
3. The Planning Framework

3.1 Introduction

This SFRA has been undertaken to assess flood risks throughout Bracknell Forest Borough, and in particular the flood risks associated with planned development identified in the spatial plans of the emerging Local Development Framework.

The planning process is driven by legislation and guidance developed at a national, regional and local level, with flood risk being just one of many aspects to consider when making decisions relating to land use. The challenge for an SFRA is to develop pragmatic principles for steering future development away from flood risk areas without conflicting with the requirements of the different planning policies.

3.2 National Planning Policy

3.2.1 Planning and Compulsory Purchase Act

The SFRA has taken place during a period when planning authorities have been implementing the provisions of the Planning and Compulsory Purchase Act 2004 and accompanying planning guidance, including PPS 1 *Delivering Sustainable Communities* and PPS 12 *Local Development Frameworks*. This has affected all tiers of the planning system and has necessitated major changes at both the regional and local level which will impact on the way in which planned development is reflected in the regional strategy and delivered locally.

Planning Policy Guidance Notes (PPGs) are being reviewed by Government and will be updated and replaced by Planning Policy Statements (PPSs), although Government has indicated that PPGs will be reviewed and replaced as and when considered necessary in the light of their policy and strategic significance.

Regional Planning Guidance has now been transformed into Regional Spatial Strategies (RSSs) with the South East Plan currently in draft.

At a Local Planning Authority (LPA) level, Local Plans are being phased out and replaced by Local Development Frameworks (LDFs), which is a folder of planning documents that will guide decisions on the development and use of land. LPAs were required to produce a Local Development Scheme by March 2005 under the new regulations set out in the Planning and Compulsory Purchase Act 2004, setting out their programme for the production of the new development plan and summarising the documents that will, collectively, make up the LDF.

3.2.2 PPG 25 and PPS 25 Development and Flood Risk

PPG 25

The introduction of PPG 25 *Development and Flood Risk* in July 2001 reinforced the responsibility of LPAs to ensure flood risk is understood and managed effectively as part of the

planning process. PPG 25 represented a marked shift in the management of flood risk from reactive solutions (such as flood defences) to the more preventative approach of managing and reducing flood risk through land use planning.

PPG 25 specified that LPAs should adopt a risk-based approach to planned development through the application of a Sequential Test, prioritising allocations and planning permission for development in areas with the lowest flood risk. The Sequential Test is based on Environment Agency flood zones, which delineate areas by their level of risk due to river and sea flooding. It also sets out the need to consider other sources of flood risk (such as groundwater, overland flow and sewer) when planning development on a local level. PPG 25 emphasised application of the precautionary approach in the planning of sustainable development, including consideration of the implications of climate change on flood risk.

PPS 25

In March 2005, the Government announced a revision of PPG 25 to strengthen planning policy on development and flood risk. The new PPS 25 is intended to focus on core policies, and be clearer and easier to understand. It was issued as a consultation draft in December 2005 and is intended, together with an accompanying Practice Guide, to replace PPG 25 later this year.

In revising PPG 25, the Government sought to provide clarity on what is required at a regional and local level to ensure that appropriate and timely decisions are made to deliver sustainable planning for development. The key planning objectives are as follows:

“Regional planning bodies (RPBs) and local planning authorities (LPAs) should prepare and implement planning strategies that help to deliver sustainable development by:

- *Identifying land at risk and the degree of risk of flooding from river, sea and other sources in their areas;*
- *Preparing Regional or Strategic Flood Risk Assessments (RFRA / SFRA) as appropriate, either as part of the Sustainability Appraisal of their plans or as a freestanding assessment that contributes to that Appraisal;*
- *Framing policies for the location of development which avoid flood risk to people and property where possible and manage any residual risk, taking account of the impacts of climate change;*
- *Reducing flood risk to and from new development through location, layout and design, including the application of a sustainable approach to drainage;*
- *Using opportunities offered by new development to reduce flood risk to communities;*
- *Only permitting development in areas of flood risk when there are no suitable alternative sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding;*
- *Working effectively with the Environment Agency and other stakeholders to ensure that best use is made of their expertise and information so that decisions on planning applications can be delivered expeditiously; and*

- *Ensuring spatial planning supports flood risk management and emergency planning.”*

The Sequential Test remains a key part of the guidance, which steers new development to areas at the lowest risk of flooding. The consultation draft of PPS 25 introduces the Exception Test which allows some scope for departures from the sequential approach where it is necessary to meet the wider aims of sustainable development. The criteria for exception include the development making a positive contribution to sustainable communities and managing flood risk, redevelopment of brownfield land (or no alternative), and that the residual flood risks are acceptable and satisfactorily managed.

PPS 25 also clarifies that the possible impacts of climate change should be addressed in Flood Risk Assessments, and includes advice on current sources of information on climate change, to ensure that plans and planning decisions are fully informed about climate change impacts.

The emerging PPS 25 also introduces the proposal for a Town and Country Planning (Flooding) (England) Direction 2006 which would make the Environment Agency a Statutory Consultee on all applications for development in flood risk areas. The Direction would also introduce the requirement for LPA's to notify the Secretary of State where they are minded to approve a planning application against the advice and subject to a sustained objection by the Environment Agency. The PPS also includes provision to extend the criteria used to determine when the Environment Agency should be consulted on a planning application.

3.2.3 Other Planning Policy Statements

PPS 1 *Delivering Sustainable Communities* published in February 2005 sets out the overarching planning policies for the delivery of sustainable development across the planning system and sets the tone for other PPSs that will follow. PPS 1 explicitly states that development plan policies should take account of flooding, including flood risk. It proposes that new development in areas at risk of flooding should be avoided. Planning authorities are also advised to ensure that developments are “*sustainable, durable and adaptable*” including taking into account natural hazards such as flooding.

PPS 1 also places an emphasis on ‘spatial planning’ in contrast to the more rigid ‘land use planning’ approach which it supersedes. Planning authorities will still produce site-specific allocations and a proposals map as local development documents, but their core strategy will be more strategic and visionary in content and will take into account the desirability of achieving integrated and mixed use development and will consider a broader range of community needs than in the past. With regard to flood risk, it will be important for the core strategies and accompanying supplementary planning documents to recognise the contribution that non-structural measures can make to flood management.

Whilst not directly relevant to the development of a SFRA, it is important to recognise that the exercise takes place within the context of other planning policy statements, some of which also require sequential testing of site allocations and development proposals. PPS 3 *Housing*, PPG 4 *Industrial and Commercial Development and Small Firms* and PPS 6 *Planning for Town Centres* are intrinsic within the planning process, and therefore an understanding of the constraints faced as a result of this additional policy guidance is imperative.

3.3 Regional Planning Policy

3.3.1 The Draft South East Plan

The South East Plan, currently in preparation, will replace existing RPG9 and the Berkshire Structure Plan. It will provide a strategic regional framework that forms the context within which LDDs should be prepared. Part 1 of the Draft South East Plan was submitted to the Government on 29 July 2005, following a period of public consultation. The plan seeks to take a longer-term view of the development needs, but in a manner that is consistent with the principles of sustainable development.

Flooding issues are covered by the provisions of policy NRM3 in the South East Plan. This policy reflects the sequential approach to development in flood risk areas set out in PPG25.

Inappropriate development should not be allocated or permitted in zones 2 and 3 of the floodplain (Map NRM2), in areas with a history of groundwater flooding, or where it would increase flood risk elsewhere, unless there is over-riding need and absence of suitable alternatives.

Where development is proposed for parts of zones 2 and 3, local authorities (in the case of plan allocations) and developers (in the case of specific proposals), with the help of advice from the Environment Agency, should undertake a SFRA to provide a comprehensive understanding of the flood risk and options for managing that risk in a cost effective manner. This should have regard to climate change and identify appropriate types of development and suitable mitigation and adaptation measures in the design and layout of the scheme.

3.3.2 Berkshire Structure Plan 2001 – 2016

The Berkshire Structure Plan was adopted in July 2005 and provides the strategic framework for land use planning in the county, shaping Berkshire's future physical environment and influencing it economically and socially.

Policy EN6 of the Structure Plan deals with the prevention of flooding. It states that development proposals will avoid adding to flood risk, either within the development site or elsewhere. Local planning authorities and developers will carry out a flood risk assessment, based on a sequential approach, when identifying new development sites, or when assessing development proposals. This is to ensure that the site can be developed and occupied safely and to prevent adverse flooding effects elsewhere in the catchment. New development in the functional flood plain will only be permitted in exceptional circumstances and will be limited to essential infrastructure. Redevelopment of previously developed land in the functional flood plain should not interfere with flood flows, or with river management options.

Reasons for this policy include recognising the importance the Government is attaching to the management and reduction of flood risk in the land-use planning process.

3.4 Local Planning Policy

3.4.1 Introduction

As a result of the Planning and Compulsory Purchase Act 2004, the way in which development plans are prepared is changing. With the aim of speeding up and simplifying plan preparation and improving community involvement, development plans in their current form are to be abolished and replaced with a new development plan system, the Local Development Framework (LDF). This transition provides an ideal opportunity for Bracknell Forest Borough Council to review and update their policies on flood risk to ensure consistency with national guidance and regional planning policy.

3.4.2 Bracknell Forest Local Plan 1991 - 2006

In January 2002, Bracknell Forest Borough Council adopted the Bracknell Forest Borough Local Plan. This sets out the detailed framework for the Borough Council's land use, transport economic and environmental policies and it is used to guide development and safeguard the local environment.

The Local Plan does not contain a specific policy on flood risk but does refer to the water environment in a recreational sense, recognising the importance of ensuring that the water environments in the Borough are maintained and continue to make a contribution to visual character and nature conservation interest. These environments should continue to provide the widest possible appropriate public access. The land use implications of such river management issues as water quality, flood protection measures, surface water management and water and wetland wildlife habitats will be examined.

3.4.3 The Emerging Local Development Framework

The Local Plan is in the process of being replaced by the Local Development Framework (LDF). The LDF will take the form of a portfolio of plans and documents made up of several Local Development Documents (LDDs). LDDs can either deal with different issues or different geographical areas, but when taken together they will set out the Council's policies for how it will assess development proposals and direct future growth.

The Council has adopted the following documents:

- Statement of Community Involvement Development Plan Document (DPD);
- Designing for Accessibility in Bracknell Forest Supplementary Planning Document (SPD);

The Council is currently in the process of preparing the following documents:

- Core Strategy DPD
- Site Allocations DPD
- Limiting the Impact of Development SPD
- Parking Standards SPD

3.5 Conclusions

In accommodating future development in Bracknell Forest there is a range of planning policies to consider and balance on a national, regional and local level. Future development needs have been broadly specified in regional plans and are being refined on a local level in the emerging LDF.

The new consultation draft of PPS 25 (and its predecessor PPG 25) provides the overarching national guidance with respect to development and flood risk, emphasising the need to effectively manage flood risk within the planning system, rather than relying on reactive solutions to flooding. This includes a responsibility for LPAs to reduce flood risk to people and property as a result of new development. It also identifies the preparation of SFRA as a key process in the understanding and management of flood risk for planning purposes.

It is widely recognised that flood risk is one of a whole raft of policy constraints placed upon the local planning system. Development must facilitate the socio-economic needs of a community, and spatially must sit within an existing framework of landscape and infrastructure. For this reason, a balance must be sought between development need and the risk it may pose upon existing and future dwellers of the area as a result of flooding.

The aim of this SFRA is to provide a better understanding of flood risk in Bracknell Forest that can feed into the emerging LDF and enable informed and balanced planning decisions to be made.