

Conditions may require a full site investigation and risk assessment to be carried out before the development begins or for remedial measures to be incorporated that are necessary to protect human health and the wider environment.

Delivery

- Key Delivery Partners: City of York Council; and developers.
- Implementation: Contamination assessments; remediation and verification; and planning applications.

Policy ENV4: Flood Risk

New development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events.

An assessment of whether proposed development is likely to be affected by flooding and whether it will increase flood risk locally and elsewhere in the catchment must be undertaken. The assessment of proposed development against its flood risk vulnerability and its compatibility with this vulnerability, as defined in the most up to date Strategic Flood Risk Assessment (SFRA), will determine whether development is appropriate, what detailed policies for the resultant flood zone classification, as stated in the SFRA will apply, and whether a further Exception Test (that makes provision for sites in a zone with a higher probability of flooding to be assessed against wider sustainability benefits, provided that the flood risk posed is controlled and mitigated to an acceptable level) is subsequently required.

Where flood risk is present, development will only be permitted when the local planning authority is satisfied that any flood risk within the catchment will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.

A flood risk assessment must be submitted with any planning application where flood risk is an issue, regardless of its location within the flood zones. In addition, a site-specific flood risk assessment that takes account of future climate change must be carried out for all planning applications of 1 hectare or greater in Flood Zone 1 and for all applications in Flood Zones 2, 3a, 3a(i) and 3b.

Areas of greater flood risk may be utilised for appropriate green infrastructure spaces.

Explanation

- 12.27 The term “flood risk” is a combination of the probability and the potential consequences of flooding, where land not normally covered by water becomes covered with water, from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

- 12.28 The design and construction of development should take into account flood risk considerations in the National Planning Policy Framework (2012) (NPPF), the National Planning Practice Guidance and the most up to date City of York SFRA.
- 12.29 The approach taken in the NPPF aims to reduce the risks from flooding to people and both the natural and built environment. It provides national planning principles for the location of new development in relation to flood risk, directing development to the lowest areas of flood risk, advocating a risk-based 'sequential test' approach. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 12.30 The Council will apply the risk-based sequential test approach set out in the NPPF. However, it may also consider development of land in areas known to be at risk from any form of flooding, and will take a sequential risk-based approach to determining the suitability of land in such areas for development, to ensure that sites at little or no risk of flooding are developed in preference to areas at higher risk. The Council's SFRA provides the basis for applying this test (and the exception test, as appropriate), to assess the nature of the proposed development against its flood risk vulnerability and its compatibility with this vulnerability.
- 12.31 The exception test approach recognises the need to balance wider sustainability issues with flood risk. This test involves the consideration of whether the proposed development contributes to sustainable development in its wider sense, is located on brownfield land and whether a detailed site specific flood risk assessment indicates that the development will be safe and will not increase flood risk elsewhere. The exception test essentially allows a balance to be struck in some instances between flood risk and wider sustainability objectives, for example where a highly accessible brownfield development site lies within a high flood risk zone, which is likely to apply to some parts of York's existing built up areas.
- 12.32 The level of detail provided within a flood risk assessment will depend on the scale of the development and flood risks posed. The Environment Agency's flood risk matrix gives standing advice on the scope and extent of flood risk assessments. More detailed policies for determining a planning application within the resultant flood zone classification are contained in the SFRA (or its successor). Guidance on the preparation of a flood risk assessment is also available in the SFRA.
- 12.33 Flood risk mitigation measures will be assessed by the Council's flood risk management team on a site-by-site basis.
- 12.34 The Local Flood Risk Management Strategy (2015) identifies the wider set of policies and strategic plans that need to be considered in the development of any proposals and applicants should consider its content.
- 12.35 Sufficient information is required to assess the flood risk and drainage impacts of any proposed development, guidance on the required information is contained in the SFRA and the emerging City of York Council Sustainable Drainage Guidance for Developers. As a minimum, all full planning applications submitted should include:

- a sufficiently detailed topographical survey showing the existing and proposed ground and finished floor levels (in metres above Ordnance Datum (m AOD) for the site and adjacent properties; and
- complete drainage details (including Flood Risk Assessments when applicable) to include calculations and invert levels (m AOD) of both the existing and proposed drainage system included with the submission, to enable the assessment of the impact of flows on the catchment and downstream watercourse to be made. Existing and proposed surfacing shall be specified.

12.36 The extent of information to be provided shall be proportionate to the type, scale and location of development and its potential associated flood risks.

Delivery

- Key Delivery Partners: City of York Council; developers; Environment Agency; and relevant internal drainage board(s).
- Implementation: Planning applications; Sustainable Design and Construction SPD; developer contributions; and flood risk assessments.

Policy ENV5: Sustainable Drainage

For all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

Sufficient attenuation and long term storage should be provided to ensure surface water flow does not exceed the restricted runoff rate. Such attenuation and storage measures must accommodate at least a 1 in 30 year storm. Any design should also ensure that storm water resulting from a 1 in 100 year event plus the recommended additional flows from the latest climate change advice, to account for climate change and surcharging the drainage system, can be stored on the site without risk to people or property and without overflowing into a watercourse or adjacent areas.

Where these surface water run-off limitations are likely to be exceeded development may be approved provided sufficient facilities for the long-term storage of surface water are installed within the development or a suitable location elsewhere. Long term surface water storage facilities must not cause detriment to existing heritage and environmental assets.

For new development on greenfield sites, surface water flows arising from the development, once it is complete (and including any intermediate stages), shall be no higher than the existing rate prior to development taking place, unless it can be demonstrated that it is not reasonably practicable to achieve this.

Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. Such facilities should be provided on-site, or where this is not possible, close to the site.