Appendix 1 European and National Policy and Legislation

European

The EU Floods Directive[1]. As a result of severe flooding in continental Europe, European legislation was published in November 2007. It is designed to help member states prevent and limit the impact of floods on people, property and the environment.

Water Framework Directive (WFD) 2000/60/EC[2]. This is a European Community Directive, designed to integrate the way water bodies are managed across Europe. It aims to Improve the ecological quality of water bodies and conserve habitats and species which are dependant on water.

Strategic Environmental Assessment (SEA) Directive 2001[3]. This legislation aims to increase the consideration of environmental issues during decision making related to strategic documents such as plans, programmes or strategies. The SEA identifies the significant environmental effects likely to result due to the implementation of a plan, programme or strategy.

The Habitats Directive 1992[4]. This legislation was transposed into UK legislation and then consolidated under the Conservation of Habitats and Species Regulations 2010. It requires the maintenance and protection of certain habitats and the consideration of the impact of plans on those designated sites.

National

The Flood Risk Regulations (FRR) 2009[5] transposed the Floods Directive into English law. It requires the production of Preliminary Flood Risk Assessments (PFRA), which identify areas of potentially significant risk. The first of these was to be delivered by 2011, afterwards on a continual six year cycle. Following this, those Local Lead Flood Authorities (LLFAs) identified as being in flood risk areas are required to produce Flood Hazard and Risk Maps by June 2013, (these were produced by the Environment Agency) and Flood Risk Management plans, identifying how flood risks are to be mitigated by December 2015.

Flood and Water Management Act 2010[6]. This clarifies the legislative framework for managing flood risk across England. There is no one body responsible for flood risk. The FWMA created a general responsibility for Lead Local Flood Authorities, (Unitary or County

[1] http://ec.europa.eu/environment/water/flood_risk/
[2] http://ec.europa.eu/environment/water/water-framework/index_en.html
[3] http://ec.europa.eu/environment/eia/sea-legalcontext.htm
[4] http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
[5] http://www.legislation.gov.uk/uksi/2009/3042/contents/made
[6] http://www.legislation.gov.uk/ukpga/2010/29/contents

Councils) to take leadership for the coordination and management of local flood risk. Local flood risk includes surface runoff, groundwater and ordinary watercourses (including lakes and ponds). A number of duties, powers and tools have been created or developed to allow local flood management to be more effective. Specific responsibilities are given to the various risk management bodies.

National Flood and Coastal Erosion Risk Management Strategy for England 2011[7]. This sets out the Environment Agency's overview role in flood and coastal erosion risk management, encouraging more effective partnership working between national and local agencies and local communities.

National Planning Policy Framework 2012[8] streamlined existing planning policy and reduced the amount of planning guidance, whilst retaining the principles of reducing development in flood risk areas. it sets out the guidance for those taking decisions and sets out a definition of 'sustainable development'

> *Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):*
> ● *making it easier for jobs to be created in cities, towns and villages;*
> ● *moving from a net loss of bio-diversity to achieving net gains for nature;*
> ● *replacing poor design with better design;*
> ● *improving the conditions in which people live, work, travel and take leisure; and*
> ● *widening the choice of high quality homes.*
>
> *Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas*

Planning Practice Guidance[9], released in 2014, provides specific technical advice on how to take flooding into account in the planning process.
For windfall developments this includes ensuring that the sequential test for specific development proposals is applied by the Applicant with guidance from the local authority (new development should be steered to sites in Flood Zone 1 as a priority). Please note in Hillingdon there are large areas of Flood Zone 1 within Urban areas and small infill developments of a few houses are unlikely to pass the sequential test.
Where the sequential test is passed, whether the exceptions test should be applied. For this it must be demonstrated that the development can manage the flood risk to and from the site appropriately, as well as providing wider sustainability benefits.

[7] https://www.gov.uk/government/publications/national-flood-and-coastal-erosion-risk-management-strategy-for-england
[8] https://www.gov.uk/government/publications/national-planning-policy-framework--2
[9] http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/

Environment Agency Standing Advice[10] It is expected by Hillingdon that the Environment Agency Flood Risk Standing Advice will be applied with applications for development. Specifically householders should ensure that in undertaking minor extensions[11] provide sufficient information to show compliance with these requirements as part of the application. Please note that where you lie in the functional floodplain a minor extension can can result in an increased flood risk and . If your minor extension is in an area with increased flood risk as a result of multiple minor extensions in the area, you need to include an assessment of the off-site flood risk.

The Land Drainage Act 1991[12], as amended by the Flood and Water Management Act, gives LLFAs responsibility for consenting works on Ordinary Watercourses.

General Permitted Development Procedure[13]. From 1st October 2008 the hard surfacing of more than five square metres of domestic front gardens is permitted development only where the surface in question is rendered permeable. Further information on how to comply with this requirement can be found in a DEFRA and Environment Agency publication 'Guidance on the permeable surfacing of front gardens'[14].

The Environment Agency has recently released new Climate Change allowances for Flood Risk Assessment. This advice updates previous climate change allowances to support NPPF. The climate change allowances are predictions of anticipated change for:

- peak river flow by river basin district
- peak rainfall intensity

Hillingdon fall in the Thames River Basin therefore the following Peak River Flow Allowances apply and should be taken into account by proposals for development within the Borough.

River basin district	Allowance category	A Total potential change anticipated for '2020s' (2015 to 39)	B Total potential change anticipated for '2050s' (2040 to 2069)	C Total potential change anticipated for '2080s' (2070 to 2115)
Thames	Upper end	25%	35%	70%
	Higher central	15%	25%	35%
	Central	10%	15%	25%

[10] https://www.gov.uk/guidance/flood-risk-assessment-standing-advice
[11] https://www.gov.uk/guidance/flood-risk-assessment-standing-advice#minor-extensions-standing-advice
[12] http://www.legislation.gov.uk/ukpga/1991/59/contents
[13] http://www.legislation.gov.uk/uksi/2015/596/schedule/2/made
[14] https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance

This guidance also details the modelling approach that should be adopted according the flood zone and vulnerability taking into account the lifetime of the development as indicated by the potential changes anticipated above.

As an example Housing falls in the More vulnerable category and lifetime of 80 plus years Column C therefore the category of Higher Central should be used as an allowance for the assessment. As a minimum an intermediate approach of interpolating a flood level

There are also anticipated changes in extreme rainfall intensity in small and urban catchments. Food risk assessments and strategic flood risk assessments, should assess both the central and upper end allowances to understand the range of impact. Table 2 of the guidance is replicated below:

Applies across all of England	Total potential change anticipated for 2010 to 2039	Total potential change anticipated for 2040 to 2059	Total potential change anticipated for 2060 to 2115
Upper end	10%	20%	40%
Central	5%	10%	20%

The Non Statutory technical standards for sustainable drainage[15]. It is expected that development in Hillingdon will adhere to this guidance, and provide evidence to ensure it meets the overall aims and objectives of the Local Flood Risk Management Strategy. However please note in parts this is superseded by more local requirements detailed elsewhere in the Flood Risk Management Portfolio.

Other useful guidance documents and useful links:-

- The Climate Change Act (2008)[16]
- The Civil Contingencies Act (2004)[17]

[15] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf
[16] https://www.theccc.org.uk/tackling-climate-change/the-legal-landscape/global-action-on-climate-change/
[17] http://www.legislation.gov.uk/ukpga/2004/36/contents