

MATTER 6

Submitted 5 September 2022

Matter 6: Water Management

Issue: Are the policies on water management justified, effective and consistent with national policy?

6.1 Is Policy DM33 justified, effective and consistent with national policy?

Lancaster City Council Response

Yes, policy DM33 is justified, effective and consistent with national policy. Lancaster District has been subject to numerous severe instances of flooding, and this is certain to be exacerbated by climate change both in terms of severity and frequency. It is therefore important that policies set out clear requirements to ensure that flood risk from all sources, and the likely effects of climate change, are taken into account in order to protect new and existing development from flood risk. The policy has been informed by the Lancaster Level 1 Strategic Flood Risk Assessment Update November 2021 **[P_24.1]** and written in conjunction with the Environment Agency, Lead Local Flood Authority and United Utilities.

The policy clearly sets out the sequential approach to locating development in accordance with paragraphs 161 and 162 of the Framework, protects the functional flood plains in accordance with the advice in the Planning Practice Guidance (PPG) (Paragraph: 015 Reference ID: 7-015-20140306 / 023 Reference ID: 7-023-20220825 and Paragraph: 078 Reference ID: 7-078-20220825), and sets out criteria for considering risk from all sources of flooding in accordance with paragraph 160 of the Framework and within the section of the PPG about Flood Risk and Coastal Change.¹ The requirements for flood risk assessments are based upon the guidance within 'Flood Risk Assessments if you're Applying for Planning Permission' and in accordance with Recommendation 4, page 94 of the Strategic Flood Risk Assessment **[P_24.1]** as advised by the PPG (Paragraph: 010 Reference ID: 7-010-20140306 / Paragraph: 009 Reference ID: 7-009-20220825).²

¹ Throughout this document the Planning Practice Guidance – Flood Risk and Coastal Change (6 March 2014) in place at the time of submission of the CERLP is referred to first and the updated Planning Practice Guidance – Flood Risk and Coastal Change (25 August 2022) second.

² Flood Risk Assessments if you're Applying for Planning Permission – Department for Environment, Food & Rural Affairs & Environment Agency – 27 February 2017

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The policy requires development to reduce the impacts of flooding in accordance with paragraph 161 c) of the Framework which requires plans to use *“opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)”*. The PPG also advised that *“Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond”* (Paragraph: 050 Reference ID: 7-050-20140306). The updated PPG states, *“Developers should refer to the Strategic Flood Risk Assessments and site-specific Flood Risk Assessments to identify opportunities to reduce flood risk overall and to demonstrate that the measures go beyond just managing the flood risk resulting from the development”* (Paragraph 037 Reference ID:7-037-20220825) and that information submitted with a planning application may need to address, *“7. What opportunities to reduce the causes and impacts of flooding have been identified and included as part of the proposed sustainable drainage system?”* (Paragraph: 059 Reference ID: 7-059-20220825).

6.2 Has sufficient regard been given to the PPG's advice in terms of flood risk vulnerability?

Lancaster City Council Response

Yes, the policy seeks to focus development to areas at lowest flood risk. It seeks to ensure that all elements of development necessary to provide high quality places to live and work and to support healthy communities (including open space and recreation which support the health and wellbeing of communities) in accordance with paragraph 8 b) of the Framework, are within the lowest areas of risk from flooding. It is acknowledged that the NPPF (Annex 3) places recreation areas within the water-compatible flood risk classification. However, it is considered essential that such facilities are of high quality, free from water, mud and the contaminants that arise from flooding in order to support the health and wellbeing of communities. The policy seeks to ensure a sequential approach to both site selection and arrangements within sites, to ensure that the best use is made of areas at lowest risk of flooding.

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6.3 Are criteria III f. and g. of Policy DM33 sufficiently clear in respect of other sources of flooding?

Lancaster City Council Response

Yes, the policy is considered sufficiently clear in terms of identifying that flood risk assessments are required for sites affected by all sources of flooding. National guidance is available which clearly identifies the range of risks. Identifying all sources within the policy would unnecessarily lengthen an already lengthy policy.

If the Inspector were however to decide to the contrary and conclude that each source of flood risk should be identified either within the policy or in a footnote, the council would be supportive of introducing a Main Modification.

6.4 Are the requirements of Policy DM34 justified, effective, and consistent with national policy? Is Policy DM34 sufficiently flexible?

Lancaster City Council Response

Yes, policy DM33 is justified, effective and consistent with national policy. It is important that policies set out clear requirements to manage water and ensure that sustainable drainage is included within schemes to provide a range of benefits, including mitigating and adapting to climate change, in accordance with the Framework at paragraph 8 c), 11 a) and paragraph 153. The policy has been informed by the Strategic Flood Risk Assessment Update November 2021 [P_24.1] and written in conjunction with the Environment Agency, Lead Local Flood Authority and United Utilities.

The policy emphasises natural above ground sustainable drainage systems (SuDS) as recommended by the Strategic Flood Risk Assessment Update November 2021 [P_24.1] at recommendation 2b and the Framework at paragraph 169 a). The policy sets out a sustainable drainage hierarchy in line with the hierarchy in the PPG (Paragraph: 080 Reference ID: 7-080-20150323 / Paragraph: 56 Reference ID:7-056-20220825). It adds further clarification with regard to the most appropriate methods of storing and discharging water, and the appropriate design features. This will ensure schemes contribute to mitigating climate change, managing water quality and water quantity, and providing amenity and biodiversity benefits in accordance with the four pillars of SuDS highlighted in the

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Ciria SuDS Manual C753 and the PPG (Paragraph: 051 Reference ID: 7-051-20150323 / Paragraph: 055 Reference ID: 7-055-20220825).³ It seeks the inclusion of:

- Multifunctional benefits in accordance with paragraph 169 of the Framework.
- Flood risk reduction measures in accordance with paragraph 161 c) of the Framework which requires plans to use *“opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)”*. The PPG also advised that *“Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond”* (Paragraph: 050 Reference ID: 7-050-20140306). The updated PPG states *“Developers should refer to the Strategic Flood Risk Assessments and site-specific Flood Risk Assessments to identify opportunities to reduce flood risk overall and to demonstrate that the measures go beyond just managing the flood risk resulting from the development”* (Paragraph 037 Reference ID:7-037-20220825).
- Management of water and pollution control as close to the source as possible in accordance with the PPG which sought opportunities to *“remove pollutants from urban run-off at source”* (Paragraph: 051 Reference ID: 7-051-20150323) and the updated PPG which identifies *“nature-based techniques”* as providing *“benefits for water quantity, quality, biodiversity and amenity”* (Paragraph: 055 Reference ID: 7-055-20220825).
- Combining of *“water management with green space with benefits for amenity, recreation and wildlife”* (Paragraph: 051 Reference ID: 7-051-20150323). The updated PPG continues this thread *“Maximising opportunities for planting and vegetated areas, in preference to engineered surfaces, to increase evapo-transpiration and provide improvements for biodiversity and wider natural capital benefits”* (Paragraph: 063 Reference ID: 7-063-20220825). The updated PPG also places an emphasis on

³ The SuDS Manual (C753) Ciria

https://www.ciria.org/CIRIA/Memberships/The_SuDs_Manual_C753_Chapters.aspx

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integration and multifunctional benefits, advising on information that application may need to address including: *"5. How have sustainable drainage systems been integrated with other aspects of the development such as open space or green infrastructure, so as to ensure an efficient use of the site? 6. What multifunctional benefits will the sustainable drainage system provide? For major developments, if multifunctional sustainable drainage systems are not being provided, what evidence is there that such techniques are not possible?"* (Paragraph: 059 Reference ID: 7-059-20220825).

- Naturalisation of water course in accordance with the PPG (Paragraph: 019 Reference ID: 34-019-20140306 / Paragraph: 064 Reference ID: 7-064-20220825).
- Adoptable standards to ensure *"minimum operational standards"* and *"maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development"* (Paragraph 169 of the Framework) and within the updated PPG (Paragraph: 005 Reference ID: 7-005-20220825).

The hierarchy and SuDS design referred to in the policy is support by the revised PPG which states that *"Local planning authorities may find it helpful to set out those local situations where they anticipate particular sustainable drainage features: Delivering the greatest benefits"* and *"encourage the incorporation of rainwater harvesting"*. (Paragraph: 056 Reference ID: 7-056-20220825)

The policy allows alternative forms of drainage, where this is justified, and sets out criteria for such justification.

The policy sets out run-off rates in accordance with national guidance in the Sustainable Drainage Systems: Non-Technical Standards for Sustainable Drainage Systems. The requirements will ensure that schemes address water within a site and do not increase flooding elsewhere in accordance with paragraph 167 of the Framework. Since the policy was drafted the climate change allowances have been amended and included in new documentation, 'Peak Rainfall Climate Change Allowances by Management Catchment, Environment Agency, 9 May 2022'.⁴ The

⁴ [Peak rainfall climate change allowances by management catchment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/peak_rainfall_climate_change_allowances_by_management_catchment.pdf)

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Council recognised that the references are now out of date, if the Inspector were to decide that the policy should be updated to reflect this change, the council would be supportive of introducing a Main Modification to update the reference.

The policy sets out a range of information required to support applications and sets out the threshold. The threshold has been informed by Recommendation 2b of the Strategic Flood Risk Assessment Update November 2021 [P_24.1] and the Recommendations from the Cumulative Impact Assessment on pages 67-68 of the document. The recommendation within the Strategic Flood Risk Assessment 2021 [P_24.1] accord with the requirements for SFRAs set out in How to Prepare a Strategic Flood Risk Assessment' Environment Agency 31 March 2022.⁵ It also outlines the requirements for management arrangements in accordance with paragraph 169 of the Framework.

The policy sets out how the local authority expects applicants to address water management in a clear and effective way which will ensure schemes provide multi-functional benefits including mitigation of and adaption to climate change. It allows for flexibility where this is justified and sets out the circumstances where this may apply.

6.5 Is Policy DM36 consistent with national policy?

Lancaster City Council Response

Yes, the aims of the policy are consistent with national policy. Paragraph 153 of the Framework requires policies to take into account long term implications of climate change on water supply and the PPG provides examples of adapting to climate change by *"Considering availability of water and water infrastructure for the lifetime of the development and design responses to promote water efficiency and protect water quality"* (Paragraph: 003 Reference ID: 6-003-20140612). Paragraph 174 e) of the Framework states that policies should protect water from pollution and improve quality, and the PPG states, *"Plans should ensure protect and enhance water quality"* (Paragraph: 006 Reference ID: 34-006-20161116).

The requirement for development to include multi-level source control within SuDS is consistent with the Framework at paragraph 168 which states, *"Major*

⁵ [How to prepare a strategic flood risk assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/106422/How_to_prepare_a_strategic_flood_risk_assessment.pdf)

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developments should incorporate sustainable drainage systems” and “where possible, provide multifunctional benefits”. Other sources of national guidance such as [Ciria SuDS Manual C753](#) also emphasis the use of multi-level source control to remove pollution.

Policy DM36 should be read in conjunction with policies DM33 and DM34 and site-specific policies which seek to protect the water environment.

6.6 Should Policy DM36 make specific reference to how development within defined Groundwater Source Protection Zones would be assessed?

Lancaster City Council Response

No, policy DM36 is considered sufficient to afford protection and the ‘Manual for the Production of Groundwater Source Protection Zones from the Environment Agency (March 2019)’ provides guidance about how they are assessed. It is therefore not considered that further detail is required.⁶ However, if the Inspector were to decide that these areas should be specified within the policy or the Manual should be referred to, the council would be supportive of introducing a Main Modification here to action this if it was considered appropriate.

6.7 Has sufficient consideration been given to developments on public water supply catchment land?

Lancaster City Council Response

Yes. The CERLP does not amend the land allocated for development. Policy DM36 seeks to ensure development once consented, does not have a detrimental impact on surface water and ground water quality and quantity. As these have previously been found sound, it is considered that the plan affords sufficient consideration to public water supply catchment land.

⁶ [Manual for the production of Groundwater Source Protection Zones \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)