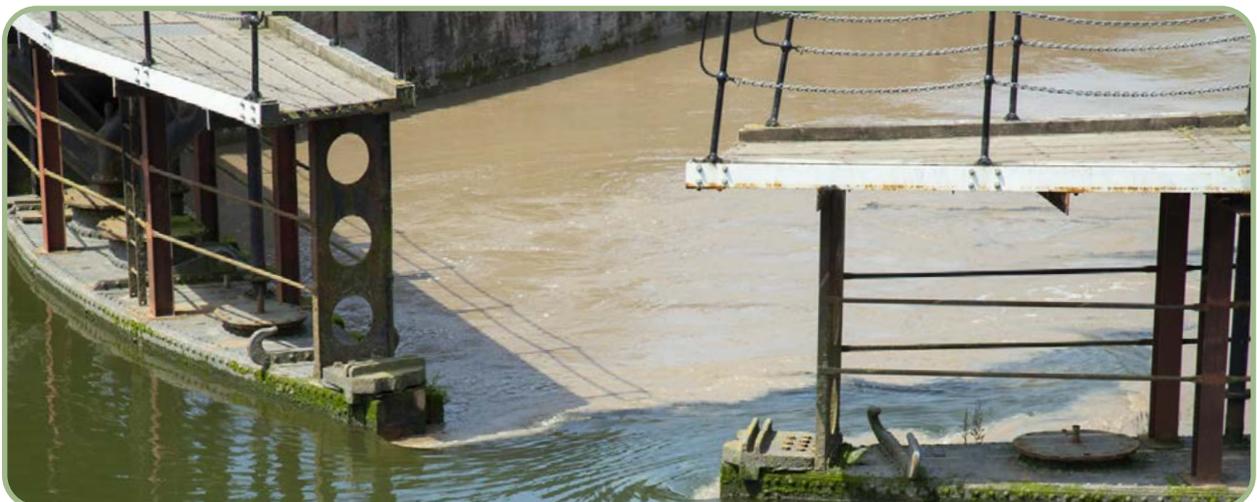
be resilient to flooding through design and layout, and/or

incorporate sensitively designed mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary, in order to ensure that the development remains safe from flooding over its lifetime.

All development will also be expected to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable drainage systems (SUDS).

A new Local Plan for Bristol is now in preparation, this will include new planning policy to manage flood risk; consistent with the NPPF and reflecting the importance that Bristol City Council attaches to tackling the climate emergency by planning for climate resilience.

Prior to the adoption of a new Local Plan, it is the expectation that all new development will comply with existing national and local planning policy with respect to flood risk. While the Bristol Avon Flood Strategy may be a material consideration in coming to a view on a proposed development, at this time proposals should not rely on the strategy being delivered to make a site safe. How sites are made safe will be unique to each site but will generally be composed of a suite of measures including mitigation, resilience, and adaptation.





Emerging position

The council is committed to delivering the flood strategy and is confident that it will be done so in a reasonable time frame. While we are still at an early stage, the preferred strategic approach has been identified, and has been consulted on publicly prior to the endorsement of the preferred approach. Funding has been secured for supporting studies to further justify the case for investment and refine the proposals.

Our ultimate ambition is to enable new development proposed in areas at risk of flooding to rely on strategic scale defences being constructed. At that point, planning applications could be assessed on the basis that those defences are built out. To reach that point will take time, but as confidence in delivery increases, so too will the weight that the strategy is given in considering individual applications.

At a Local Plan level, the emerging position is that by the time of examination, it is expected that confidence in delivery of the flood strategy will be great enough to enable the authority to allocate sites in areas at risk of flooding, subject to passing the sequential test and site-specific flood risk assessments demonstrating that the development will be safe for its lifetime and passing the exception test where relevant. This will be subject to further consideration through the local plan examination process.

Balance of risk and benefits

It is acknowledged that flood risk, like any risk, can never be eliminated entirely. Residual risks (for example the failure of flood management infrastructure or a more extreme flood that exceeds the mitigation design) are risks that remain after applying the sequential approach to the location of development and taking mitigating actions.

The safety of a development and its occupiers is of primary importance, and in coming to a view in determining applications, the planning authority will balance the likelihood, level, and nature of the risk of harm that could potentially arise because of flooding, as well as other planning considerations, against the benefits that a scheme brings.

Technical requirements

Applicants should refer to planning practice guidance with respect to flood risk together with Bristol City Council's SFRA for guidance on technical requirements to make development safe from the risk of flooding.



Precedents of other planning permissions

It is noted and understood that comparisons may be drawn with recent decisions and / or recommendations made on planning applications in Bristol by the Planning Inspectorate and Secretary of State. As noted above, these decisions are capable of being material planning considerations in determining new applications, though they should not be considered as precedent in themselves, nor set parameters by which other applications will be assessed. Each application received by the planning authority will be assessed on its own merits, and must, in the view of the Local Planning Authority considering advice of the Environment Agency and other consultees, be adequately safe from the risk of flooding for its lifetime.

Summary of position

Bristol City Council is committed to its plan, in partnership with the Environment Agency, to better protect homes and businesses from flooding as set out in the Bristol Avon Flood Strategy. The Strategy is also the council's preferred approach to enabling new development in areas at risk of flooding from the river Avon. However, it recognises that new development proposed in areas at risk of flooding cannot delay applications given the urgent need for new homes in the city.





The current position is that new development proposed in areas at risk of flooding cannot rely on defences being built through the Strategy. However, confidence that the Strategy will be delivered is increasing, and appropriate weight will be given to the Strategy at the time of determining individual applications based on the stage that it has got to at the time of determination of those applications.

The council welcomes safe, sustainable development proposals in areas of growth and regeneration. To achieve this early engagement with the council and Environment Agency is vital to ensure not only that development can be made safe but is also integrated in to and / or compatible with the ambition of the Bristol Avon Flood Strategy.

Ultimately, it is the intention of the council that the flood defences the city needs to ensure it is resilient to the increasing risk of flooding due to the impacts of climate change will be delivered in an effective, timely and integrated way that ensures not only better flood protection, but also provides wider benefits to the city region. By doing so, the constraint of flood risk on new development will be vastly reduced, offering the chance for higher quality development, and improved public realm for all.

