

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

18 MAY 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Regeneration and Transport – Lead Cabinet Member – Councillor Cook

TEES VALLEY JOINT STRATEGIC FLOOD RISK ASSESSMENT – LOCAL DEVELOPMENT FRAMEWORK

1. Summary

This report invites Members to note the joint Tees Valley Strategic Flood Risk Assessment. The Strategic Flood Risk Assessment will form part of the evidence base for the Local Development Framework.

2. Recommendations

Recommendation to Cabinet: -

- (i) Note the content of this report and endorse the principle of undertaking a Joint Strategic Flood Risk Assessment
- (ii) Endorse the appointment of consultants to carry out this work

3. Reasons for the Recommendations/Decision(s)

Consultation draft Planning Policy Statement 25: Development and Flood Risk states that all local planning authorities should prepare a Strategic Flood Risk Assessment, in consultation with the Environment Agency, to determine the variations in flood risk across the Borough as the basis for preparing appropriate policies for flood risk management for these areas. This will also enable the Council to determine the acceptability of flood risk in relation to emergency planning capability. Strategic Flood Risk Assessments should either form part of a sustainability appraisal of local development documents, or be used to inform the sequential approach to flood risk for site allocations and in determining planning applications.

The submission draft of the Regional Spatial Strategy for the North East (June 2005) also advocates that in developing Local Development Frameworks and considering planning applications a sequential risk-based approach to development and flooding should be adopted. In addition it will be necessary to undertake a Strategic Flood Risk Assessment.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's

code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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SUMMARY

This report invites Members to note the joint Tees Valley Strategic Flood Risk Assessment. The Strategic Flood Risk Assessment will form part of the evidence base for the Local Development Framework.

RECOMMENDATIONS

Recommendation to Cabinet: -

- (i) Note the content of this report and endorse the principle of undertaking a Joint Strategic Flood Risk Assessment
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DETAIL

Background

1. Consultation draft Planning Policy Statement 25: Development and Flood Risk states that all local planning authorities should prepare a Strategic Flood Risk Assessment, in consultation with the Environment Agency, to determine the variations in flood risk across the Borough as the basis for preparing appropriate policies for flood risk management for these areas. This will also enable the Council to determine the acceptability of flood risk in relation to emergency planning capability. Strategic Flood Risk Assessments should either form part of the Sustainability Appraisal of Local Development Documents, or be used to inform the sequential approach to flood risk for site allocations and in determining planning applications.
2. The submission draft of the Regional Spatial Strategy for the North East (June 2005) also advocates that in developing Local Development Frameworks and considering planning applications a sequential risk-based approach to development and flooding should be adopted. In addition it will be necessary to undertake a Strategic Flood Risk Assessment.
3. Following a meeting with the Environment Agency and the other Tees Valley Authorities in January 2006, the Head of Planning Services is in agreement to pursuing a Strategic Flood Risk Assessment in conjunction

with the other Tees Valley Authorities. Joint working is particularly encouraged and there are numerous examples of such joint working.

4. The Council's Procurement Team are satisfied that Redcar & Cleveland Borough Council will go out to tender for the Tees Valley Authorities to ensure that best value for money is achieved. The Environment Agency will be invited to submit a competitive tender by linking work carried out on the River Tees Catchment Flood Management Plan
5. It is estimated that the costs for a local authority to undertake a Strategic Flood Risk Assessment singly is between £20,000 and £25,000. It is also estimated that costs between £40,000 and £45,000 jointly for a Strategic Flood Risk Assessment for the Boroughs of Redcar & Cleveland, Stockton and Middlesbrough (a maximum of £15,000 each). Since these estimates were received, Hartlepool Borough Council and Darlington Borough Council have agreed to undertake a joint Strategic Flood Risk Assessment. These figures are only a guide until tenders are received which is to be coordinated by Redcar & Cleveland.
6. Dependent on the consultants workload, it is anticipated that the Strategic Flood Risk Assessment will take a maximum of six months to complete and will require a "planning input" into the final Strategic Flood Risk Assessment to ensure that the data has been interpreted correctly and that it is a planning document with a technical input and not a technical report with a planning input.

Advantages

7. The advantages of pursuing a joint Strategic Flood Risk Assessment are as follows:
 - Economies of scale
 - The River Tees catchment area extends beyond the authority boundary
 - A development within one Authority boundary may increase the risk of flooding elsewhere if a holistic approach is not adopted
 - Frees up Council staff to concentrate on the preparation of other development plan documents
 - Avoid any legal challenge as to the soundness of a development plan document

Disadvantages

8. The disadvantages of pursuing a joint Strategic Flood Risk Assessment are as follows:
 - Consultants have to be able to fit it into their workload
 - Each local planning authority are at different stages of production of their local development documents

FINANCIAL AND LEGAL IMPLICATIONS

Financial

9. The financial implications are the costs to the Council incurred in the appointment of consultants to undertake the Strategic Flood Risk Assessment. It is likely to cost something in the order of £10,000. The project will be financed from the Local Plan budget.

Legal

10. The requirement to undertake a Strategic Flood Risk Assessment as part of the baseline evidence of the Local Development Framework is essential to the Sustainability Appraisal. Without a Strategic Flood Risk Assessment in place and agreed to by the Environment Agency, any development plan document could be considered as 'unsound' at an Examination in Public.

COMMUNITY STRATEGY IMPLICATIONS

11. A robust evidence base is necessary to support the preparation of development plan documents which form part of the Local Development Framework. This takes account of other strategies and programmes which affect the area, especially the Community Strategy.
12. Within the Community Strategy 2005-08, there is clear support for the implementation of the Stockton Middlesbrough Initiative, which focuses on regenerating the area along the banks of the River Tees between the town centers of Stockton and Middlesbrough.

CONSULTATION INCLUDING WARD COUNCILLORS

13. Formal consultation on the preparation of development plan documents and accompanying sustainability appraisals will take place in accordance with the principles set out in the adopted Statement of Community Involvement.

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<u>Background Papers</u>	Consultation draft Planning Policy Statement Note 25: Development and Flood Risk (December 2005)
	Submission Draft Regional Spatial Strategy for the North East (June 2005)
<u>Ward(s) and Ward Councillors:</u>	ALL
<u>Property</u>	N/A