

# Development Plan Guidance

## Topic: Flood Risk

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### Why we comment on this issue

Our key aim in providing advice to planning authorities regarding flood risk in the development plan process is to promote safe and resilient communities and businesses through sustainable flood risk management. Development planning has a pivotal role to play in delivering sustainable flood risk management through the avoidance of flood risk in the first instance. Delivery of this approach through our planning service accords with our duties under a range of legislation including the:

- Water Environment and Water Services (Scotland) Act 2003,
- Flood Risk Management (Scotland) Act 2009; and,
- Climate Change (Scotland) Act 2009.

Ministerial guidance on Delivering Sustainable Flood Risk Management (Scottish Government, 2011) identifies planning as one of the most powerful tools available to manage flood risk. When the Flood Risk Management Strategies and Local Flood Risk Management Plans are published development plans will have an important role to play in ensuring that objectives are met by supporting the delivery of relevant actions.

### SEPA's planning objectives for this topic

- To effectively contribute to sustainable flood management by:
  - Ensuring development is avoided in areas at medium to high flood risk, from any source, unless it accords with the SPP risk framework; and,
  - Exercising our planning functions with a view to reducing overall flood risk;
- To support the delivery of Flood Risk Management Strategies and Local Flood Risk Management Plans (once published); and,
- To promote the health and well-being of the people of Scotland by ensuring that proposed development does not place communities and businesses at unacceptable flood risk.

### How we will address this issue through Strategic Environmental Assessment

A Strategic Flood Risk Assessment (SFRA) is required to inform the SEA and to facilitate a catchment based approach to identifying flood risk within the plan area. The assessment should identify and address any strategic cross boundary issues and the potential impacts of climate change on flood risk.



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The findings should inform the SEA, spatial strategy and development allocations. Where river catchments cover more than one local authority area joint SFRAs are undertaken to facilitate an integrated catchment approach to identifying and managing flood risk.

We will also address flood risk issues through SEA by:

- Requiring SEA to consider the effects of policies, proposals and allocations on flood risk on and off site; and,
- Recommending SEA objectives used for assessment include objectives aimed at promoting sustainable flood management by avoiding development in areas at medium to high flood risk and safeguarding land highly suitable for sustainable flood management

### Links to other development plan topic tables

Other related topic tables include: water environment.

The following table outlines our requirements and recommendations for Strategic and Local Development Plans relating to flood risk in more detail. If the following requirements are not met then we are likely to make formal representations to the emerging development plan.

Further details on the implementation of the requirements and recommendations and supporting information can be found in the Flood Risk Background Paper (LUPS-BP-GU2a).



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Strategic Development Plans	Local Development Plans
<p><b>Requirements:</b></p> <ol style="list-style-type: none"> <li>1. Policy coverage and strategic land allocations support the delivery of relevant objectives and actions within Flood Risk Management Strategies and Local Flood Risk Management Plans that affect the plan area.</li> <li>2. Identification of strategic development areas should accord with the principles of sustainable flood risk management by avoiding development in areas at flood risk, unless they accord with the risk framework in paragraph 263 of SPP.</li> <li>3. Policy coverage to ensure that: <ul style="list-style-type: none"> <li>• a precautionary approach is taken to flood risk from all sources taking account of the predicted impacts of climate change;</li> <li>• development is avoided in locations at medium to high flood risk (unless it accords with the risk framework in SPP, paragraph 263) or where it would increase the probability of flooding elsewhere.</li> </ul> </li> </ol>	<p><b>Requirements:</b></p> <ol style="list-style-type: none"> <li>1. Policy coverage and allocations support the delivery of relevant objectives and actions within Flood Risk Management Strategies and Local Flood Risk Management Plans that affect the plan area [once published].</li> <li>2. Allocated sites accord with the principles of sustainable flood risk management by avoiding development in areas at flood risk. This means that: <ol style="list-style-type: none"> <li>a) sites should not be promoted in areas at medium to high risk from fluvial or coastal flooding;</li> <li>b) any sites that are being promoted for civil infrastructure should not be allocated in low to medium risk areas; and</li> <li>c) any sites that are being promoted in low to medium risk areas that fall within the <i>most vulnerable</i> uses category are only allocated if there is potential for the hazard to be alleviated through appropriate mitigation. In this situation the need for mitigation from the 0.1%AP event should be included as a site requirement.</li> </ol> <p>Where this is not possible, some types of development may be acceptable if it satisfies the requirements of the risk framework (SPP, paragraph 263). The risk framework should be applied within the context of the issues listed in paragraph 264 of SPP and our <a href="#">Land Use Vulnerability Guidance</a> should be used to inform the vulnerability classification of the proposed land use and ensure that it is suitable for the location and degree of flood risk.</p> </li> </ol>



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3. Site requirements are attached to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood.

4. Policy coverage to ensure that:

- a precautionary approach is taken to flood risk from all sources taking account of the predicted impacts of climate change;
- development is avoided in locations at medium to high flood risk (unless it accords with the risk framework in paragraph 263 of SPP) or where it would lead to an increase in the probability of flooding elsewhere;
- a Flood Risk Assessment (FRA) is required for all developments at risk of flooding from any source in medium to high risk areas and developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses). The flood risk assessment should be undertaken in accordance with SEPA technical guidance.

5. A precautionary approach should be taken to proposed allocations in areas protected by a formal flood protection scheme.

The following categories of development allocation would generally be acceptable when protected by an existing or planned formal flood protection scheme within a built up area. It is recommended that any allocated protected by a formal scheme is built to a water resilient



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	design and has adequate evacuation procedures in place that are appropriate to the level of risk and use.	
	<b>Standard of protection of the scheme at the time of development</b>	<b>Within a built up area, the defended area will generally be acceptable for:</b>
	Less than a 200 year standard of protection (i.e. greater than a 0.5% AEP standard of protection)	<ul style="list-style-type: none"> <li>• Water compatible uses; or,</li> <li>• Essential infrastructure designed to remain operational during flood event; or,</li> <li>• the principle of the development allocation has been established in an up-to-date, adopted Strategic Development Plan or the National Planning Framework with due consideration of flood risk; or,</li> <li>• Any other development that does not increase overall risk</li> </ul>
Equal or greater than a 200 year standard of protection (i.e. equal or less than a 0.5% AEP standard of protection)	<ul style="list-style-type: none"> <li>• Water compatible uses; or,</li> <li>• Essential infrastructure designed to remain operational during flood event; or,</li> <li>• the principle of the development allocation has been established in an up-to-date, adopted Strategic Development Plan or the National Planning Framework with due consideration of flood risk; or,</li> <li>• Least vulnerable developments; or,</li> <li>• Any other development that does not increase overall risk</li> </ul>	



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<p>Equal or greater than a 200 year plus climate change standard of protection (i.e. equal or less than a 0.5% AEP plus climate change standard of protection)</p>	<ul style="list-style-type: none"> <li>• Water compatible uses; or,</li> <li>• Essential infrastructure designed to remain operational during flood event; or,</li> <li>• the principle of the development allocation has been established in an up-to-date or, adopted Strategic Development Plan or the National Planning Framework with due consideration of flood risk; or,</li> <li>• Least vulnerable developments; or,</li> <li>• Highly vulnerable developments.</li> </ul>
<p>New allocations for <i>most vulnerable</i> uses must be avoided in areas protected by a scheme.</p> <p>Any protection offered by informal flood defences would not be taken into account when considering allocations behind or benefiting from them. Such allocations would be considered within the context of SPP as if the scheme did not exist.</p>	<p>New allocations for <i>most vulnerable</i> uses must be avoided in areas protected by a scheme.</p> <p>Any protection offered by informal flood defences would not be taken into account when considering allocations behind or benefiting from them. Such allocations would be considered within the context of SPP as if the scheme did not exist.</p>
<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. The role of sustainable flood risk management should be recognised in the context of sustainable placemaking and blue/green infrastructure. This includes the policy framework for sustainable placemaking and blue/ green infrastructure and the identification of existing and creation of new blue/green infrastructure in the spatial strategy.</li> </ol>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. The role of sustainable flood risk management should be recognised in the context of sustainable placemaking and blue/green infrastructure. This includes the policy framework for sustainable placemaking and blue/ green infrastructure and the identification of existing and creation of new blue/green infrastructure in the spatial strategy.</li> <li>2. To ensure that proposed land uses are acceptable for the location and degree of flood risk, SEPA's Land Use Vulnerability guidance</li> </ol>



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should be used to inform the spatial strategy, site allocations, and policy framework. A commitment should be made for development to accord with the guidance.

3. To limit the impact of potential flood risk any development permitted in medium to high risk areas (that accords with the exceptions in the risk framework) or is located in adjacent low to medium risk areas should be built to a water resilient design.

