

Indicator name			Version
BB11 Planning decisions that do not reflect SEPA's flood risk advice			31/03/16
Indicator type:	Risk/opportunity	Impact	Action
			X
SCCAP Theme	SCCAP Objective	CCRA risk/opportunity	
Buildings and Infrastructure Networks	B2: Provide the knowledge, skills and tools to manage climate change impacts on buildings and infrastructure	BE10, BE11, BE12, BE15, BE18, FL6, FL24 – Property at significant risk of flooding	

### At a glance

- The planning system plays a vital role in controlling development in areas at risk of flooding
- SEPA provides planning advice to Local Planning Authorities based on its flood risk assessment
- In Scotland only 5% of LPA planning decisions do not reflect flood risk advice provided by SEPA
- SEPA's flood risk assessment work is updated as modelling methods and knowledge improve
- SEPA also provides flood advice in relation to Development Planning Processes (as distinct from Development Management). The effectiveness of this advice may also be monitored in future.

Latest Figure	Trend
SEPA advice not reflected in decision: 28 of 528 (5%) (2012) Application granted contrary to advice: 21 of 528 (4%) (2012)	No trends currently available as data only available for 2012

### Why is this indicator important?

Increased flooding is a major climate risk for Scotland. It is vital that action is taken to avoid or at least minimise the flood risk to new developments (and to ensure they do not increase flood risk to existing sites).

The statutory framework for a risk-based approach to managing flooding is set out in the Flood Risk Management (Scotland) Act 2009. The Scottish Environment Protection Agency (SEPA) has a primary duty under this Act (s. 72) to give advice on flood risk to Scottish Local Planning Authorities (LPAs). SEPA's advice (based on its flood modelling and mapping) can thus be used to help avoid or minimise flood risk to new developments – but only if this advice is heeded by the LPAs. This indicator provides

a way of tracking the extent to which SEPA's flood risk advice is incorporated into the Development **Management** carried out by LPA's (namely, the extent to which each individual planning decision reflects the advice given by SEPA).

**Related Indicators:**

**BB1/BB3** Property at risk of flooding (residential and non-residential)

**What is happening now?**

Analysis conducted by Dundee University on planning decision data from 2012 across the whole of Scotland shows that the vast majority (95%) of planning decisions on which SEPA did comment that year *did* reflect SEPA's flood risk advice (Ball et al., 2014). This is shown in Table 1, which categorises planning decisions according to the planning response to SEPA's advice as follows:

1. Flood advice followed
2. Flood advice not followed
3. Other – no flood issue identified by SEPA
4. Other – planning decision not yet reached or notice has not been made available.

[SEPA's five options for responding to planning application consultations are set out by the Land Use Planning System Guidance Note 1 (LUPS-GU1), and are - Support, No objection, Objection unless condition(s) attached or modifications, Objection - lack of information and Objection in principle]

**Table 1** Extent to which planning decisions reflect SEPA's flood risk advice

SEPA Flood Risk Advice and Local Planning Authority Decisions	Number of Decisions	Percent of total
1 Planning applications in which SEPA gave flood risk advice where the conditions (attached to permission) or reasons (for refusal) reflect SEPA's flood risk advice	174	33
2 Planning applications in which SEPA gave flood risk advice where the conditions (attached to permission) or reasons (reasons for refusal) did not reflect SEPA's flood risk advice	28*	5
3 Planning applications in which SEPA gave 'unconditional' flood risk advice (ie no flood risk was identified by SEPA)	251	47
4 Planning applications in which SEPA gave flood risk advice but no decision has been made or no notice has yet been made available	76	14
<b>Total</b>	<b>528</b>	<b>100</b>

\* Note that of the 28 cases that went against SEPA advice, only 21 of these were actually granted permission to proceed. The figure of 28 includes 7 applications that were refused planning permission for reasons other than SEPA's objection. Thus the figure for developments that were granted contrary to SEPA advice is just under 4%.

A framework for annual reporting has been proposed by SEPA (Ball et al., 2014). The various technical and human factors that will determine whether successful delivery of annual reporting is possible are currently under consideration by SEPA. The web-based IDOX system used by LPAs to monitor and

report planning decisions cannot automatically provide SEPA with a record of each decision. Given this, the option of LPAs providing SEPA with a web-based hyperlink to each planning decision is being considered.

Additional study into the effectiveness of SEPA's flood advice in relation to Development Planning Processes (as distinct from Development Management) has also been conducted, with a view to developing an evaluation and reporting framework. Recommended indicator sets for this work are suggested as follows:

- Sites where SEPA recommended removal from the local development plan
- Sites where SEPA recommended removal which were supported by the Planning Authority in the Schedule 4 Report or by the Reporter
- Sites where SEPA requested a Flood Risk Assessment (FRA) as a development requirement
- Flood risk policies which are supported by SEPA.

Results from a pilot area studied for this work (Perth and Kinross Council) showed that for this area Development Planning Process also aligned with SEPA's advice. It is anticipated that this study and reporting will be extended in future to cover the whole of Scotland. Due to the continuous nature of the Local Development Planning process and differing progress rates, the extent of SEPA's input to Local Development Planning is likely to vary significantly between years. Annual reporting may therefore not be appropriate.

#### **What has happened in the past?**

This breakdown of planning decision data is not available for previous years.

SEPA has always responded to planning applications on the basis of the best information available, and in accordance with the legislation in force at the time. In 2009 the Flood Risk Management (Scotland) Act 2009 replaced the Flood Prevention (Scotland) Act 1961, and introduced the requirement for flood risk assessments for new developments. Prior to its current flood maps, SEPA provided advice based on an 'Indicative River and Coast Flood Map' that was created in 2007.

Since 2009, there have been a number of changes to the provision of flood risk advice. In terms of policy guidance, SEPA has published a wide range of guidance<sup>1</sup> including: Strategic Flood Risk Assessment Guidance for Development Plans; Land Use Vulnerability Guidance; and an update to the SEPA-Planning Authority Consultation Protocol (Policy 41).

#### **What is projected to happen in the future?**

The various provisions set out in the Flood Risk Management (Scotland) Act 2009 are anticipated to reduce the number of new developments positioned so as to be at flood risk. The 2009 Act requires SEPA (and others) to reduce overall flood risk and this has led to the creation of an evidence base (Scotland's National Flood Risk Assessment), Flood Risk Management Strategies and Local Flood Risk Management Plans (FRMP). SEPA provided new Flood Maps to Local Authorities in January 2014, along with 'Planning Sub-folders' which gave information on the fluvial, surface water and coastal flood risks of most relevance to land use planning (i.e. 1:200 years and 1:1,000 years).

Work is now progressing to assess use of the flood maps for land use planning purposes as well as for the management of development.

<sup>1</sup> Downloadable from [http://www.sepa.org.uk/planning/flood\\_risk/policies\\_and\\_guidance.aspx](http://www.sepa.org.uk/planning/flood_risk/policies_and_guidance.aspx)

### Patterns of change

Data at individual LPA level are not currently available

### Interpretation of indicator trends

Not applicable (as only one year of data currently available)

### Limitations

It should be noted that while this indicator tracks an important adaptive action in the planning system it will also be important to track the flooding fate of new developments – to ascertain the success (or otherwise) of flood reduction and avoidance based on SEPA's advice.

In addition, it should be noted that this indicator only tracks development management. In relation to Development Planning, SEPA has used strategic level NFRA information from January 2012 in its responses to planning consultations that relate to development plans and significant national or major applications. As noted earlier, it may be possible to monitor the effectiveness of this input in future.

### References

Ball, T, Werritty, A, Illsley B & Rennie, A. (2014) *Assessing the Effectiveness of SEPA's Flood Risk Advice in Planning Decisions*. Available at: <http://www.crew.ac.uk/publications/assessing-effectiveness-sepas-flood-risk-advice-planning-decisions>

Scottish Environment Protection Agency (2011) *Flood Risk Management Strategies and Local Flood Risk Management Plans*. Available at: [http://www.sepa.org.uk/flooding/flood\\_risk\\_management/idoc.ashx?docid=ab161a16-c497-4296-bf60-fa4681fb2051&version=-1](http://www.sepa.org.uk/flooding/flood_risk_management/idoc.ashx?docid=ab161a16-c497-4296-bf60-fa4681fb2051&version=-1) (Accessed 15 December 2014)

### Further information

#### **Flood Risk Management:**

The Flood Risk Management (Scotland) Act 2009

<http://scotland.gov.uk/Topics/Environment/Water/Flooding/FRMAct>

Contents of the above Act - <http://www.legislation.gov.uk/asp/2009/6/contents>

SEPA (2016) Flood Risk Management Strategies <http://apps.sepa.org.uk/FRMStrategies/>

A wide range of SEPA policies and guidance on flooding (including the 'SEPA Interim Position Statement on Planning and Flooding' and their Flood Risk and Planning Briefing note) can be downloaded from [http://www.sepa.org.uk/planning/flood\\_risk/policies\\_and\\_guidance.aspx](http://www.sepa.org.uk/planning/flood_risk/policies_and_guidance.aspx)

A wide range of SEPA policies and guidance on planning, including SEPA's Planning Guidance Notes can be downloaded from <http://sepa.org.uk/planning.aspx>

**Planning policy:**

Scottish Government (SG) (2014) Scottish Planning Policy  
(<http://www.scotland.gov.uk/Publications/2014/06/5823>) (Accessed 16 December 2014)

Scottish Government (SG) (2014) National Planning Framework 3. Available at:  
<http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3> (Accessed 10 December 2014)

**Acknowledgements**

Lead author: Katherine Beckmann (Heriot-Watt University)

Authors of the CREW report (Tom Ball, Alan Werritty, Barbara Illsley, Andrew Rennie)

SEPA – Frank Bradley

## Appendix One: Indicator metadata and methodology

**Table 1: Indicator metadata**

	Metadata
<b>Title of the indicator</b>	BB11 Planning Decisions that do not reflect SEPA's flood risk advice
<b>Indicator contact:</b> Organisation or individual/s responsible for the indicator	ClimateXChange
<b>Indicator data source</b>	CREW report July 2014
<b>Data link:</b> URL for retrieving the indicator primary indicator data.	Data is from CREW report published Sept 2015. <a href="http://www.crew.ac.uk/publications/assessing-effectiveness-sepas-flood-risk-advice-planning-decisions">http://www.crew.ac.uk/publications/assessing-effectiveness-sepas-flood-risk-advice-planning-decisions</a>

**Table 2: Indicator data**

	Indicator data
<b>Temporal coverage:</b> Start and end dates, identifying any significant data gaps.	Data available for the calendar year 2012
<b>Frequency of updates:</b> Planned or potential updates	Annual
<b>Spatial coverage:</b> Maximum area for which data is available	Scotland
<b>Uncertainties:</b> Uncertainty issues arising from e.g. data collection, aggregation of data, data gaps	None arising in the first year of issue:
<b>Spatial resolution:</b> Scale/unit for which data is collected	Data only provided at a 'whole Scotland' level
<b>Categorical resolution:</b> Potential for disaggregation of data into categories	Would require agreement from SEPA to release and process data at Local Development Plan level
<b>Data accessibility:</b> Restrictions on usage, relevant terms & conditions	None known

**Table 3 Contributing data sources**

Contributing data sources
Data sets used to create the indicator data, the organisation responsible for them and any URLs which provide access to the data.

Data originates from SEPA's Planning Casework System (PCS)

**Table 4 Indicator methodology**

**Indicator methodology**

The methodology used to create the indicator data

Data was obtained from the Ball et al. 2014 report (see references) which also provides a comprehensive description of the methodology. In summary, Planning Casework System (PCS) data was obtained by SEPA from its databases. From this, the following figures were obtained:

1. The total number of planning applications (PAs) on which SEPA gave flood advice
2. Planning applications in which SEPA gave flood risk advice where the conditions (attached to permission) or reasons (for refusal) did **not** reflect SEPA's flood risk advice
3. The total number of planning applications permitted **contrary** to SEPA advice\* (that this will be a sub-set of item 2., as applications may be refused for reasons unrelated to flooding)
4. Note that at the time of analysis decisions had not been reached on all 528 applications logged (14% remained incomplete). Thus final figures for items 2. and 3. may be higher.