

# DERRY CITY AND STRABANE DISTRICT COUNCIL

## LOCAL DEVELOPMENT PLAN (LDP) 2032



### POLICY REVIEW 15

#### Planning Policy Statement 15 – Planning and Flood Risk

May 2017

This Document is one in a series, which builds up to form the 'evidence base' that informs the preparation of the Local Development Plan (LDP).

Therefore, the afore-mentioned evidence base will be continually updated, to additionally include the latest information, input from public engagement, statutory consultees, stakeholder groups, Sustainability Appraisal and from other Departments within the Council, including Community Planning.

The Evidence Base is published as a 'supporting document' in accordance with Article 10(a) and 15(a) of the Planning (LDP) Regulations (NI) 2015



## **Planning and Flood Risk**

**Purpose:** To consider existing planning policies relating to PPS 15 – Planning and Flood Risk and to consider alternative policies; which will inform the forthcoming Preferred Options Paper (POP), as part of the preparation of the Local Development Plan (LDP).

**Content:** The paper will provide information on:

- (i) The Context of Planning and Flood Risk within Derry City and Strabane District and existing plan policies;**
- (ii) Derry City and Strabane District Council (DCSDC) objectives for flooding and the linkages between DCSDC objectives, Regional Planning Policy and Strategic Planning Policy objectives;**
- (iii) Consider existing policies and consider preferred/alternative policy options within the Local Development Plan (LDP).**

**Recommendation:** The findings shall be used to inform the Preferred Options Paper (POP) and strategic policies in the Local Development Plan (LDP).

## 1.0 Introduction to Paper

- 1.1 The purpose of this paper is to consider current planning policies associated with Planning and Flood Risk and to determine whether or not they are compatible with the Council's objectives and whether they need to be amended to take account of local circumstances through the new Local Development Plan (LDP).
- 1.2 This paper provides an assessment of how existing planning policies take account of the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS), Sustainability Appraisal themes and DCSDC objectives through the proposed LDP objectives.
- 1.3 Flooding is a natural process that cannot be entirely prevented. Some areas are already susceptible to intermittent flooding from various sources, principally from rivers, the sea or surface water runoff. Climate change is generally expected to increase flood risk, albeit that there remains much uncertainty as to the degree of climate change that will occur and the implications for particular areas of Northern Ireland.

### Legislative Context

- 1.5 Article 5 of the Planning Act (Northern Ireland) 2011 states that the creation of planning policy as part of the Plan Strategy must be done with the objective of furthering sustainable development and in doing so, must take account of policies and guidance issued by OFMDFM, DOE and DRD such as the Regional Development Strategy (RDS) 2035 and Strategic Planning Policy Statement (SPPS).
- 1.6 Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 requires all NI Departments and District Councils in exercising their functions, to act in a way they consider to be best calculated to contribute to the achievement of sustainable development.
- 1.7 The new duty of Community Planning introduced in April 2015 requires the Council to lead the process of creating a long term vision for the social, environmental and economic well-being of the area and its citizens. The Local Government Bill introduces a statutory link between the resultant Community Plan and the Council's Local Development Plan (LDP), in that the LDP must take account of the Community Plan in its preparation. Therefore it provides the key context at the local Council level for the preparation of the LDP.

- 1.8 It is intended that the LDP will be the spatial reflection of the Strategic Growth Plan – our Community Plan and that the two should work in tandem towards the same vision for the District and its communities and set the long term social, economic and environmental objectives for an area. In practice, it is expected that the Community Plan will set higher level objectives to provide adequate and appropriate housing for its people – which the LDP will then help to deliver, spatially.

### **National and European Obligations**

- 1.11 The EU “Floods Directive” (2007/060/EC) came into force in November 2007 and aims to establish a framework that will contribute to reducing the impact of flooding on communities and the environment. Flood risk and hazard maps were published under this directive in 2013, and have been updated since.

The Water Framework Directive (00/060/EC) established a new system for the protection and improvement of all water environments in the EU to ensure they are managed in a sensible and consistent manner. Each river basin must have a strategic management plan with specific objectives for the water bodies within the river basin, allowing a comprehensive programme of measures to be prepared.

The flood risk management plans highlight the flood hazards and risks in the 20 most significant flood risk areas in Northern Ireland from flooding from rivers, the sea, surface water and reservoirs. The plans identify the measures that will be undertaken over the next 6 years and they set out how the relevant authorities will work together and with communities to reduce the flood risks.

## 2.0 Planning Policy Statement (PPS) Review Parameters

- 2.1 In preparing the new LDP, the Council will have regard to several existing plans and documents that set out the main legal and policy context and considerations of what the LDP is required to do and can include, in relation to flooding in the District.
- 2.2 **The Regional Development Strategy 2035 (RDS, launched 2012).** The RDS is the spatial strategy of the NI Executive, expected to deliver the spatial aspects of the Programme for Government. It emphasises the significant role that Derry has to play as the principal city of an expanding North West region and the importance of Strabane town as Derry's clustered Main Hub. In preparing the Local Development Plan, the Council must 'take account' of the RDS.
- 2.3 **The Strategic Planning Policy Statement for Northern Ireland (SPPS).** The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.
- 2.4 The SPPS sets out regional strategic objectives and regional strategic policy for flood risk which must be taken into account in the preparation of the PS and LPP. A council should bring forward policies and proposals to set out the detailed criteria for consideration of flood risk in their local area.
- 2.5 The process of SA should help to ensure that a council's approach towards flood risk is the most sustainable in light of the reasonable alternatives considered. This should help to justify the policy approach set out in the PS which will set the framework for the more detailed assessment of proposals for in relation to flooding.
- 2.6 **Draft Strategic Growth Plan Community Plan.** The Draft Community Plan states that to realise the full benefits of a regional status, the region needs to maximise its strengths for communication, transport, tourism, economic productivity, knowledge, education and innovation. It goes on to state that we care deeply about our local environment, climate change and understand the need to live sustainably.
- 2.7 **Derry City & Strabane District Council Corporate Plan and Performance Improvement Plan 2016/17.** One of the objectives of the Corporate Plan and Performance Improvement Plan is grow our business and facilitate cultural development, another objective is to live in a low carbon sustainably designed and connected region.

### 3.0 Existing Policy

- 3.1 The existing Derry Area Plan 2011 does not have a specific policy in relation to flooding
- 3.2 The Strabane Area Plan 2001 does not have a specific policy in relation to flooding however paragraph 19.1.1 the conservation of the natural and man-made environments would apply.
- 3.3 The District's community plan Derry City and Strabane District Community Plan is expected in spring 2017, with higher level strategic policies, as well as incorporating exiting strategies/proposals for the district. Relevant themes in the Community Plan are 'Enterprise and Economy', 'Physical & Environmental Regeneration' and 'Infrastructure'.
- 3.4 The new style of LDP provides a unique opportunity for the Council to genuinely shape the district for local communities and will enable them to adopt a joined up approach, incorporating linkages to other functions such as regeneration, local economic development and community planning. The Local Government Act introduces a statutory link between the Community Plan (CP) and the LDP, in that the preparation of the LDP must 'take account of' the CP – which provides the higher-level strategic aspirations for economic development in the district. It is intended that the LDP will be the spatial reflection of the CP and that the two should work in tandem towards the same vision for the Council area and our communities and set the long term social, economic and environmental objectives for the district.
- 3.5 **Planning Policy Statement, PPS 15 'Planning and Flooding Risk'**; PPS 15 sets out the Department's planning policies to be taken into account in assessing proposals for development that may be at risk of flooding or that have implications for flooding elsewhere.
- 3.6 The primary aim of this PPS is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.
- 3.7 The main objectives of PPS15 are:

- seek to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere;
- ensure that the most up to date information on flood risk is taken into account when determining planning applications and zoning / designating land for development in development plans;
- adopt a precautionary approach to the identification of land for development through the development plan process and the determination of development proposals, in those areas susceptible to flooding where there is a lack of precise information on present day flood risk or future uncertainties associated with flood estimation, climate change predictions and scientific evidence;
- manage development in ways that are proportionate and appropriate to the 4 main sources of flood risk present in Northern Ireland, ie fluvial, coastal, surface water and water impoundment (reservoir) breach or failure;
- seek to protect development that is permitted within flood risk areas by ensuring that adequate and appropriate measures are employed to mitigate and manage the flood risks to the development and elsewhere;
- support the retention and restoration of natural flood plains and natural watercourses as a form of flood alleviation and an important environmental and social resource, and ensure that this is recognised in the decision making process;

- promote sustainable development through encouraging the use of sustainable drainage for new developments and redevelopment / regeneration schemes;
- promote public awareness of flood risk and the flood risk information that is available and of relevance to undertaking development;
- promote an integrated and sustainable approach, both locally and at catchment scale, to the management of development and flood risk which contributes to:
  - the safety and wellbeing of everyone;
  - the prudent and efficient use of economic resources; and
  - the conservation and enhancement of the natural environment and biodiversity;
  - the conservation of archaeology and the built heritage

3.8 There are 5 policies contained within PPS15:

1. FLD 1 Development in Fluvial (River) and Coastal Flood Plains
2. FLD 2 Protection of Flood Defence and Drainage Infrastructure
3. FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plain
4. FLD 4 Artificial Modification of Watercourses
5. FLD 5 Development in Proximity to Reservoir

3.9 Policy FLD1 states that Development will not be permitted within the 1 in 100 year fluvial flood plain or the 1 in 200 year coastal flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

3.10 FLD1 contains specific policy requirements for ‘exceptions’ which include: defended areas; undefended areas; Replacement of an existing building; Development for agricultural use, transport and utilities infrastructure; Water compatible development such as for boat mooring, navigation and water based recreational use; The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings; and The extraction of mineral deposits and necessary ancillary development

3.11 FLD1 also contains policy requirements for: Development Proposals of Overriding Regional or Sub-Regional Economic Importance; Minor Development; and Flood Protection / Management Measures. Which include the submission of flood risk assessments.



- 3.12 The premise of the policy is retained within the SPPS, which states in paragraph 6.107 that built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply: the development proposal constitutes a valid exception to the general presumption against development in flood plains (exceptions for defended and undefended areas of the flood plain are set out at Figure 1); the development proposal is of overriding regional or sub-regional economic importance; and the development proposal is considered as minor development in the context of flood risk. The SPPS also repeats the exception test for defended and undefended areas
- 3.13 Rather than indicate specific types of application that may require the submission of a Flood Risk Assessment (FRA). Paragraph 6.111 of the SPPS requires the submission of a FRA where the principle of development within the flood plain is accepted by the planning authority. The result being that all applications within the floodplain now require the submission of FRA's.
- 3.14 The second policy within PPS 15 - Policy FLD 2 states that the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.
- 3.15 The premise of this policy is retained within the SPPS, however in paragraph 6.110 stipulates that other flood protection / management measures involving new flood defences or flood compensation storage works will not be acceptable unless carried out by Rivers Agency or other statutory body.
- 3.16 The third policy within PPS15 – Policy FLD3 requires the submission of a Drainage Assessment for all development proposals that exceed certain thresholds. The premise of this policy is retained within paragraphs 6.113-6.115 of the SPPS.
- 3.17 The fourth policy within PPS15 – Policy FLD4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances: Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof; or Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.
- 3.18 The premise of this policy is retained within paragraphs 6.124 – 6.125 of the SPPS.

- 3.19 The fifth and final policy within PPS15 – Policy FLD5 states that new development will only be permitted within the potential flood inundation area of a “controlled reservoir” as shown on the Strategic Flood Map, if: the applicant can demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety, so as to enable the development to proceed; the application is accompanied by a Flood Risk Assessment which demonstrates:
1. an assessment of the downstream flood risk in the event of: - a controlled release of water - an uncontrolled release of water due to reservoir failure - a change in flow paths as a result of the proposed development and
  2. that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures.
- 3.20 FLD5 also states that planning permission will be granted for the replacement of an existing building within the potential flood inundation area downstream of a controlled reservoir provided it is demonstrated that there is no material increase in the flood risk to the development or elsewhere. These types of proposal must also be accompanied by a Flood Risk Assessment.
- 3.21 There is a presumption against development within the potential flood inundation area for proposals within FLD5. Specifically proposals that include: essential infrastructure; storage of hazardous substances; bespoke accommodation for vulnerable groups; and for any development located in areas where the Flood Risk Assessment indicates potential for an unacceptable combination of depth and velocity.
- 3.22 Paragraphs 6.119-6.122 of the SPPS retain the policy requirements of FLD5.
- 3.23 It is therefore considered that the broad thrust and policy principles established by PPS15 in relation to planning and flood risk generally reflects what is set out in the SPPS.

## 4.0 District Context

### Surface Drainage

- 4.1 Northern Ireland Water (NIW) is responsible for the provision and maintenance of facilities for draining and depositing of surface water and runoff from roofs and any paved ground surface within the curtilage of premises. However, the service is only provided if it is within reasonable cost, in accordance with the Water and Sewerage Services (NI) Order 2006.
- 4.2 NIW considers that the provision of storm sewerage to new developments can be a problem area. They feel that if a site cannot be drained to a suitable watercourse because of its topography, or if the area is associated with a floodplain, then these areas should not be zoned for development.
- 4.3 Rivers Agency (Department for Infrastructure-DfI) is the statutory drainage and flood protection authority and will be consulted in relation to Plan proposals that are likely to involve significant runoff that may affect watercourses and floodplains, or alteration of watercourses.
- 4.4 In accordance with government policy, Rivers Agency is committed to the introduction of procedures for the recovery of developer contributions towards the costs of drainage infrastructure improvement work. Currently, drainage improvements necessary to permit development are subject to strict 'cost/benefit' criteria and scheme prioritisation. While drainage works to facilitate development may be identified as viable in principle, their implementation is dependent on the availability of resources. This situation may apply to sites proposed for housing in the LDP. This will be updated as part of statutory consultation with Rivers Agency.
- 4.5 For those sites where necessary infrastructure improvements are not viable, Rivers Agency will not normally consent to additional run-off beyond existing flow rates. Alternatively, SuDs can, in the right circumstances, offer developers the opportunity to proceed with developments which would otherwise be refused because of the increased flood risk they would pose. SuDs provides options for draining an area and falls into three broad groups that aim to:
  - Reduce the quantity of run off from the site (source control techniques);
  - Slow the velocity of run-off to allow settlement filtering and infiltration (permanent conveyance systems); and,
  - Provide passive treatment to collected surface water before discharging into land or to a watercourse (end of pipe systems)

- 4.6 Local streams not only have limited capacity to receive treated sewage, but also have a limited ability to accept increased rates of storm water run-off from areas of new development. In some circumstances, improvement works may be necessary. Such improvement works if viable, are dependent upon other competing priorities within the Rivers Agency and this may be a factor in the timing of development in some circumstances.
- 4.7 Rivers Agency undertakes maintenance for all “designated” watercourses and a 5-metre wide access strip should be retained free from all permanent structures along at least one riverbank. Accordingly, the LDP should not propose development where it would necessitate the loss of access to a watercourse for future maintenance.
- 4.8 The LDP will seek to promote a move to SUDS and, in large developments where there will be significant runoff; this must be taken into account.

#### **Rivers and Flood Risk**

- 4.9 Rivers Agency (DfI) is responsible for dealing with flood risk and advises on the implications of development proposals on drainage and flood defense issues.
- 4.10 Rivers Agency published the North Western Flood Risk Management Plan (NWFRMP) in December 2015 and council should ensure that the LDP is compatible with this FRMP as it contains specific advice relating to the Derry and Strabane District.
- 4.11 The NWFRMP is based on the **North Western River Basin District** (see Figure 2 below). The North Western River Basin District covers an area of around 4,900 km<sup>2</sup>. It takes in large parts of County Fermanagh, County Derry and County Tyrone.



*Figure 1*

- 4.12 Following the Preliminary Flood Risk Assessment (PFRA) in 2009, twenty areas of potential significant flood risk were identified within Northern Ireland. Three of the Significant Flood Risk Areas (SFRAs) are located in the North Western River Basin District and named as follows:-
- Derry/Londonderry SFRA
  - Strabane SFRA
  - Omagh SFRA
- 4.13 The key contents from the above two SFRA reports within our district are summarised in the following pages, because of their important potential impact on land uses in the LDP.

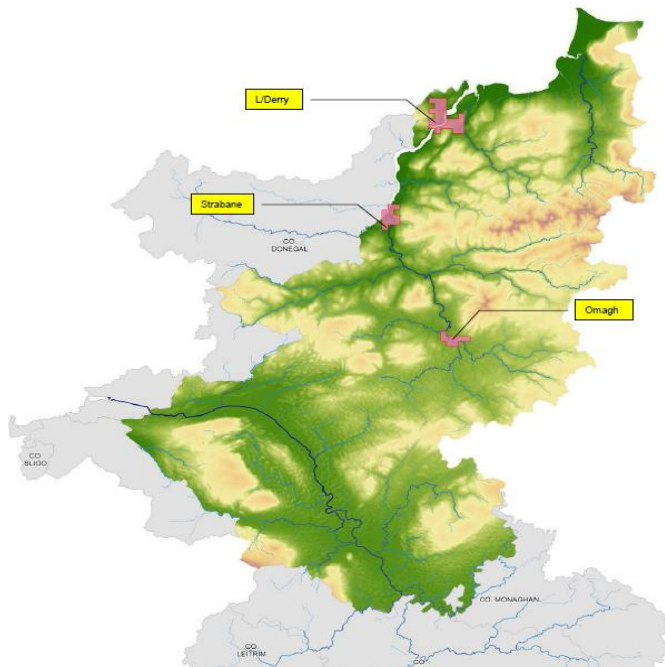


Figure 2

### **Londonderry Significant Flood Risk Area – River Foyle and River Faughan LMAs**

- 4.14 The core boundary of the Londonderry SFRA, which has been determined through the PFRA, is located within River Foyle and River Faughan Local Management Areas (LMAs) and illustrated in Figure 4 below.

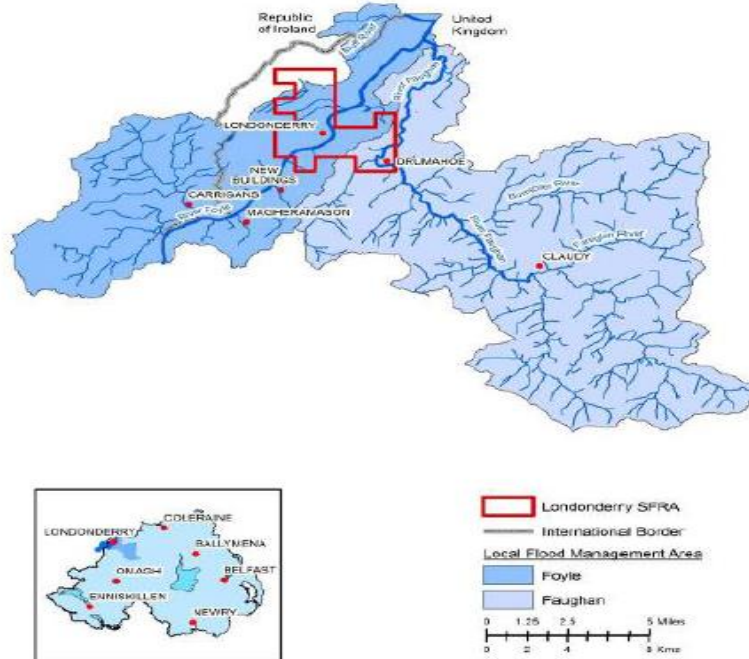


Figure 3

- 4.15 The Foyle System is located in Northern Ireland and accounts for a significant portion of the region west of Lough Neagh. There are a large number of tributaries and some of the headwaters are located in the Republic of Ireland.
- 4.16 The Foyle study area includes three smaller watercourses which drain the coastal land to the east of Derry, all of which discharge to the tidal Lough Foyle. None of these are hydraulically linked with the Foyle catchment. The most easterly of these is the River Roe, flowing through the towns of Dungiven and Limavady. Muff River drains a much smaller catchment (29 km<sup>2</sup>), flowing through Eglinton. To the west is the River Faughan, a larger system draining 296 km<sup>2</sup> of land around Claudy and Drumahoe.
- 4.17 The NWFRMP identifies both coastal and pluvial flood (floods due to rainfall) risk models for the Derry area. The coastal models centre on impacts on the city and takes into account key infrastructure such as Coolkeeragh Power Station. The fluvial models (floods due to rivers overflowing) identify key areas on the east and west banks of the Foyle. The models illustrate the predicted extents and depths from potential flooding and also detail the impact of flooding on property and key infrastructure.

- 4.18 The fluvial areas identified on the west bank of the Foyle are as follows: Pennyburn Stream and Creggan Burn. The areas identified on the east bank of the Foyle are Woodburn Park Stream, Burngibbagh and Ardnabrocky Drain.
- 4.19 In the preparation of the LDP, Rivers Agency advises against bringing forward sites or the zoning of any land, particularly for built development, that has been identified from the flood maps as being within the 1 in 100 year fluvial floodplain/1 in 200 year coastal floodplain/reservoir inundation area or is susceptible elsewhere to surface water flooding. Rivers Agency have stated in the NWFRMP that they intend to review the existing Development Plan for Derry with a view to addressing flood risk issues which have only recently been identified as a result of the new flood maps.
- 4.20 The main (undeveloped) flooded areas, amongst others, within the Londonderry Significant Flood Risk Area are:-
- Areas within the floodplain of the River Faughan – for example near Ardlough Road.
- Flood maps can be viewed at the following link:  
<http://riversagency.maps.arcgis.com/apps/webappviewer>

#### **Areas at Risk of Surface Water Flooding**

- 4.21 For those sites outside the 1 in 100 year AEP fluvial floodplain/1 in 200 year coastal floodplain that are located in an area where there is evidence of a history of surface water flooding (identified by flood hardship payments), Rivers Agency will further consider the application through the appraisal of the accompanying Drainage Assessment that will need to demonstrate suitable flood mitigation measures. Where there is potential for surface water flooding as indicated in the 'purple' predicted areas on the Surface Water Maps, Rivers Agency will advise that the applicant should assess the flood risk and drainage impact to the site and construct in an appropriate manner.
- 4.22 The main areas identified in the City as being at surface water flood risk are:-
- The low lying areas behind the quays on the west bank of the Foyle – for example, Foyle Street, Strand Road and Rossville Street.

#### **Areas at Risk of Flood Inundation from Reservoirs**

- 4.23 For all development proposals that are located within the potential flood inundation area of a controlled reservoir, Rivers Agency will further consider the application through the appraisal of the accompanying Flood Risk Assessment that will need to demonstrate suitable flood mitigation measures. If it is a new development proposal, Rivers Agency will also need the applicant to demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety.



- 4.24 The controlled reservoirs identified in the Derry area are:-
- Creggan Lower; and
  - Creggan Upper.

#### Potential Schemes in Derry SFRA - Coastal

- 4.25 Given the coastal damages calculated, it is proposed that the City is considered for a Flood Alleviation Scheme and it should be prioritised for the Works Study Programme.

#### Potential Schemes in Derry SFRA - Fluvial

- 4.26 Given the fluvial damages calculated it is proposed that the following watercourses are considered for Flood Alleviation Schemes and prioritised for the Works Study Programme:-
- Ardnabrocky Drain;
  - Burnagibbagh;
  - Woodburn Park Stream; and
  - Pennyburn Stream.

#### Strabane Significant Flood Risk Area – Finn, Dee, Burndennet and Foyle LMA

- 4.27 The core boundary of the Strabane SFRA, which has been determined through the PFRA, is located within the Finn, Dee, Burndennet and Foyle Local Management Areas (LMAs) and illustrated in Figure 5 below.

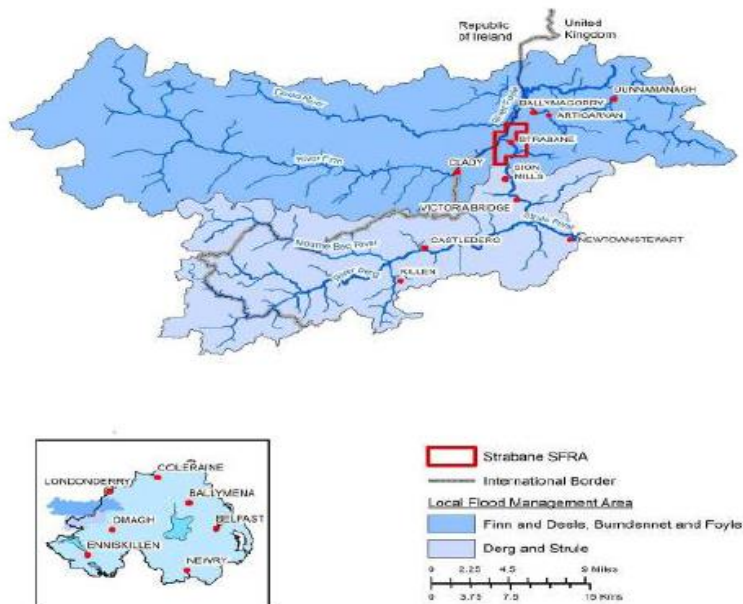


Figure 5

- 4.28 Strabane is at the confluence of the River Mourne and the River Finn. Downstream from the confluence is the River Foyle. The Burndennet River flows west and joins the River Foyle some distance downstream of the Strabane SFRA. Both the Finn River and Deelee River flow east from Donegal. The Deelee River joins the River Foyle downstream of the Strabane SFRA. The catchments are mainly rural with Omagh and Strabane being the only significant urban areas. There is a history of significant flooding the urban area of Strabane. After floods in 1987, flood defences were improved along the southern edge of the town centre. Rivers Agency records show that the improved walls have withstood all the flood flows to date. In recent years, Rivers Agency has dealt with isolated drainage problems many of which related to surface water. In order to address specific drainage issues, Rivers Agency has carried out major culvert replacement works on Nancy Burn in the 1990s.
- 4.29 The NWFRMP identifies 3 models of potential flood risk areas in the Strabane area. These are locations are at Urney Road/Glenfinn Park Area, Park Road Drain/Lifford Road and Roundhill.
- 4.30 In the preparation of new Development Plans for Strabane, Rivers Agency advises against bringing forward sites or the zoning of any land, particularly for built development, that has been identified from the flood maps as being within the 1 in 100 year fluvial floodplain or is susceptible elsewhere to surface water flooding. Rivers Agency have stated in the NWFRMP that they intend to review the existing Development Plan for Strabane with a view to addressing flood risk issues which have only recently been identified as a result of the new flood maps.
- 4.31 The main (undeveloped) flooded areas, amongst others, within the Strabane Significant Flood Risk Area are:-  
Areas behind river flood embankments – for example, between the River Foyle and the Barnhill Road/Derry Road and between the River Finn/Mourne River and the Great Northern Link.
- Areas at Risk of Surface Water Flooding**
- 4.32 For those sites outside the 1 in 100 year fluvial floodplain that are located in an area where there is evidence of a history of surface water flooding (identified by flood hardship payments), Rivers Agency will further consider the application through the appraisal of the accompanying Drainage Assessment that will need to demonstrate suitable flood mitigation measures. Where there is potential for surface water flooding as indicated in the 'purple' predicted areas on the Surface Water Maps, Rivers Agency will advise that the applicant should assess the flood risk and drainage impact to the site and construct in an appropriate manner.

- 4.33 The main areas identified in Strabane as being at surface water flood risk are behind the flood defences.

**Areas at Risk of Flood Inundation from Reservoirs**

- 4.34 For all development proposals that are located within the potential flood inundation area of a controlled reservoir, Rivers Agency will further consider the application through the appraisal of the accompanying Flood Risk Assessment that will need to demonstrate suitable flood mitigation measures. If it is a new development proposal River Agency will also need the applicant to demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety. There are no controlled reservoirs identified in the Strabane area.

**Potential Schemes in Strabane SFRA**

- 4.35 Given the fluvial damages calculated it is proposed that the following watercourses are considered for Flood Alleviation Schemes and they are prioritised for the Works Study Programme:-
- Urney Road/Glenfinn Park (undesigned watercourse);
  - Urney Road Drain and Urney Road Drain Extension;
  - Park Road Drain; and
  - Roundhill Drain.
- 4.36 The North Western Flood Risk Management Plan identifies a number of locations within the District which will be considered as areas of further study. These include Ballymagorry, Castlederg, Coolkeeragh, Eglinton, Newbuildings, Newtown Stewart and Sion Mills. Please see figure 6 for location of areas of further study.

Derry City and Strabane District Council LDP PPS 15 Policy Review

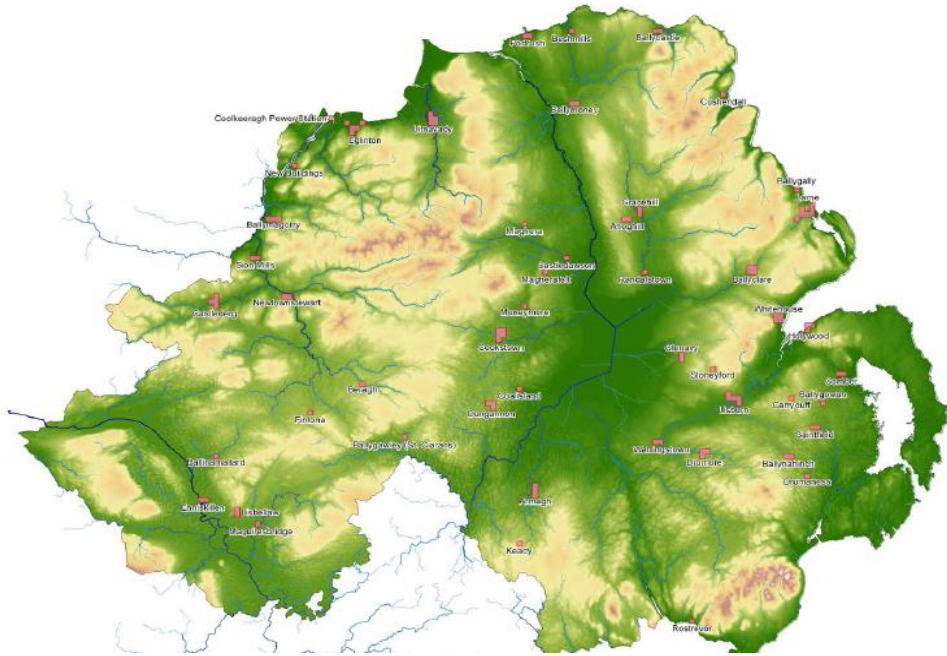


Figure 6

## 5.0 What should the LDP deliver?

- 5.1 The key policy aim of the RDS 2035 regarding Flood Risk is to promote a more sustainable approach to the provision of water and sewerage services and flood risk management
- 5.2 The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.
- 5.3 The SPPS sets out that the LDP must take account of the potential risks from flooding over the plan period and beyond as this is likely to influence decisions on such matters as the zoning of land for development or the designation of land for open space use. Flood risk may also be a consideration in the definition of settlement limits and in decisions concerning the designation of new settlements. The LDP should also promote sustainable drainage within the plan area, for example by requiring such solutions, where appropriate to individual zonings, as a key site requirement.
- 5.4 Flood plains store and convey flood water during flood events. These functions are important in the wider flood management system. Development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the flood plains will gradually undermine their functionality.
- 5.5 Accordingly in plan-making, Derry City and Strabane District Council should bring forward policies and proposals to set out the detailed criteria for consideration of developments in relation to flooding.
- 5.6 The SPPS sets out that built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply: the development proposal constitutes a valid exception to the general presumption against development in flood plains (exceptions for defended and undefended areas of the flood plain are set out); the development proposal is of overriding regional or sub-regional economic importance; and the development proposal is considered as minor development in the context of flood risk.
- 5.7 The preparation of a LDP affords the opportunity to engage with relevant government departments and agencies with responsibility for various aspects of flood risk management thereby fostering a necessary joined up approach to addressing flooding issues. This joined up approach should also be extended to neighbouring councils in circumstances where flooding and flood risk crosses administrative boundaries.

- 5.8 The LDP should apply a precautionary approach to development in areas that may be subject to flood risk presently or in the future as a result of climate change predictions. Consequently, LDPs should not bring forward sites or zone land that may be susceptible to flooding, now or in the future, unless in exceptional circumstances. Where, exceptionally, a new plan brings forward such a site, it needs to explain the rationale and set out the measures necessary to manage or mitigate the risk.
- 5.9 LDP must take account of the most up to date information on flood risk, in particular that which is available on the Strategic Flood Map (Multi layered Strategic Flood Maps are available on the Rivers Agency website).
- 5.10 The susceptibility of land to flooding is a material consideration in the determination of planning applications. New development may be directly at risk of flooding from a number of sources and/or may increase the risk elsewhere. Where a flood risk is known to exist, the planning authority must have regard to this when determining an application.

## **6.0 Councillor Workshop – Flooding**

- 6.1 In considering and assessing the policy approach to be taken in the DCSDC district in relation to PPS15 it was important to get the views of the elected members. A paper was prepared by planning officials and presented to members to aid with discussion at a workshop on ‘Public Services and Utilities in the LDP’ which was held on 12th December 2016.
- 6.2 At the workshop members and planning officials discussed the existing flooding policy (PPS15) and the need, if any to tailor this policy to meet the requirements of the local setting.
- 6.3 Through these discussions members did not highlight any specific issues in relation to the policies contained within PPS15. There was a general consensus amongst members that the existing policies contained within PPS15 are appropriate.

## **7.0 Development Management Meeting**

- 7.1 Development Management (DM) are responsible for the interpretation and application of the policy provisions of PPS 15 and their input is integral to determining what aspects of this policy needs to be re-examined. A meeting was held with the Development Management section of the Planning Department in relation to the Policy Review on the 13<sup>th</sup> March 2017 regarding a number of specific topic areas, including PPS 15 Planning and Flood Risk.
- 7.2 DM officers indicated that the policy is appropriate to the type of developments proposed and have no working issues with its use.
- 7.3 It is considered by DM officers that the broad thrust and policy principles of PPS15 & the SPPS are acceptable in terms of operational planning policy and work effectively. It is considered that the policy principles for flooding should be taken forward in the development of new policy for our Local Development Plan.



## 8.0 Policy Approach

8.1 There are a number of options that could be taken through to the Plan Strategy in relation to flooding it is considered by planning officers that the broad thrust and policy principles are acceptable in terms of operational planning policy and work effectively.

### **FLD 1 Development in Fluvial (River) and Coastal Flood Plains**

8.2 The above policy relates specifically to the control of development within fluvial and coastal flood plains. This policy contains a presumption against development, however it details certain exceptions to this test.

8.3 **Approach 1:** Retention of existing policy FLD1.

8.4 **Approach 2:** Retention policy FLD1 with modifications in line with SPPS

8.5 It is considered that this policy currently is working well. It is therefore considered the thrust of this policy be retained.

8.6 **Preferred Approach** – Approach 2 - There is general conformity with FLD1 and the SPPS. It is suggested that this policy should be retained with modifications in line with the SPPS.

### **FLD 2 Protection of Flood Defence and Drainage Infrastructure**

8.7 The above policy relates specifically to development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

8.8 **Approach 1:** Retention of existing policy FLD2.

8.9 **Approach 2:** Retain policy FLD2 with modifications in line with SPPS

8.10 **Preferred Approach** – Approach 2 - There is general conformity with FLD2 and the SPPS. It is suggested that this policy should be retained with modifications in line with the SPPS.

### **FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plain**

8.11 The above policy relates specifically to development outside flood plains and the associated flood risk. It requires the submission of a Drainage Assessment for development proposals that exceed certain thresholds.

8.12 **Approach 1:** Retention of existing policy FLD3.

8.13 **Approach 2:** Retain policy FLD3 with modifications in line with SPPS

8.13 **Preferred Approach** – Approach 2 - There is general conformity with FLD3 and the SPPS. It is suggested that this policy should be retained with modifications in line with the SPPS.

**FLD 4 Artificial Modification of Watercourses**

8.14 The above policy relates specifically to the artificial modification of a watercourse, including culverting or canalisation operations, in exceptional circumstances.

8.15 **Approach 1:** Retention of existing policy FLD4.

8.10 **Approach 2:** Retain policy FLD4 with modifications in line with SPPS

8.16 **Preferred Approach** – Approach 2 - There is general conformity with FLD4 and the SPPS. It is suggested that this policy should be retained with modifications in line with the SPPS.

**FLD 5 Development in Proximity to Reservoir**

8.17 The above policy relates specifically to development within the potential flood inundation area of a “controlled reservoir.

8.18 **Approach 1:** Retention of existing policy FLD5.

8.19 **Approach 2:** Retain policy FLD5 with modifications in line with SPPS

8.20 **Preferred Approach** – Approach 2 - There is general conformity with FLD4 and the SPPS. It is suggested that this policy should be retained with modifications in line with the SPPS.

## 9.0 Conclusion

- 9.1 Under the overarching objectives of the Community Plan, the Council's plan will inform and help shape the Local Development Plan. It should be supportive of and integral to the overall vision for the District and it needs to be grounded in the concept of policies for sustainability in society.
- 9.2 The LDP needs to look at how we can seek to facilitate development within our district but we must also ensure that there is no resultant impact by way of flooding. We need to strike a balance between promoting development within the district as a means of generating income for the local economy and attracting investment against the need to protect and enhance the built and natural environment of the district to ensure we provide a thriving, prosperous and sustainable City and District with equality of opportunity for all and for future generations.
- 9.3 In light of the review of the policies contained with PPS 15, as well as discussion held with Members and the Development Management team, it is considered that the entirety of the policy should be retained.

## Recommendations

- 9.4 It is recommended that these policy approaches are considered and are subject to public consultation at the POP stage. Based on the feedback received, in due course, appropriate draft policies can be developed which will be subject to Sustainability Appraisal, incorporating Strategic Environmental Assessment at the Plan Strategy stage.