

*Consultation on Planning Policy Statement 25:  
Development and Flood Risk (December 2005)*

**Comments by CPRE Thames Gateway<sup>1</sup>**

**(January 2006)**

**Summary and recommendations**

- The draft appears strongly to indicate a marked shift away from the Government's hitherto more pragmatic approach of balanced risk management towards one which may be unnecessarily restrictive of housing and other development in areas designated as 'High Probability' Flood Risk Zones. This may affect substantial areas of the urbanised Thames Gateway in particular.
- PPS25 should include clear statements to the effect that, where a conflict can reasonably be avoided, it is not the intention that it should act against policies for the re-use of previously developed urban sites in preference to developing greenfield land.
- To avoid unnecessarily restricting the availability of development land, PPS25 should make the exceptions test applicable under a wider range of circumstances.
- PPS25 should place greater emphasis on the role of local flood risk assessment in the 1:100/200 Flood Risk Zone, both in identifying residual risk and the need for appropriate mitigation and resilience measures. PPS25 should make it clear that, where a site within the High Probability Flood Risk Zone is identified as potentially suitable for development, then a site-specific flood risk assessment should automatically be triggered.
- ODPM should urgently make an assessment of the likely extent to which the exceptions test and the sequential test as currently worded in draft PPS25 will reduce the availability of urban brownfield land in the Thames Gateway for redevelopment.

**Introduction**

1. CPRE appreciates the need for a clear planning policy framework to manage the exposure of development to risk from flooding: it is clearly unacceptable that vulnerable development should take place in areas that are likely to be seriously inundated. For that reason, PPS25 is a welcome initiative. Indeed, CPRE recently published a detailed policy statement addressing a range of issues affecting the development and redevelopment of the Thames Gateway in which we welcomed the Government's approach to avoiding unacceptable risk while also allowing necessary development to take place. The concept of 'balanced risk management' is pragmatic and is an approach that CPRE supports in the Thames Gateway and elsewhere where it is consistent with the objectives of urban regeneration and countryside protection. The following comments address exclusively the

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detail of the proposed approach to the sequential test and the exceptions test (pages 12-13) and the use of local flood risk assessments.

### **Sequential test**

2. The draft PPS proposes that ‘Flood Zones’ should be identified according to a level of ‘risk’ that ‘*ignore[s] the presence of existing flood defences*’ (Paragraph15) (referred to below as ‘absolute’ risk). The effect is therefore that, under the sequential test (and notwithstanding the exceptions test), no account should be taken of the beneficial effect of flood defences (nor, indeed, flood resilience or mitigation measures) in determining the suitability of potential urban sites for redevelopment. The justification for this approach is given in the draft as being that flood defences:

*‘can be breached, overtopped and may not be in existence for the duration of the development.’* (Paragraph15)

3. It is entirely sensible for planners to make an assessment of the level of absolute risk because, through that process, planners will identify the need for well maintained flood defences and effective mitigation and resilience measures. Nevertheless, the level of actual risk to which development is subject is *not* determined by the absolute risk - it is determined by *residual* risk (i.e. taking account of flood defences). As explained below, we are concerned that, under the terms of draft PPS25, the assessment of absolute risk (as opposed to residual risk) would play too great a role in determining the suitability of urban sites for redevelopment.

4. As paragraph 8 confirms, a ‘risk-based approach’ should address the ‘*consequences of flooding on the receptors*’. Completely ignoring the effect of flood defences ignores the fact that, in the event of all but the most severe breach, flooding - and therefore the damage caused - would be less extensive and very much more localised than if the defences were not present at all. It entirely ignores the effect of flood mitigation and flood resilience measures in vastly reducing the actual risk of *harm* in the event of a breach or over-topping. In the event of limited flooding, mitigation and resilience measures may even eliminate any significant risk of actual harm altogether. Indeed, ‘managing residual risk’ is identified as one of the ‘key planning objectives’ in paragraph 5, and this is at odds with an excessive emphasis on absolute risk. .

5. Moreover, the flood zones as currently proposed are intentionally somewhat crude and do not address the possible degree of flooding (i.e. depth of inundation): they do not distinguish between areas subject to a small amount of flooding - with limited potential to cause damage - and major flooding. The apparently over-riding significance given to absolute risk therefore appears also to be at odds with the risk-based approach set out in paragraph 8.

6. In view of the above, notwithstanding the exceptions test (paragraph 16), the sequential test, as currently proposed, is excessively restrictive. In the Thames Gateway in particular, it is likely to lead to greenfield land being lost to development by unnecessarily eliminating low-lying urban brownfield sites. Notwithstanding the effect of new development in increasing the rate of stormwater runoff (which can be managed through, for

example, porous paving), this seems somewhat absurd given that such sites are likely to be in areas which are already developed for housing and other vulnerable uses<sup>2</sup>.

### Exceptions test

7. The exceptions test may go some way towards alleviating excessive restrictions that the sequential test (as currently drafted) would bring about in areas deemed to be subject to a high level of absolute risk. However, as currently proposed in draft PPS25, the circumstances under which the exceptions test may be applied are likely to be too limited ('exceptional') to compensate adequately. It requires, for example that there is no *possibility* of an alternative site being made available (paragraph 17). It will always be *possible* to identify alternative sites, even if they would otherwise be considered a very low priority for development under other policy objectives, such as urban regeneration and countryside protection.

8. Furthermore, for the exceptions test to be applied to 'smaller areas' (paragraph 18), alternative sites would be required to be subject to *restrictive designations*. The absence of a restrictive designation does not mean that the area has no significant environmental or social amenity value. This condition will therefore prevent the exceptions test being applied with the result that non-designated land of high environmental or amenity value will be unnecessarily lost to development.

9. It seems unnecessary to restrict the use of the exceptions test to *exceptional* circumstances. Indeed, 'managing residual risk' is identified as one of the 'key planning objectives' in paragraph 5. Fundamentally, it is not reasonable for policies for urban regeneration, countryside protection and reducing the need to travel to be effectively overlooked on the grounds of absolute flood risk when it is residual flood risk - and the effectiveness of flood resilience and mitigation measures - that is the most relevant flood risk consideration. CPRE understands that ODPM has not made an assessment of the implications of draft PPS25 on the capacity of the Thames Gateway to accommodate the housing growth trajectory proposed in the *Communities Plan* and the target that 80% of new housing should be built on urban brownfield land. That omission should be rectified urgently, and certainly before PPS25 is finalised.

10. In the very limited circumstances under which it can be applied under the terms of draft PPS25, the application of the exceptions test requires the necessary flood risk management measures to be assessed and put in place, and this is entirely proper. It allows, essentially, for the desirability of developing a site to be assessed on the basis of residual risk, rather than absolute risk, and this is an approach that CPRE would support. However, if the residual risk - where properly managed - is an acceptable basis in areas qualifying for the proposed exceptions test, then it should be an acceptable basis elsewhere.

11. Notwithstanding the concerns expressed above, it is helpful that the draft PPS allows the exceptions test to be applied '*where it is necessary in order to meet sustainable development objectives*' (paragraph 16). If the intention here is to address concerns of the kind expressed above, then that is welcome. However, the term *sustainable development objectives* is insufficiently precise as to the intended outcome and, in isolation, that statement would be inadequate to prevent unnecessary encroachment of inappropriate development into

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<sup>2</sup> i.e. the 'more vulnerable' uses identified in Table D.2: *Flood Risk Vulnerability Classification*.

the countryside. To address this uncertainty, PPS25 should include a clear statement to the effect that, where the risk of flooding and the likely harm that would be caused in the event of a flood is managed within acceptable limits, it is not the intention of PPS25 to act against policies for the re-use of previously developed urban sites in preference to developing greenfield land. That statement should be included within the sections explaining the sequential test and the exceptions test.

### **Flood risk assessment**

12. PPS25 should place greater emphasis on the role of local flood risk assessment in the 1:100/200 Flood Risk Zone, both in identifying residual risk and the need for appropriate mitigation and resilience measures. The role that draft PPS25 envisages for site-specific flood risk assessments within the 1:100/200 Zone is unclear because, as explained above, in almost all instances, the possibility of development taking place appears to be excluded before the question of site-specific assessments can arise. The concerns raised above may be satisfactorily addressed, however, by making it clear that, where a site within the High Probability Flood Risk Zone is identified as potentially suitable for redevelopment, then a site-specific flood risk assessment should automatically be triggered to establish the redevelopment potential of the site. That clarification should be made in the sections that address the sequential test and the exceptions test and in the Tables in Annex D and should make it clear that the assessment should address the measures that should, in the event of development taking place, be undertaken by way of flood risk mitigation and resilience.

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