



2020

Statement of Common Ground: The Environment Agency

LOCAL PLAN 2019 - 2041
PLANNING POLICY TEAM

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Executive Summary

The purpose of this document is to address the issues raised by the Environment Agency in their representations to the Regulation 19 draft Local Plan. This includes the Strategic Flood Risk Assessment 2 and Sequential and Exceptions Test to support the draft Brent Local Plan that have now been adequately dealt with, and will be addressed through proposed modifications to the Local Plan that both parties are comfortable with. In addition, this addresses the concerns raised by the Environment Agency to Policy BSU13 Managing Flood Risk and supporting paragraph 6.7.35.

Sign Off

The Environment Agency agree with the contents of this statement

Date 14th September 2020

LB Brent agree with the contents of this statement

Date 14th September 2020

Strategic Flood Risk Assessment Level 2 and Sequential and Exceptions Tests

- 1.1 The Environment Agency in their representation to the Regulation 19 draft Local Plan and subsequent correspondence indicated that they had a number of concerns with the Brent Local Plan Level 2 Strategic Flood Risk Assessment March 2020 (SFRA Level2) (reference EB_SI_02 draft Local Plan evidence base document). The Agency did not consider that the Assessment was consistent with Planning Practice Guidance. This in turn had implications for the robustness of the assumptions within the Council's Brent Flood Risk Sequential and Exceptions Test March 2020 (reference EB_SI_03) which supported the allocations of sites for development, or policies which sought to allow for intensification of development in certain areas.
- 1.2 To overcome these concerns, the Council appointed Metis in June 2020. Metis undertook a new SFRA Level 2. This assessed potential development sites identified by the draft Local Plan. The Environment Agency had input into the scope of the work and the report output template. The draft version of the final report was also made available to the Agency for comment. The Council's comments on the draft were made available to the Agency and vice versa. Feedback provided by the Agency was incorporated into the final report.
- 1.3 The Environment Agency is now satisfied that the London Borough of Brent SFRA Level 2 August 2020 is consistent with national policy and practice guidance. It provides the detailed level of assessment needed to provide sufficient reassurance that the sites with high risk (Flood Zone 3a and 3b) in principle will be safe for their lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. This is subject to the developments on those sites having a site specific flood risk assessment that takes account of the SFRA Level1 and 2 and showing that the development will be safe and not increase the risk of flooding on site or elsewhere. This document supersedes the Council's SFRA 2 March 2020 (EB_SI_02)
- 1.4 The Council has taken the contents of the SFRA Level 2 into account and suitably referenced them in a revised September 2020 sequential test and exceptions document. This supersedes the previous sequential test and exceptions document March 2020 (EB_SI_03) for the purposes of supporting proposed development in the Plan. The Council have concluded that it has not been able to identify sites wholly in Flood Zone 1 to meet objectively assessed housing needs and London Plan policy requirements. Therefore the Council considers that the sites put forward in the Local Plan have passed the Sequential Test, and where applicable the Exceptions Test in principle. The Agency are content with the contents of this document. The Agency do recognise the challenge for Brent in identifying sufficient sites to accommodate the range of development needs, particularly those for housing. On balance the Agency are prepared to accept the conclusions of the Sequential and Exceptions Test and the consequential acceptability of the draft Local Plan's site allocations/ designations.
- 1.5 In taking account of the additional SFRA Level 2 work, the Council agrees to propose modifications to the site allocations policies. These will make suitable reference to the SFRA

Level 2 and the need for any proposed development to appropriately address its contents in relation to ensuring that development on the site is safe and does not increase the risk of flood risk on and off site. This will also be identified in the BS12 policy justification. The Council will consult the Environment Agency on the proposed modifications.

Policy BSUI3 Managing Flood Risk

1.6 The Environment Agency also raised concerns with the soundness of Policy BSU13 Managing Flood Risk and supporting paragraph 6.7.35 and suggested changes to the wording that would resolve this issue by email 28/05/2020. The Council agrees to propose modifications to the Plan taking account of the suggestions proposed by the Environment Agency (see 1.7 and 1.8 below) to ensure a more risk-based approach is taken for consideration of sites in functional floodplain in line with the Level 1 SFRA guidance.

1.7 The wording proposed within main modification MiM102 for paragraph 6.7.35 will be replaced with the following text:

“The Council will only consider the redevelopment of sites in functional floodplain to occur within the already identified site allocations and intensification corridors that have been supported by a Level 2 SFRA and Sequential Test. When applying this policy the guidance in the West London SFRA (2018) specifically Sections 3.11.1 and 3.11.2 must be adhered to, so that it is clear which parts of the site are developable and which areas of the site should remain for flood storage (i.e. functional floodplain). The compatibility of development vulnerability classifications for Flood Zones 3a and 3b as shown in [Table 3](#) of the Planning Practice Guidance will apply. The policy is specific about the improvements that will be sought such as restoring natural function and storage capacity of the floodplain. The Council will also seek to improve the environmental quality of any watercourse on these sites. The high level of flood risk at these sites warrants very careful consideration of design, mitigation and overall environmental improvement taking into account climate change, and early discussions with the Environment Agency are recommended.”

1.8 Policy BSUI13 will be amended as follows as identified in MM295 August 2020 submitted in association with the responses to the MIQs:

“Opportunities will be sought from the redevelopment of sites in functional floodplain (flood zone 3b) to restore the natural function and storage capacity of the floodplain. Proposals that involve the loss of functional floodplain or otherwise would constrain its natural function, by impeding flow or reducing storage capacity, will be refused resisted.”