

Appendix A



A.1 Planning Framework and Flood Risk Policy

A.1.1 EA Floods Directive & the Flood Risk Regulations

The European Floods Directive (2007) sets out the EU's approach to managing flood risk and aims to improve the management of the risk that floods pose to human health, the environment, cultural heritage and economic activity. The Directive was translated into English law by the Flood Risk Regulations which require LLFAs and the EA to produce Flood Risk Management Plans (FRMPs).

The Directive puts in place a six-year cycle of producing Preliminary Flood Risk Assessments (PFRAs) with the aim of identifying significant Flood Risk Areas; preparing flood hazard and risk maps; and preparing FRMPs. The first six-year cycle was completed in December 2015 and the second six-year cycle is currently underway at the time of writing.

PFRAs should cover the entire LLFA area for local flood risk (focusing on ordinary watercourses, surface water and groundwater flooding). Where significant Flood Risk Areas are identified using the national approach (and locally reviewed), the LLFA is then required to undertake flood risk hazard mapping and to produce a FRMP for the significant Flood Risk Area. EA guidance states that the LLFA is responsible for producing FRMPs for significant Flood Risk Areas that cover local sources of flooding including from surface water, ordinary watercourses and groundwater. The EA is responsible for producing FRMPs for significant Flood Risk Areas that cover main rivers, the sea and reservoirs. However, the preferred approach is for the EA and LLFAs to work together to produce one FRMP for all sources of flood risk for the RBD. This arrangement is agreed between the EA and the LLFAs involved before work starts. A FRMP therefore has been completed by the EA for the North West RBD. See Section A.1.4. FRMPs also meet the aims of the National Flood and Coastal Erosion Strategy for England.

The EA has implemented one of the exceptions for creating PFRAs, etc. for Main Rivers and coastal flooding, as they already have mapping (i.e. EA Flood Map for Planning (Rivers and Sea), Risk of Flooding from Rivers and Sea Map) and plans (i.e. CFMPs, SMPs) in place to deal with this. The EA has therefore focused their efforts on assisting LLFAs through this process.

A.1.2 BwD Preliminary Flood Risk Assessments

An update to Blackburn with Darwen's 2011 PFRA was published in 2017 and can be accessed via:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698393/PFRA_Blackburn_with_Darwin_Council_2017.pdf.

This reviewed the PFRA and flood risk areas for Blackburn with Darwen using all relevant current flood risk data and information. Nothing has changed since the 2011 PFRA, however in line with Government guidelines the climate change allowance within the FRA has been changed to minimise vulnerability and provide resilience to future flood risk.

Figure A.1-1: EU Floods Directive



A.1.3 Catchment Flood Management Plans (CFMPs)

The CFMPs were carried out by the EA in 2009 and were designed to establish flood risk management policies which will deliver sustainable flood risk management for the long term. The CFMPs were used by the EA to help direct resources to where there are areas of greatest risk and help the EA and its partners to plan and agree the most effective way to manage flood risk in the future.

The CFMPs contain useful information about how the catchments work, previous flooding and the sensitivity of the river systems to increased rainfall. The EA draw on the evidence and previous measures and proposals set out in the CFMPs to help develop the FRMPs for RBDs.

CFMPs consider all types of inland flooding, from rivers, groundwater, surface water and tidal flooding. Shoreline management plans consider flooding from the sea.

CFMPs also include:

- the likely impacts of climate change,
- the effects of how we use and manage the land,
- how areas could be developed to meet our present day needs without compromising the ability of future generations to meet their own needs.

The CFMPs are grouped by river basin district. Blackburn with Darwen is part of both the River Irwell and River Ribble CFMPs.

River Irwell Catchment Flood Management Plan¹

This Plan sets out flooding issues in the Croal/Irwell catchment. The upper reaches in the West Pennine Moors such as Turton Moor, Turton Heights, Longworth Moor and Winter Hill Flats rise to heights of 350 to 400 metres and water levels of brooks and streams may rise quickly in response to sudden rainfall events, creating a surge of water running rapidly downstream. Where storm events take place in developed areas surcharges of drainage systems such as sewers, surface water and highway drains may occur.

Ribble Catchment Flood Management Plan²

Published in 2014, this Plan highlights that the flood risk is high within the Darwen and Blakewater catchments and will increase in future due to climate change, stating that this is due to the heavy culverting of watercourses as well as the rapidly reacting catchment upstream in the Borough.

Blackburn with Darwen falls under Sub-area 5: Rural Calder and Darwen and Sub-area 6: Calder Urban Areas. The following are extracts from the Ribble CFMP which highlight the policy options relevant to the Borough:

Sub-area 5: Rural Calder and Darwen:

Policy option 3: Areas of low to moderate flood risk where we [the Environment Agency] are generally managing existing flood risk effectively.

Within this sub-area, numerous opportunities exist for habitat creation schemes that could benefit flood risk in the downstream stretches of the catchment. This includes the upland moorland areas where the blocking of moorland 'grip' drainage channels and creation of wetland habitat could have flood risk management benefits. There are sites adjacent to the River Darwen where floodplain areas could be used for flood storage.

Flood risk is currently being managed at the correct level, and as the effects of climate change are not expected to be significant, this level of flood risk management should continue in the future.

¹ <https://www.gov.uk/government/publications/irwell-catchment-flood-management-plan>

² <https://www.gov.uk/government/publications/ribble-catchment-flood-management-plan>

The essential action to achieve the policy aims are listed below:

- Promote land use / land management projects by landowners to benefit flood risk, via HLS

Sub-area 6: Calder Urban Areas:

Policy option 5: Areas of moderate to high flood risk where we [the Environment Agency] can generally take further action to reduce flood risk.

Local authorities covering this sub-area need to apply appropriate planning control for developments within flood risk areas and promote the use of Sustainable Drainage Systems within current and future developments. The authorities should complete Strategic Flood Risk Assessments for their respective areas to minimise the risk of flooding.

Flood risk is high and will increase in the future due to climate change. The high flood risk in the sub-area is due to the heavy culverting of watercourses, as well as the rapidly reacting catchment upstream of the sub-area. Significant work is required with our [the Environment Agency's] partners to address flood risk.

Previous studies in the area will form the basis of our [the Environment Agency's] planned strategy in the future.

A.1.4 Flood Risk Management Plans (FRMPs)

Following on from the CFMPs, completed in 2009, FRMPs are designed to set out the risk of flooding from rivers, sea, surface water, groundwater and reservoirs within each RBD and to detail how Risk Management Authorities (RMAs) will work with communities to manage flood risk up to 2021 for the current cycle, at the time of writing.

The FRMP should consider objectives for flood risk management (reducing the likelihood and consequences of flooding) and measures to achieve those objectives.

Both the River Basin Management Plans (RBMP) and FRMPs have been developed by the EA in tandem to ensure that flood defence schemes can provide wider environmental benefits during the same six-year cycle. Both flood risk management and river basin planning form an important part of a collaborative and integrated approach to catchment planning for water. Each EU member country must produce FRMPs as set out in the EU Floods Directive 2007.

Updated guidance on how to prepare FRMPs is available online via:

<https://www.gov.uk/guidance/flood-risk-management-plans-frmps-how-to-prepare-them>

BwD Borough is located entirely within the North West RBD.

North West River Basin District Flood Risk Management Plan, 2015³

BwD Borough is located within the North West RBD which covers an area of approximately 13,160 km² and contains 7 million people. The North West RBD extends from Cumbria in the north to Cheshire in the south, with Lancashire, Merseyside and Great Manchester in between.

The North West RBD comprises 12 river catchments; there are over 51,000 people at high risk of surface water flooding (more than a 1 in 30-year chance of being flooded in any year) and 31,000 people at high risk of flooding from rivers and sea (more than a 1 in 30-year chance of being flooded in any one year) within the North West RBD.

Ribble catchment

The Ribble catchment drains an area of 1,490 km² in North Yorkshire / Lancashire from Settle in the North to Preston and Blackburn in the South. The principal river in the catchment is the River Ribble, which rises in the Yorkshire Dales and flows south westwards towards the Ribble estuary downstream of Preston. The Ribble has three

³ <https://www.gov.uk/government/publications/north-west-river-basin-district-flood-risk-management-plan>

main tributaries; the River Hodder which drains much of the Forest of Bowland Area of Outstanding Natural Beauty, the River Calder which flows through industrial east Lancashire towns and the River Darwen which joins the Ribble on the outskirts of Preston from the south. The total length of Main Rivers draining the catchment is 445 km. There are also three canal systems in the catchment, the Leeds and Liverpool Canal, the new Ribble Link Canal and a short section of the Lancaster Canal.

The Ribble catchment contains extensive areas of rural land containing numerous villages, together with some major urban areas including Burnley, Blackburn, Preston, and South Blackpool. There are also areas of high-quality agricultural land, particularly in the west of the CFMP area, where there is a history of agricultural drainage. The main sources of flood risk are from rivers, surface water flooding, and sewer flooding from the drainage system. The lower reaches of the catchment are also at risk of tidal flooding (although tidal flooding does not apply to Blackburn with Darwen Borough)

Whilst the majority of the lower catchment is flat low-lying river floodplain, elevated areas are present in the West Pennine Moors near to the urban settlements of East Lancashire. The key urban areas within the catchment lie in the industrialised areas of East Lancashire adjacent to the River Calder and Darwen, such as Burnley, Nelson and Blackburn.

Within the catchment, over 32,000 people are at risk of flooding from rivers and the sea, representing approximately 4% of the total catchment population. Approximately 5,500 non-residential properties are at risk of flooding in the Ribble catchment. Approximately 16% of the agricultural land in the catchment is at risk of flooding from rivers and the sea.

Figure A.1-2 is an extract from the North West RBD FRMP showing an overview of the Ribble catchment.

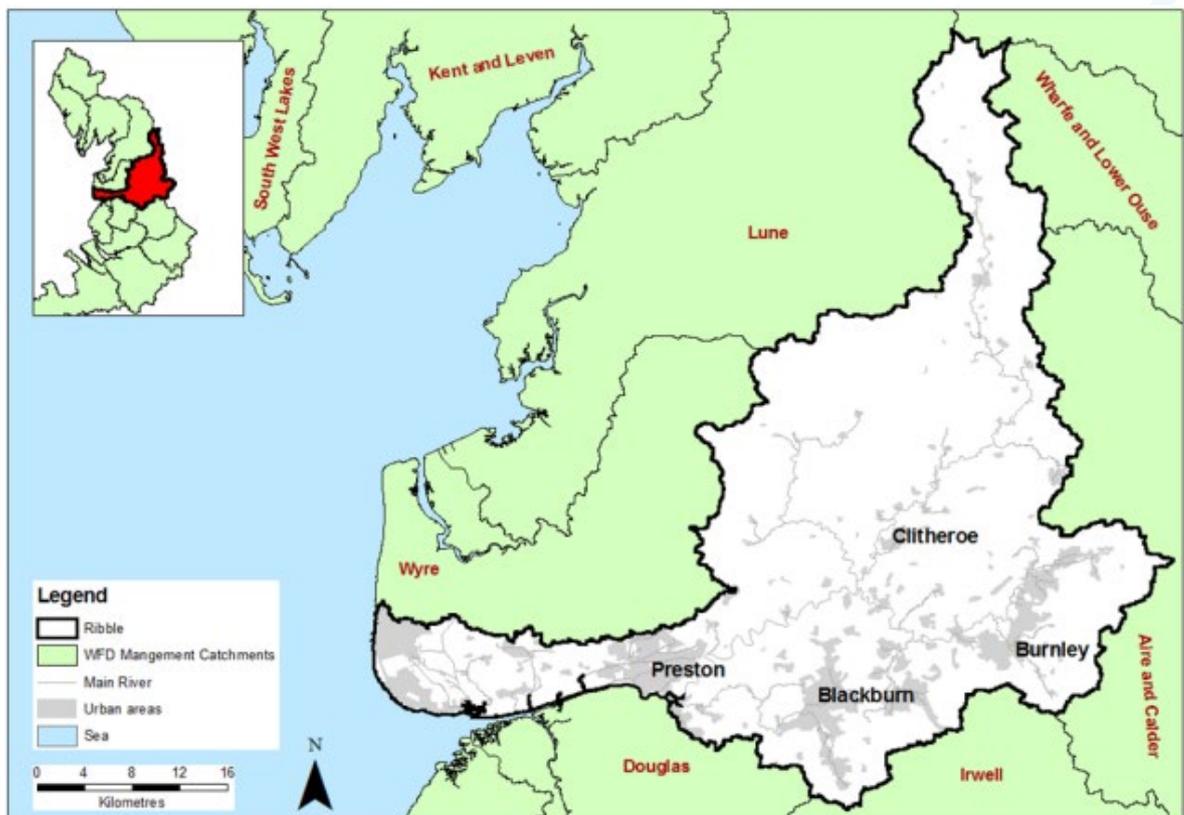


Figure A.1-2: Ribble catchment (North West RBD FRMP)

The North West RBD FRMP summarised various measures to help manage flood risk in the Ribble catchment. Those that may apply within the BwD authority area include:

Protection from risk:

- The ongoing development and delivery of a prioritised programme of projects
- Opportunities to incorporate flood risk measures as part of proposed environmental improvement projects. The environmental improvement projects proposed include working in partnership on creating habitats and improving SSSIs
- The maintenance and inspection of existing assets such as culverts, riverbanks and river defences
- Ensuring the environmental consequences of implementing Local FRM Strategies is assessed within catchment-wide flood risk planning.

Prevention of risk:

- Programme of modelling projects to improve flood risk knowledge of areas with existing modelled data, create new models for areas with little known current modelled information, improve the Environment Agency's flood forecasting and warning service and inform future scheme development as appropriate
- Providing input to Local Development Plans and planning consultations
- Working with RMAs and other organisations to ensure that local policies and flood risk programmes contribute to and complement other catchment initiatives
- Recording of Drainage and Flood Assets and carrying out flood investigations
- Implementing a responsive, reactive maintenance regime based on flood risk.

Preparation for risk:

- Carrying out engagement campaigns within Rapid Responsive Catchments to raise the awareness of the dangers of flash flooding and where possible encourage the development of personal flood plans
- Ensuring communities understand the benefits of registering to the Environment Agency's Flood Warning Service and encouraging uptake of registrations
- Providing support and updates to the Local Resilience Forum Response Plans
- Develop a pilot monitoring and warning system for groundwater flood risk with a view to deployment at appropriate key locations across the county
- Working with partners to manage the flood risk to critical infrastructure across the catchment.

A.1.5 Flood & Water Management Act (FWMA)

The FWMA was established in April 2010. It aims to improve both flood risk management and the way we manage our water resources.

The FWMA has created clearer roles and responsibilities and helped to define a more risk-based approach to dealing with flooding. This included the creation of a lead role for local authorities as LLFAs, designed to manage local flood risk (from surface water, groundwater and ordinary watercourses) and to provide a strategic overview role of all flood risk for the EA.

The content and implications of the FWMA provide considerable opportunities for improved and integrated land use planning and flood risk management by LAs and other key partners. The integration and synergy of strategies and plans at national, regional and local scales, is increasingly important to protect vulnerable communities and deliver sustainable regeneration and growth.

The FWMA gives RMAs specific powers and duties for local flood risk management. A duty is something the RMA is legally obliged to do; a permissive power can be used at

the RMA's discretion. All RMAs have a duty under Section 13 of the FWMA to cooperate with one another when exercising functions relating to flood and coastal erosion risk management.

Table A.1-1 provides an overview of the key BwD LLFA duties and powers under the FWMA.

FWMA duty / power	Description of duties and powers	LLFA status
Duty to produce a local strategy for flood risk management	The LLFA must develop, maintain, apply and monitor a local strategy for flood risk management in its area. The local strategy will build on information such as national risk assessments and will use consistent risk-based approaches across different LA areas and catchments. The local strategy should not be secondary to the national strategy; rather it will have distinct objectives to manage local flood risks important to local communities.	Exists as an interim document until publication of the new National Strategy (see Section A6.1)
Duty to comply with the National Strategy	The LLFA has a duty to comply with national flood and coastal risk management strategy principles and objectives in respects of its flood risk management functions.	Ongoing
Duty to contribute to sustainable development	The LLFA has a duty to contribute towards the achievement of sustainable development.	Ongoing
Investigating flood incidents	The LLFA, on becoming aware of a flood in its area, has (to the extent it considers necessary and appropriate) to investigate and record details of "locally significant" flood events within its area. This duty includes identifying the relevant RMAs and their functions and how they intend to exercise those functions in response to a flood. The responding RMA must publish the results of its investigation and notify any other relevant RMAs.	Ongoing
Asset Register	The LLFA has a duty to maintain a register of structures or features, which it considers to have a significant effect on flood risk, including details on ownership and condition as a minimum. The register must be available for inspection and the Secretary of State will be able to make regulations about the content of the register and records.	Ongoing
Duty to co-operate and Powers to Request Information	The LLFA must co-operate with other relevant authorities in the exercise of their flood and coastal erosion management functions. The LLFA has powers to request information as necessary (e.g. from United Utilities) under the FWMA.	Ongoing
Ordinary Watercourse Consents	The LLFA has a duty to deal with enquiries and determine watercourse consents where the altering, removing or replacing of certain flood risk management structures or features that affect flow on ordinary watercourses is required. It also has provisions or powers relating to the enforcement of	Ongoing

FWMA duty / power	Description of duties and powers	LLFA status
	unconsented works and non-maintenance by riparian owners.	
Works Powers	The Act provides the LLFA with powers to undertake works to manage flood risk from surface runoff, groundwater and ordinary watercourses, consistent with the LFRMS for the area.	Ongoing
Designation Powers	The Act provides the LLFA with powers to designate structures and features that affect flooding or coastal erosion. The powers are intended to overcome the risk of a person damaging or removing a structure or feature that is on private land and which is relied on for flood or coastal erosion risk management. Once a feature is designated, the owner must seek consent to alter, remove, or replace it.	Ongoing
Emergency Planning	The Council is required to play a lead role in emergency planning and recovery after a flood event.	Lancashire Resilience Forum (Section 7 of main report)
Community Involvement	The LLFA should engage local communities in local flood risk management issues. This could include the training of community volunteers, the development of local flood action groups and the preparation of community flood plans, and general awareness raising around roles and responsibilities.	Various ongoing (Section 7 of main report)
SuDS	SuDS are a planning requirement for major planning applications of 10 or more residential units or equivalent commercial development schemes with sustainable drainage. The LLFA is a statutory planning consultee and it will be between the LPA and the LLFA to determine the acceptability of these proposed sustainable drainage schemes. Approvals must be given before the developer can commence construction, and sometime before the occupation of dwellings. Planning authorities should use planning conditions or obligations to make sure that arrangements are in place for ongoing maintenance of the SuDS over the lifetime of the development.	National Planning Policy and Defra's non-statutory technical standards should be followed. BwDBC LLFA has produced a Drainage Planning Advice document though this is unpublished at the time of writing

Latest changes to FWMA legislation⁴

Table A.1-1: Key LLFA responsibilities under the FWMA

⁴ <http://www.legislation.gov.uk/ukpga/2010/29>

A.2 Flood and water focused policies and plans

A.2.1 25 Year Environment Plan

This Plan sets out Government action to help the natural world regain and retain good health. It aims to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats. It calls for an approach to agriculture, forestry, land use and fishing that puts the environment first. The Plan also sets out how government will tackle the effects of climate change, considered to perhaps be the most serious long-term risk to the environment given higher land and sea temperatures, rising sea levels, extreme weather patterns and ocean acidification. The Plan aims to show that Government will work with nature to protect communities from flooding, slowing rivers and creating and sustaining more wetlands to reduce flood risk and offer valuable habitats.

Focusing on flood risk, Government has updated the national flood and coastal erosion risk management strategy for England (see Section A.3.3) which looks to strengthen joint delivery across organisations. In terms of funding, Government will look at current partnership arrangements ahead of a review of funding needs beyond 2021, seeking to attract more non-public sector investment, and make sure all relevant agencies are able to respond quickly and effectively to support communities if and when flooding does occur. The Plan states that the EA will use its role in statutory planning consultations to seek to make sure that new developments are flood resilient and do not increase flood risk.

For flood mitigation, government will focus on using more natural flood management solutions; increasing the uptake of SuDS, especially in new development; and improving the resilience of properties at risk of flooding and the time it takes them to recover should flooding occur.

25 Year Environment Plan

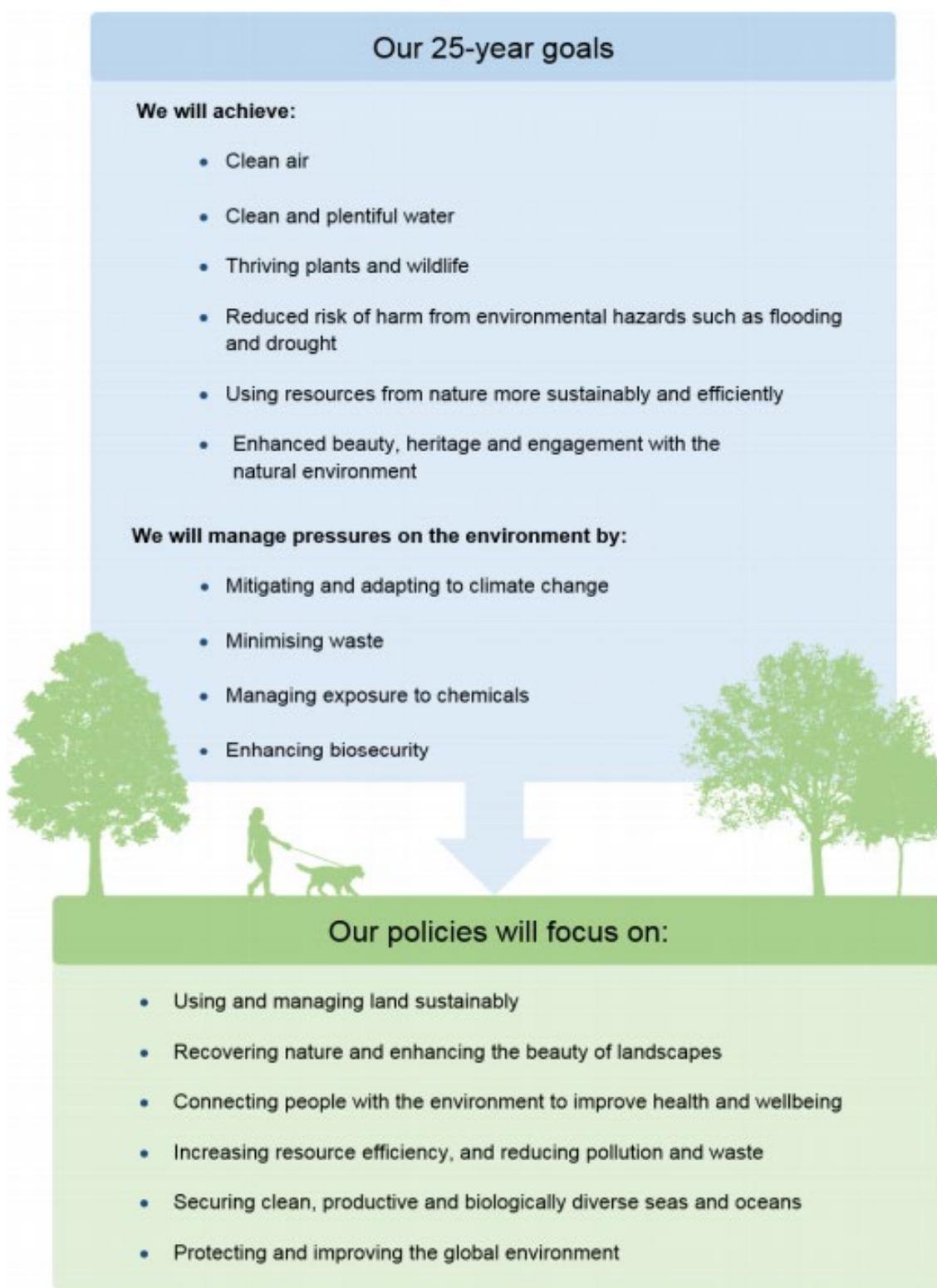


Figure A.2-1: Main goals and policy areas the Plan is intended to help work towards

A.2.2 The North West Regional Flood and Coastal Committee (RFCC) Business Plan

The RFCC, established by the EA, brings together relevant members appointed by LLFAs to:

- Ensure there are coherent plans for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines,
- Encourage efficient, targeted and risk-based investment in flood and coastal erosion risk management that represents value for money and benefits local communities,
- Provide a link between the EA, LLFA, other RMAs, and other relevant bodies to build understanding of flood and coastal erosion risks in its area.

The North West RFCC produced a business plan, which was adopted in July 2019, covering the three-year period from 2019 to 2022. The business plan sets out the long-term goals in which the North West RFCC, with the support of its Flood & Coastal Erosion Risk Management (FCERM) Strategic Partnerships, will deliver to better protect homes and deliver more resilient communities in the North West up to 2022. The Plan identifies priorities and objectives for the period to 2022 and will be monitored through the North West RFCC quarterly meetings to adapt to change if necessary.

A.2.3 FCERM Governance framework

The FWMA requires the EA to 'develop, maintain, apply and monitor a strategy for flood and coastal erosion risk management in England'. The current national FCERM strategy has been revised and was laid before Parliament on 14 July 2020 by the Secretary of State. See Section A.6.1 for more details.

A.2.4 Water Framework Directive, Water Environment Regulations and River Basin Management Plans

The purpose of the Water Framework Directive (WFD), which was transposed into English Law by the Water Environment Regulations (2003), is to deliver improvements across Europe in the management of water quality and water resources through RBMPs. The BwD area is covered by the North West River Basin Management Plan⁵, managed by the EA and published in 2016, updated in 2018.

Water quality and flood risk can go hand in hand in that flood risk management activities can help to deliver habitat restoration techniques. The North West RBMP includes such examples whereby land management techniques have been designed to reduce flood risk whilst also reducing sediment loss and improving water quality. The EA is responsible for monitoring and reporting on the objectives of the WFD on behalf of Government. They work with Government, Ofwat, local government, non-governmental organisations (NGOs) and a wide range of other stakeholders including local businesses, water companies, industry and farmers to manage water⁶.

The second management cycle of the WFD⁷ has begun and the second RBMPs were completed in 2015, building upon the first set completed in 2009. RBMPs are designed to address the pressures facing the water environment in the river basin management plan districts and the actions that will address them. The plans describe required objectives and measures to protect and improve the water environment over the next 20 years and aim to achieve WFD targets from 2015 onwards to 2021.

The RBMPs, like the CFMPs, are important documents relevant to the development of the SFRA. The SFRA should take into account the wider catchment flood cell aims and

5 <https://www.gov.uk/government/publications/north-west-river-basin-district-river-basin-management-plan>

6 <https://www.gov.uk/government/publications/2010-to-2015-government-policy-water-quality/2010-to-2015-government-policy-water-quality#appendix-4-planning-for-better-water>

7 http://ec.europa.eu/environment/water/water-framework/info/timetable_en.htm

objectives and understand how it can potentially contribute to the achievement of them.

The main responsibility for BwDBC is to work with the EA to develop links between river basin management planning and the development of local authority plans, policies and assessments.

In particular, the general programme of actions (measures) within the North West RBMP that may be relevant to BwD highlight the need for:

- Strategic working with United Utilities to seek partnership opportunities for improved infrastructure management e.g. reduced Combined Sewer Overflows (CSOs),
- Water Cycle Studies to promote water efficiency in new development through regional strategies and local plans,
- Surface Water Management Plan implementation,
- Consideration of the WFD objectives (achieving good status or potential as appropriate) in the spatial planning process, including LDDs and Sustainable Community Strategies, and
- Promotion of the wide scale use of SuDS in new development.

A.3 Other related plans and policies

A.3.1 Catchment partnerships

The Catchment Based Approach (CaBA) embeds collaborative working at a river catchment scale to deliver cross cutting improvements to our water environments. The CaBA partnerships drive cost-effective practical delivery on the ground, resulting in multiple benefits including reduced flood risk and resilience to climate change.

Catchment partnerships are groups of organisations with an interest in improving the environment in the local area and are led by a catchment host organisation. The partnerships work on a wide range of issues, including the water environment but also address other concerns that are not directly related to river basin management planning. Government is also working to strengthen or establish partnerships in the areas most affected by the December 2015 floods, caused by Storm Desmond, to encourage a more integrated approach to managing risk across all catchments.

The National Flood Resilience Review will align closely with Defra’s work on integrated catchment-level management of the water cycle in the Government’s 25-year Environment Plan. Government’s aspirations for the next cycle of planning is for more integrated catchment planning for water, where flood and coastal Risk management, nature conservation and land management are considered together.

Catchment partnerships relevant to BwD include:

- Ribble Rivers Trust, including the River Darwen sub-catchment, was established to improve the water environments of the catchment and sub-catchments, by restoring and protecting rivers,
- Lancashire Flood Partnership - one of five FCERM partnerships reporting to the North West RFCC. The Lancashire Partnership includes all RMAs and river catchment management groups, community and flood action groups.

A.3.2 National Flood Resilience Review⁸

The National Flood Resilience Review was established by Defra in September 2016, following Storm Desmond in 2015, to review how flood risk is assessed, how the likelihood of flooding can be reduced and to try and make the country as resilient as possible to flooding. The review aligns closely with Defra's work on integrated catchment-level management of the water cycle in the Government's 25-year Environment Plan.

A.4 Planning legislation

A.4.1 Housing and Planning Act, 2016

The Act provides the statutory framework to build more homes that people can afford, expand home ownership, and improve housing management. The Act places a duty on local authorities to promote the development of starter homes, custom and self-build homes. The Act simplifies and speeds up the neighbourhood planning process to support communities that seek to meet local housing and other development needs through neighbourhood planning. In addition, the Act seeks to ensure that every area has a Local Plan and gives the Secretary of State further powers to intervene if Local Plans are not effectively delivered.

The Secretary of State must also carry out a review of planning legislation, government planning policy and local planning policies, concerning sustainable drainage in relation to the development of land in England.

A.4.2 Localism Act, 2011

The Localism Act was given Royal Assent in November 2011 with the purpose of shifting power from Central Government back to local councils, communities and individuals. The Government abolished Regional Spatial Strategies, providing the opportunity for councils to re-examine the local evidence base and establish their own local development requirements for employment, housing and other land uses through the plan making process.

Additionally, this act places a duty to cooperate on local authorities, including statutory bodies and other groups, in relation to the planning of sustainable development. This duty to cooperate requires local authorities to:

"...engage constructively, actively and on an ongoing basis in any process by means of which development plan documents are prepared so far as relating to a strategic matter." (Provision 110).

This act, together with the Neighbourhood Planning (General) Regulations 2012, also provides new rights to allow Parish or Town Councils to deliver additional development through neighbourhood planning (Neighbourhood Plans). This means local people can help decide where new homes and businesses should go and what they should look like. Local planning authorities can provide technical advice and support as neighbourhoods draw up their proposals. Neighbourhood Plans have a number of conditions and requirements as set out in the NPPF. Also refer to Paragraph 061-064 of the FRCC-PPG for information on neighbourhood planning and flood risk.

A.5 Planning policy

A.5.1 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published in March 2012 and received a significant revision in July 2018. The latest update took place in June 2019. The NPPF sets out Government's planning policies for England and how these are expected to be applied. The Framework is based on core principles of sustainability and forms the national policy framework in England. It must be taken into account in the preparation of local plans and is a material consideration in planning decisions. The NPPF is accompanied by a number of Planning Practice Guidance (PPG) notes.

The PPG documents will, where necessary, be updated in due course to reflect the changes in the latest version of the NPPF.

The key changes in the 2019 NPPF compared to the 2012 NPPF include:

- Strategic policies should also now consider the 'cumulative impacts in, or affecting, local areas susceptible to flooding' (para 156), rather than just to or from individual development sites (see Section 6.4 of the main report),
- Future risk from climate change. The 'sequential approach should be used in areas known to be at risk now or in the future from any form of flooding' (para 158) (see Section 6.6 of the main report and Appendices C and E),
- Natural Flood Management. 'Using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques)' (para 157c) (see Section 5.7.4 of the main report),
- SuDS. 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate' (para 165) (see Section 6.7 of the main report) and,
- Emergency planning. Emergency plans are required as part of an FRA that includes the inclusion of safe access and egress routes (para 163e) (see Section 7 of the main report)

As explained, the FRCC-PPG sits alongside the NPPF and sets out detailed guidance on how this policy should be implemented.

A.5.2 Flood Risk and Coastal Change Planning Practice Guidance (FRCC-PPG)

At the time of writing, the current FRCC-PPG was published on 6 March 2014 and is available online via:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Following the 2018 revision and 2019 updates of the NPPF, Government will, where necessary be updating the FRCC-PPG to reflect the changes discussed above in Section A.5.1. It is advised that any hyperlinks within the FRCC-PPG that direct users to the previous 2012 NPPF should be disregarded.

Whilst the NPPF concentrates on high level national policy, the FRCC-PPG is more detailed. The practice guidance advises on how planning can take account of the risks associated with flooding and coastal change in plan making and the development management process. This is in respect of local plans, SFRAs, the sequential and exception tests, permitted development, site-specific flood risk, Neighbourhood Planning, flood resilience and resistance techniques and the vulnerability of development to make development safe from flooding.

A.5.3 Local Plan

A Local Plan⁹ is a statutory document prepared in consultation with the local community. It is designed to promote and deliver sustainable development. Local Plans have to set out a clear vision, be kept up to date and to set out a framework for future development of the local area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure as well as safeguarding the environment and adapting to climate change and securing good design.

Local Plans set the context for guiding decisions and development proposals and along with the NPPF, set out a strategic framework for the long-term use of land and buildings, thus providing a framework for local decision making and the reconciliation of competing development and conservation interests.

The aim of a Local Plan is to ensure that land use changes proceed coherently, efficiently, and with maximum community benefit. Local Plans should indicate clearly how local residents, landowners, and other interested parties might be affected by land use change. They are subject to regular periods of intensive public consultation, public involvement, negotiation and approval. The Local Plan should be the starting point when considering planning applications.

The NPPF requires that the evidence base for the Local Plan must clearly set out what is intended over the lifetime of the plan, where and when this will occur and how it will be delivered. The NPPF states that Local Plans should be supported by a SFRA and should take account of advice provided by the EA and other flood risk management bodies. This SFRA should be used to ensure that when allocating land or determining planning applications, development is located in areas at lowest risk of flooding. Policies to manage, mitigate and design appropriately for flood risk should be written into the Local Plan, informed by both this SFRA and the Sustainability Appraisal.

Government guidance on Local Plans can be found via:

<https://www.gov.uk/guidance/local-plans--2>

A.5.4 Sustainability Appraisal

The Sustainability Appraisal (SA) is a key component of the Local Plan evidence base, ensuring that sustainability issues are addressed during the preparation of local plans. The SA is a technical document which has to meet the requirements of the Strategic Environmental Assessment Directive 2001/42/EC which assesses and reports on a plan's potential impact on the environment, economy, and society. The SA carries out an assessment of the draft policies at various stages throughout the preparation of the Local Plan, and does this by testing the potential impacts, and consideration of alternatives are tested against the plan's objectives and policies. This ensures that the potential impacts from the plan on the aim of achieving sustainable development are considered, in terms of the impacts, and that adequate mitigation and monitoring mechanisms are implemented.

⁹ Town and Country Planning, England. The Town and Country Planning (Local Planning) (England) Regulations 2012

A.6 Flood risk management policy

A.6.1 National and Local Flood Risk Management Strategies

The FWMA establishes how flood risk will be managed within the framework of National Strategies for England and Local Strategies for each LLFA area. The EA has a statutory duty to develop, maintain, apply, and monitor a strategy for England. The EA updated the Draft National Flood and Coastal Erosion Risk Management (FCERM) Strategy for England following a public consultation in 2019. The Secretary of State laid this revised strategy before Parliament on 14 July 2020 and this can be viewed online via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899498/National_FCERM_strategy_for_England.pdf

The National Strategy sets out principles for how flood risk should be managed and provides strategic information about different types of flood risk and which organisations are responsible for their effective management. The Strategy sets out the long-term delivery objectives the nation should take over the next 10 to 30 years as well as shorter term, practical measures RMA's should take working with partners and communities.

The FWMA requires RMA's (local authorities, EA, sewerage companies and highways authorities) to work together and act consistently with the National Strategy in carrying out their flood and coastal erosion risk management functions effectively, efficiently and in collaboration with communities, businesses and infrastructure operators to deliver more effective flood risk management.

The LLFA has a leadership role on local flood risk management in its area and must produce a local flood risk management strategy covering its local area. **The local strategy produced must be consistent with the National Strategy.** The local strategy should set out the framework for local flood risk management functions and activities and should raise awareness of local organisations with responsibilities for flood risk management in the area. The strategy should also facilitate partnership arrangements to ensure co-ordination between local organisations and an assessment of flood risk and plans and actions for managing risk, as set out under Section 9 of the FWMA.

The following link provides guidance for RMA's and local authorities on various subjects of flood risk management, including tools to support LLFA's in developing their LFRMS:

<https://www.gov.uk/guidance/flood-risk-management-information-for-flood-risk-management-authorities-asset-owners-and-local-authorities>

BwD Council Local Flood Risk Management Strategy 2019

The BwDBC LFRMS exists, at the time of writing, as an interim document until publication of the new National Strategy. The interim document sets out how the Borough will manage flood risk related to surface water runoff, groundwater and ordinary watercourses for the period 2019 to 2022. The aim of the Local Strategy is to ensure the overall context of the National Strategy is met through BwDBC's management of flood risk.

The LFRMS provides an overall picture of flood risk across the borough and outlines how Blackburn with Dawen as the LLFA will coordinate and manage flood risk along with its RMA's. The strategy sets out the policy direction for flood defence consenting, thresholds for formal flood investigations, formal partnership and management arrangements, details regarding the asset register, and a great deal of general advice and guidance relating to flood mitigation and resilience.

The strategy proposes a series of strategic objectives with a view to achieving the objectives through specific actions or measures. An action plan has been formulated

to summarise the actions and timescales the LLFA sees as being realistic in achieving each of the actions.



Figure A.6-1: LFRMS key objectives and subsequent actions for 2019-2022

A.6.2 Water Cycle Studies (WCS)

The purpose of a WCS is to investigate whether the local water environment has the capacity to support planned levels of growth and provide a comprehensive and robust evidence to support Local Plan production.

To achieve this, the WCS investigates the capability of the water and sewerage suppliers to provide the services to enable housing and economic growth and identify key risks to the timing of housing delivery and impacts on customers and the local environment. A WCS is certainly useful in the Local Plan Examination, where there is large growth and urban expansion planned within a local authority area.

There is currently no water cycle study in place for the BwD authority area.

A.6.3 Surface Water Management Plans (SWMP)

In June 2007, widespread flooding was experienced in the UK. The Government review of the 2007 flooding, chaired by Sir Michael Pitt recommended that..

"...Local Surface Water Management Plans (SWMPs) ...coordinated by local authorities, should provide the basis for managing all local flood risk."

The Government's SWMP Technical Guidance document¹⁰, 2011, defines a SWMP as:

- *A framework through which key local partners with responsibility for surface water and drainage in their area, work together to understand the causes of surface water flooding and agree the most cost-effective way of managing surface water flood risk.*
- *A tool to facilitate sustainable surface water management decisions that are evidence based, risk based, future proofed and inclusive of stakeholder views and preferences.*
- *A plan for the management of urban water quality through the removal of surface water from combined systems and the promotion of SuDS.*

As a demonstration of its commitment to SWMPs as a structured way forward in managing local flood risk, Defra announced an initiative to provide funding for the highest flood risk authorities to produce SWMPs.

Defra's framework for carrying out a SWMP is illustrated by the SWMP wheel diagram, as shown in Figure A.6-2. The first three phases involve undertaking the SWMP study, whilst the fourth phase involves producing and implementing an action plan which is devised based on the evidence gained from the first three phases.

¹⁰ Surface Water Management Plan Technical Guidance - <https://www.gov.uk/government/publications/surface-water-management-plan-technical-guidance>

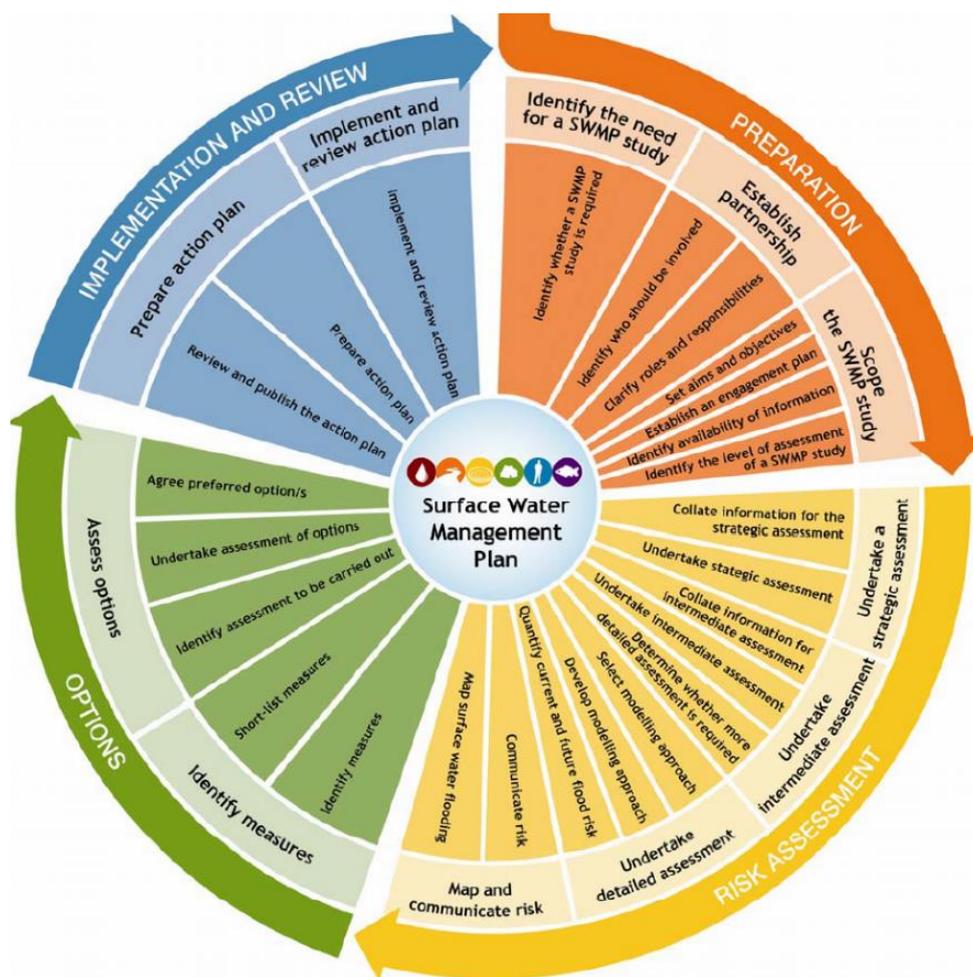


Figure A.6-2: Defra wheel (taken from SWMP Technical Guidance)

Blackburn and Darwen SWMPs

These SWMPs, one for each of the Blackburn and Darwen areas, outline the predicted risk and preferred surface water management strategy for the Borough. In this context, surface water flooding describes flooding from sewers, drains, groundwater, and runoff from land, small watercourses and ditches that occurs as a result of heavy rainfall.

The Phase 2 risk assessments consist of a desktop investigation of available data and direct rainfall modelling of the study area for six rainfall event return periods. The results of this modelling have been used to identify Local Flood Risk Zones (LFRZs) where surface water flooding affects properties, businesses and/or infrastructure. Those areas identified to be at more significant risk have been delineated into LFRZs representing one or several LFRZs as well as the contributing catchment area and features that influence the predicted flood extent. Six LFRZs have been identified and are shown on the SFRA Maps in Appendix B.

A.6.4 Critical Drainage Areas and Areas with Critical Drainage Problems

Critical Drainage Areas (CDAs) can be designated by LPAs or LLFAs for their own purposes and at their own discretion. CDAs should be concerned with surface water (pluvial / sewer) flood risk only and are therefore not within the EA's remit. Any CDA policy is entirely at the discretion of the LPA and LLFA and can entail minimum requirements for runoff volumes from development sites; a preference for a certain type of SuDS; drainage strategies to be in place for larger development sites; stricter

requirements on site-specific FRAs i.e. lowering the requirement for FRAs to sites greater than half a hectare in size rather than one hectare. The EA do not have to be consulted on sites that are within a CDA if such sites are in Flood Zone 1.

CDAs would usually entail areas that have significant risk of surface water flooding and were identified as the most obvious locations where flooding was either predicted to occur or had actually occurred in the past. As discussed above, BwDBC has LFRZs in place therefore does not require CDA designation. The LFRZs perform a similar role to CDAs.

Areas with Critical Drainage Problems (ACDPs) may be designated where the EA is aware that development within a certain catchment / drainage area could have detrimental impacts on fluvial flood risk downstream, and / or where the EA has identified existing fluvial flood risk issues that could be exacerbated by upstream activities. At the time of writing, there are no ACDPs within the BwD authority area.

A.6.5 Green Infrastructure assessments

Open space, or Green Infrastructure (GI), should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities and should be provided as an integral part of all new development, alongside other infrastructure such as utilities and transport networks.

Open space can provide many social, economic and environmental benefits close to where people live and work including:

- Places for outdoor relaxation and play;
- Space and habitat for wildlife with access to nature for people;
- Environmental education;
- Local food production – in allotments, gardens and through agriculture;
- Improved health and well-being – lowering stress levels and providing opportunities for exercise;
- Climate change adaptation – for example flood alleviation and cooling urban heat islands.

Paragraph 118b of the NPPF (2019) explains that open space can perform many functions, including flood risk mitigation, and that Local Plans should account for increased flood risk, resulting from climate change, through the planning of Green Infrastructure. GI can have an important role to play in reducing the likelihood of flooding by providing space for flood storage, reducing runoff and increasing infiltration, whilst also providing other benefits as stated above.

Alongside GI should be the implementation of SuDS, specifically within potential development sites, where possible. The suitability of GI and SuDS can be informed by this SFRA through utilisation of open space for water in the areas of greatest flood risk, which would be key to helping deliver sustainable development. Examples include:

- Restoration of natural character of floodplains;
- Reduction of downstream flood risk;
- Preserving of areas of existing natural floodplain; and
- Introduction of new areas and enhancing existing areas of greenspace whilst incorporating sustainable drainage within new development.

The Town and Country Planning Association together with the Wildlife Trusts produced a guidance document for Green Infrastructure¹¹. The guidance states that local plans

¹¹ Planning for a Healthy Environment - Good Practice Guidance for Green Infrastructure and Biodiversity, Published by the Town and Country Planning Association and The Wildlife Trusts, July 2012

should identify funding sources for GI and provision should be made for GI to be adequately funded as part of a development's core infrastructure. For new developments, GI assets can be secured from a landowner's 'land value uplift' and as part of development agreements. LPAs may include capital for the purchase, design, planning and maintenance of GI within the Community Infrastructure Levy (CIL) programme.

A.6.6 Flood risk partnerships and partnership plans

BwD has been involved in the development of several partnerships designed to provide collaboration between public agencies, businesses and the community. Partnerships and plans that affect the Borough include:

- Lancashire Resilience Forum (LRF),
- Strategic Flood Risk Management Group,
- Lancashire Flood Risk Management Group,
- Lancashire County Council Community Risk Register,
- North West Regional Flood and Coastal Committee (NRFCC),
- Lancashire Strategic Partnership Group,
- Flood warning and awareness in partnership with the EA,
- Local flood plans,
- Lancashire Evacuation Plan,
- Key businesses and organisations.

See Section 7 of the main report on Emergency Planning for more information.

A.7 Roles and responsibilities

The responsibilities for the Risk Management Authorities under the Flood & Water Management Act and Flood Risk Regulations, as summarised by Government¹², are summarised below.

A.7.1 EA as a RMA

- Has a strategic overview role for all forms of flooding;
- Provides and operates flood warning systems;
- Carries out work to manage flood risk from the sea and main rivers;
- Carries out works in estuaries to secure adequate outfalls for main rivers;
- Carries out surveys to inform FCERM works and has the right to enter private land to carry out such works;
- Issues permits and byelaws with the Environmental Permitting (England and Wales) Regulations 2016 and remaining Environment Agency North West Region byelaw prohibitions for works on or near main rivers, and works affecting watercourses, flood and sea defences and other structures protected by its byelaws;
- Designates structures and features of the environment that affect flood or coastal erosion risk;
- Has the power to request information from any partner in connection with its risk management functions;
- Must exercise its flood or coastal erosion risk management functions in a manner consistent with the National Strategy and Local Strategies;
- Must be consulted on Local Strategies, if affected by the strategy, by the LLFA;
- Must help advise on sustainable development.

A.7.2 LPA as a RMA

- Has a duty to act in a manner that is consistent with the National Strategy and have regard to Local Strategies;
- Must be consulted on Local Strategies, if affected by the strategy, by the LLFA;
- Has a duty to be subject to scrutiny from the LLFA;
- Has a duty to cooperate and share information with other RMAs.

A.7.3 LLFA as a RMA

- Must develop, maintain, apply and monitor a strategy for local flood risk management. This must be consulted on with all RMAs, the public and all other partners with an interest in local flood risk, and must comply with the National Strategy;
- Should prepare and maintain a preliminary flood risk assessment, flood hazard maps, flood risk maps and flood risk management plans;
- Is required to coordinate and share information on local flood risk management between relevant authorities and partners;
- Is empowered to request information from others when it is needed in relation to its flood risk management functions;
- Must investigate significant flooding incidents in its area where it considers it necessary or appropriate;

¹² <https://www.gov.uk/government/collections/flood-and-coastal-erosion-risk-management-authorities>

- Has a duty to establish and maintain a record of structures within its area that it considers having a significant impact on local flood risk;
- Is empowered to designate structures and features that affect flooding;
- Has powers to undertake works to manage flood risk from surface runoff, groundwater and ordinary watercourses;
- Must exercise its flood and coastal erosion risk management functions in a manner consistent with the National Strategy and the Local Strategy;
- Can carry out work that may cause flooding or coastal erosion in the interests of nature conservation, preservation of cultural heritage or people's enjoyment of the environment or cultural heritage;
- Can acquire land in or outside of their district for use in flood risk management if necessary;
- Is permitted to agree the transfer of responsibilities for risk management functions (except the production of a local strategy) to other RMAs;
- Can take the lead on preparing SWMPs;
- Must aim to contribute to sustainable development;
- Should consider flooding issues that require collaboration with neighbouring LLFAs and other RMAs.

A.7.4 United Utilities as a RMA

- Has a duty to act in a manner that is consistent with the National Strategy and have regard to Local Strategies;
- Must be consulted on Local Strategies, if affected by the strategy, by the relevant LLFA;
- Has a duty to be subject to scrutiny from LLFAs;
- Has a duty to cooperate and share information with other RMAs;
- Is responsible for managing the risks of flooding from water and foul or combined sewer systems providing drainage from buildings and yards.

A.7.5 Highways Authority (LCC) and Highways England as RMAs

- Have a duty to act in a manner that is consistent with the National Strategy and have regard to local strategies when:
 - Carrying out highway drainage works,
 - Filling in roadside ditches,
 - Diverting or carrying out works on part of a watercourse;
- Have responsibility for ensuring effective drainage of local roads in so far as ensuring drains and gullies are maintained;
- Must be consulted on Local Strategies, if affected by the Strategy, by the LLFA;
- Have a duty to be subject to scrutiny from LLFAs.

A.7.6 The local community

- Has a responsibility for protecting their own property from flooding;
- Must be consulted on Local Strategies by the LLFA;
- Has a key role in ensuring local strategies are capable of being successfully delivered within the community. They should actively participate in this process and be engaged by the LLFA.

A.7.7 Riparian owners

A riparian owner is someone who owns land or property alongside a river or other watercourses. A watercourse is any natural or artificial channel through which water flows including through a culvert, ditch, cut, dyke, sluice or private sewer.

Riparian owners have statutory responsibilities, including:

- Maintaining watercourses;
- Allowing the flow of water to pass without obstruction;
- Controlling invasive alien species

Further guidance for riverside property owners can be found via:

<https://www.gov.uk/guidance/owning-a-watercourse>

A.7.8 Developers

Have a vital role in ensuring effective local flood risk management by avoiding development in areas at risk of flooding. Local Strategies should form a key element of local planning guidance for developers, along with this Level 1 SFRA.