

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

SOUTHERN WATER

Responsibility: Portfolio Holder for Environment, Waste and Planning

Report of: Not applicable

Decision Route

Scrutiny (Community and Regeneration) Committee	15 March 2017	Minute No 89
Cabinet	3 April 2017	CAB 176
Scrutiny (Community and Regeneration) Committee	19 April 2017	Minute No 95
Cabinet	8 May 2017	

Scrutiny (Community and Regeneration) Committee Recommendation

Following a request from Cabinet at its meeting held on 3 April for further clarification, the Scrutiny (Community and Regeneration) Committee, at its meeting held on 19 April 2017, made the following recommendation:

That it be recommended to the Cabinet that the officer report for any housing development of over 20 houses considered by the Planning Committee includes a check in respect of a change to the flood risk in the area.

Planning Department's Response

The following advice has been received from Peter Wallace (Team Leader – Development Management) in response to Scrutiny's request:

The National Planning Policy Framework (NPPF) already requires that, when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere (paragraph 103). Where appropriate therefore, Planning Committee reports should be covering this issue.

In planning terms, 'flood risk' is a combination of the probability and the potential consequences of flooding 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 (National Planning Policy Guidance). In determining planning applications, the Local Planning Authority (LPA) will rely on advice from a range of bodies to consider flood risk, including the Environment Agency, Lead Local Flood

Authority (KCC) and Southern Water, all of which have different responsibilities, depending on the type of flood risk involved.

It is understood that the main premise for the recommendation from Scrutiny relates to the impacts of new development on sewers and drainage systems, regarding which the LPA will rely on advice from Southern Water. On this point, it is recognised that there have been difficulties, where the robustness of Southern Water's advice on a number of planning applications has been perceived as falling short of giving reassurance to Planning Committee that there would be no flood risk. Officers are currently addressing this issue both directly with Southern Water and also through a new planning application 'validation checklist' which could require major development (greater than 10 units) to be submitted with evidence regarding capacity in the foul water network. The final version of the checklist will be brought to Cabinet for approval in due course, at which point Cabinet can review the measures proposed. It is anticipated that its requirement should allow Southern Water to provide more suitable advice.

The issues associated with Southern Water advice are acknowledged, however it is requested that Cabinet considers the request from Scrutiny in the context of other measures being taken, the full details of which will be available for Cabinet to consider later. At the same time, it is questioned, given the requirements of the NPPF, whether the Scrutiny request would 'add' to what should in fact already be covered by a report to Planning Committee.