

London Borough of Brent

Examination of the Brent Local Plan

Matters, Issues and Questions for the Examination

Response of the Council: Matter 3 - Flood risk

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Main Issue: Is the Plans approach to flood risk consistent with national policy? If not, is there evidence that there are local circumstances which justify it?

Questions

It is acknowledged that the Council and EA are to provide further information and work on the above matters, as referenced in the Council's submission letter, dated 17 March 2020 and its response to the Inspectors initial queries, dated 5 May 2020. However, in addition to addressing the questions set out below, we request a statement of common ground between the Council and the Environment Agency which should be submitted with the responses to the questions below.

The Council received a final version of the revised Strategic Flood Risk Assessment Level 2 undertaken by Metis on 22 August. The Environment Agency (EA) was involved in the commission and made comments on the draft which have been reflected in the final version. It is in discussion with the EA in updating the Sequential and Exceptions Test to reflect the revised Assessment. This is also the case in relation to what modifications are required to the Local Plan in relation to the site allocations, or elsewhere within the document, for example in association with policy BSUI3. Unfortunately due to the timing of the receipt of the Assessment, the Council and EA have not yet been able to finalise a statement of common ground. Both will seek to ensure that one is done well in advance of the Examination hearings sessions. The Council considers that it is likely that the work it has undertaken and likely willingness to make additional modifications that satisfactorily resolve many of the remaining outstanding EA representations and provide updated answers to the questions below.

- 3.1 *The EA has raised concerns regarding the Council's approach to, and methodology relating to its assessment of, flood risk and a lack of evidence demonstrating that all proposed site allocations and intensification corridors within the Plan have passed sequential and exceptions testing in accordance with Planning Practice Guidance. Have the site allocations of the Plan been appropriately tested in this respect and has this been undertaken in accordance with the Planning Practice Guidance?*
- 3.1.1 As identified to address the concerns of EA with regards to the assessment of flood risk of allocations and designations, the Council has commissioned a revised Strategic Flood Risk Assessment Level 2 (SFRA2). This will be used to update Sequential and Exceptions tests and relevant site allocation policies. The new SFRA2 does not identify significant additional flood source risks, nor indicate that development of the sites in a manner consistent with the proposed policy allocation/designation is likely to result in an unacceptable increase in flood risk either on or off-site.
- 3.1.2 Whilst the Council commissioned the updated SFRA2, the evidence that it used to the point of submission of the Plan to consider the allocations/designations was of good quality and has essentially been shown to have resulted in appropriate overall conclusions on acceptability of development.

This was based on information contained within a Geographical Information System based on the most up to date Brent catchment model that identified flood risk sources (fluvial including climate change scenarios +25%, 35% and 70%, surface water, sewer, ground water, elevated ground water, critical drainage areas, reservoir breach and historic flood events) to identify the flooding risks of that site. This was supplemented with information from the West London SFRA Level 1 website, which provides greater detail on some matters, such as surface water depths. In addition, use was made of the Environment Agency's site specific 'Flood Map for Planning' information where available. This includes Flood Map Flood Zones Detailed FRA setting out flood heights for the whole range of non-climate and climate change scenarios, extents and volumes of flow for the areas and at locations along the river corridor, Historic Flood Maps, Structures and Defences protection and quality information. In addition the Environment Agency's webpages 'Learn More About This Area's Flood Risk provides more detailed information on surface water and reservoir flood depths, speeds and directions of flow which was also used.

- 3.1.3 All but two of the allocations (BESA1 Coombe Road and BCSA2 Stadium Retail Park and Fountain Studios) with fluvial flood risk identified requiring SFRA2 had been subject to previous allocation in the development plan. On these sites, in addition to the above sources of information, the site specific FRAs supporting recent planning applications (both minded to approve) were used. For the other proposed allocations, additional information was taken from the previous Brent Level 2 SFRA for individual sites and site specific FRAs supporting planning applications on which most of the sites had with applications on part or all. The intensification corridors subject to fluvial risk are essentially in close proximity to the proposed site allocations so the same information that informed them was used to assess the intensification corridors. It should be noted that all the proposed allocation sites are brownfield, with existing development for the most part not currently designed to mitigate against likely flood levels.
- 3.1.4 In terms of early stages of the Local Plan and the sequential test, all proposed allocation sites were subject to assessment against a range of criteria in association with the IIA at preferred options stage. This included a range of flood risks associated with the site. Assessment of the risk in the IIA was informed by the range of information identified above. The potential capacity of the sites took into account the need within the sites to also undertake a sequential approach to flood risk and seek to avoid/ reduce exposure to the areas at highest risk, e.g. Brook Avenue BCSA3 sought to bring buildings away from the river towards the road to take buildings out of 3a or reduce levels of flooding compared to existing properties.
- 3.1.5 In terms of identifying sites to provide additional homes outside those areas identified as being at risk, the Council undertook a call for sites and also considered options for where the significant amounts of development required to meet needs could go. No credible options were put forward that significantly increased deliverable capacity. At that stage the Council at 23,711 dwellings in the period 2019-20-2028/29 was well below the draft London Plan housing target of 29,150 for that period and at 41,093 dwellings

in the period 2019-20-2040/41 was below the ORS SHMA 2018 target of 42,240 when taking account of all sites that it had identified and therefore had no potential to consider discounting potential capacity from, or removing the identified sites that would support delivery of the housing target.

3.2 *What evidence is there to support the Council's methodology and approach set out in its Strategic Flood Risk Assessment Level 2 (SFRA2)? Is the SFRA2 evidence and assessment of the likely effects of the Plan's allocations adequate, appropriate, effective, justified and sound in this regard?*

3.2.1 As noted, a new SFRA2 has been completed by Metis in August 2020. This will replace the Council's SFRA2 March 2020 and is consistent with national guidance and the content of the SFRA Level 1 in relation to those sites that are included for assessment. The EA had very few comments on the document and it was amended in line with their comments. This would indicate that the SFRA2's assessment of the likely effects of the Plan's allocations adequate, appropriate, effective, justified and sound in this regard.

3.3 *In relation to EB_SI_03 Sequential and Exceptions Test, March 2020, does the methodology clearly follow the steps identified within the Planning Practice Guidance? If not, what are the differences and is the approach justified?*

3.3.1 The Council is replacing EB_SI_03 Sequential and Exceptions Test, March 2020 on the basis of the updated SFRA2. The Council has taken advice from the EA with regards to the updated Sequential and Exceptions Test and will make necessary changes to ensure it is consistent with this and the Planning Practice Guidance.

3.4 *Does the evidence base support the position that there are no other reasonable options to meet the Councils development land targets other than to allocate sites within fluvial Flood Zone 3? If so, is this approach consistent with national policy? What evidence is there to demonstrate that this approach will not increase the risk of flooding to people or property on or off-site?*

3.4.1 The Council considers that it has identified the maximum housing capacity that it can that is consistent with National Practice Guidance in relation to the deliverability of proposed site allocations and windfall assumptions. The Council does not consider that there are any other reasonable options available to it if it is to seek to maximise its housing delivery in the period to 2041 to at least the extent it is planning for. The sequential and exceptions test has been undertaken against the SHMA 2018 (EB_H_01) housing needs plus some additional capacity (+10%) to allow for slippage in site delivery. If the appropriate housing target that the Plan should aim to achieve is considered to be below this requirement then, there might be some flexibility and potential to remove sites from Zone 3. Nevertheless, as the target is below the London Plan + standard national OHN methodology need for the period to 2019/20-2040/41 this is considered unlikely, as this need is significantly above the SHMA 2018 needs. In a correspondence to the Council on 27th April 2020 the Environment Agency stated: "On balance we are prepared to accept the conclusions of the Sequential Test, but because of the

mutual dependency we've already mentioned, this is dependent on whether our concerns regarding the Level 2 assessment of the site allocations at high and significant risk can be allayed." The Council is confident that as the Agency has been engaged in the most recent SFRA2 that this will be reflected in their concerns being allayed.

- 3.4.2 Most of the sites in Zone 3 flooding are neither resistant or resilient to the likely levels of flooding associated with a 1 in 100 year probability event (fluvial or surface water). Whilst in some cases the allocations may introduce more vulnerable uses, overall the benefits of buildings that are properly located and designed to address flooding matters, plus other on-site features such as sustainable urban drainage, are overall likely to decrease risk to property and people on or off-site if the sites are developed in accordance with the allocations.