

Measures Required to Prevent or Mitigate the Flooding of Non Agricultural Land

Introduction

In recognition of the impact of flooding on commercial and residential properties coupled with the new responsibilities placed on to the Highland Council as a result of the Flood Prevention and Land Drainage (Scotland) Act 1997, measures to prevent or mitigate flooding are being addressed on a number of fronts.

One issue being addressed is the control of the location and nature of future developments. Careful consideration of flooding and the potential impact on developments in respect of all Planning Applications and future developments has been included in the Highland Structure Plan. The Highland Structure plan will also feed into and influence future revisions of the Local Plans within the Highland Area.

SPP (Scottish Planning Policy) 7 includes a flood risk framework which requires planners to respond to development proposals in known flood risk areas as follows:

Little or no risk area (less than 0.1% (1:1000)) - no general constraints.

Low to medium risk area (0.1% to 0.5% (1:1000 - 1:200)) - suitable for most development but not essential civil infrastructure.

Medium to high risk area (0.5% (1:200)) or greater – in built up areas with flood prevention measures most brownfield development should be acceptable except for essential civil infrastructure; undeveloped and sparsely developed areas are generally not suited for most development.

Aside from policy implementation there are the reactive measures needed to address flooding events at locations which are known problem/at risk areas.

Known at risk areas vary significantly in size and impact, and as such differing solutions are identified. These vary from schemes where significant investment and capital build is necessary and Flood Prevention Orders are required to permit construction, down to minor maintenance works to alleviate localised flooding issues.

These strategies are further considered thus:

Implementation of The Highland Council Structure Plan

The Highland Council's Structure Plan constitutes the Council's strategic land use planning framework. The Highland Council's Structure Plan became operative on the 26 March 2001.

When considering sustainable development it is fundamental that the risk from natural hazards is evaluated. To reduce the potential of flooding of future developments and to limit development in flood risk areas the Structure Plan addresses Natural Hazards and more specifically Flooding.

The section relating to Natural Hazards of the Structure Plan, see Appendix B, includes the following proposals:-

Proposal NH1 Flood Consultation Areas

Local Plans will identify areas with a perceptible risk of flooding with assessment of development proposals within these areas for compatibility with flood risk.

Proposal NH2 Flood Appraisal Group

The Council will establish a Flood Appraisal Group to provide a coordinated approach to flood management.

Proposal NH3 Integrated Catchment Management Plans

The Council will support integrated catchment management plans.

The finalised Spey Catchment Management Plan was launched in June 2003. This provides an integrated management plan for the sustainable use of the water resource in the Spey catchment.

Local Plans

The Council will require development proposals, in all but exceptional circumstances, to comply with the guidance contained in the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland, produced by the Sustainable Urban Drainage Scottish Working Group and the framework for an agreement drawn up by COSLA and the Water Authorities. Development proposals will be assessed for any requirement to provide related attenuation measures and where necessary, remedial works associated with existing drainage systems. There will be a strict presumption against development not associated with the open space functions of the "green" corridors adjoining rivers and burns as identified in the Local Plan, to avoid jeopardising their potential for disposal or attenuation of surface water.

Flood Risk

Development proposals within areas known to be at risk from flooding will be assessed for their sensitivity according to the following hierarchy:

HIGH	(eg sheltered housing, hospitals, emergency services, major public venues)
MEDIUM	(eg housing development)
LOW	(eg golf course, car parks)

There will be a presumption against high sensitivity developments unless an exceptional need can be demonstrated. Proposals will be considered high risk if they pose an unacceptable threat to public safety, may cause pollution if flooded or may give rise to inordinate public expenditure on flood prevention works. The costs of providing necessary flood prevention works as a result of proposals will be met by developers whether on or off site and regardless of the level of sensitivity.

Medium and low sensitivity developments will be assessed against the following criteria:

Developers must demonstrate that any new building can be adequately protected from flooding and, where appropriate, remedial measures to alleviate the flood risk have been taken.

Evidence is provided that there is no adverse impact on the natural characteristics of the watercourse;
Any such protective/alleviation measures will not involve The Council in inordinate public expenditure.

Developers must employ the use of best management practices in the disposal of surface water runoff.

Layout and building design must take account of the need to ensure proper evacuation procedures.

The Council supports preparation of Integrated Catchment Management Plans for the main rivers in the Plan area. This will enable flood appraisal and management in the context of wider development and land use activities. The establishment of a Flood Liaison and Appraisal Group involving partner agencies and other interests, facilitates a coordinated approach to projects and programmes, and advises on river-related works which do not require planning permission, consistent with Scottish Planning Policy 7.