

Appendix 2: List of Local plan policies to be replaced

2.1 The following 'saved' policies from the 1998 King's Lynn and West Norfolk currently remain in force. These will be superseded and no longer form part of the development plan for the Borough, once the Detailed Policies and Sites Plan is adopted (currently anticipated 2014).

- **Policy 4/20 Built Environment Areas Type A & B**
- **Policy 4/21 Built Environment Areas Type C & D**
- **Policy 4/25 Disused Railway Trackbeds and Routes**
- **Policy 5/20 King's Lynn Park & Ride**
- **Policy 5/33 Lynn East, South Fairstead – Housing**
- **Policy 5/37 Lynn North, Employment**
- **Policy 5/38 Lynn North, Housing**
- **Policy 6/6 Downham Market, South East – Housing**
- **Policy 6/8 Downham Market, Riverside – Employment**
- **Policy 7/4 Eastern Hunstanton – Employment**
- **Policy 7/5 Hunstanton, Seafront Area – Holiday Zone**
- **Policy 8/1 Villages – Housing (Built Environment Types C & D)**
- **Policy 8/10 Removal of Agricultural Occupancy Conditions**
- **Policy 8/15 Protection of East and West Rudham By-pass**
- **Policy 9/6 Residential Mobile Homes**
- **Policy 9/11 Protection of Primary Corridors of Traffic Movement**

Appendix 4: Approach to flood risk

Approach to Flood Risk

- 4.1** Large parts of the Borough are at serious risk of flooding, and this needs careful consideration in the identification of sites and areas for development.
- 4.2** The Core Strategy Policy CS01 seeks to avoid development in areas at risk of flooding. The National Planning Policy Framework (NPPF) states that ‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere’. The Technical Guidance supporting the NPPF categorises different types of development as more or less sensitive to flooding, and hence their appropriateness at different levels of flood risk. This Guidance also prescribes ‘sequential’ and ‘exceptions’ tests to test the acceptability of development proposals in areas at risk of flooding.
- 4.3** The risks of flooding from both fluvial (rivers) and tidal (sea) factors are mapped in the Borough’s Strategic Flood Risk Assessment (SFRA). (Note that the SFRA does not map potential surface water and groundwater flooding, etc.)
- 4.4** The SFRA also maps a zone of ‘Hazard’ (also sometimes known as ‘Rapid Inundation’), which is the area behind a flood defence line within which people could be at risk of drowning (due to the depth and/or speed of water) following a breach in that defence line; i.e. within the area indicated there is a this is a potential immediate hazard to life.
- 4.5** This SFRA ‘Hazard’ mapping is supplemented by the later Environment Agency ‘2012 Tidal Hazard Mapping’ of the potential risks associated with a breach of the defences on the Rivers Nene and Great Ouse. This provides a more detailed modelling of this particularly significant risk within the Borough, but only covers the areas/defences in part of the Borough. (The Environment Agency is understood to be in the process of updated and more comprehensive flood defence breach hazard mapping, but this was not available at the time of drafting of this Draft Plan.)
- 4.6** The Hazard Mapping and SFRA have together informed the draft policies in this document. (Note, however, that because of the scale at which these are modelled, a site specific flood risk assessment will usually be needed where it is necessary to establish the precise degree of risk.)
- 4.7** Potential developments under consideration for this draft plan have therefore been assessed in relation to the level of flood risk identified in the Borough’s Strategic Flood Risk Assessment and the Environment Agency’s Tidal Hazard Mapping, using the tests and considerations set out in the NPPF and its supporting Guidance.
- 4.8** Detailed accounts of how flood risk has been addressed are included in the relevant settlement sections, but the following provides an overview of how the issues have been approached for the different types of policies.

Development Management Policies and Flood Risk

4.9 In the case of Development Management Policies, reference is only made to flood risk where this has been identified as an issue relevant to the type or location of development under consideration.

Settlements and Growth Areas

4.10 In deciding whether, and if so, how much development should be promoted in the settlements and areas identified by the Core Strategy, flood risk is a key consideration. All other considerations being equal, development would be steered to settlements and areas with the lowest risk of flooding (e.g. Zone 1). However, the NPPF and the Borough Council's 'Position Statement' agreed with the Environment Agency both recognise that there can be situations in which other sustainability considerations may outweigh those of flood risk in all but the highest flood risk areas.

Site Allocations

4.11 In the case of site allocations within settlements within identified flood risk zones, the level of risk is one of the issues which informed decisions as to whether sites should be allocated for development, with a preference for sites with a lower risk of flooding. Generally sites within flood risk zones 2 and 3 and hazard zones were not considered as reasonable options.

4.12 However, where the Borough Council has identified a need for development in a specific settlement, and there are no sites available which are not in flood zones 2 and 3 they have been considered and in some cases, where the sequential and exceptions tests can be met, allocated for development.

4.13 This is in accordance with the National Planning Policy Framework, and both the 'Strategic Flood Risk Assessment and Tidal River Hazard Mapping Protocol 2012' and the 'Position Statement: Site Allocation and Flood Risk' between the Borough Council and Environment Agency.

4.14 The 2012 Protocol states - 'Where entire areas and villages are within a high risk flood zone, clearly it would be unreasonable to prevent all development in those areas. Paragraph 4.16 of the Practice Guide states that "*where there are large areas in Flood Zone 2 & 3, and development is needed in those areas to sustain the existing community, sites outside them would not be reasonable alternatives*". It would also be unreasonable at this stage to put on a general limit on development in these areas, although issues such as scale and the nature of any development in relation to flood risk will of course be relevant. Each case will therefore have to be assessed on its own individual merits.'

4.15 The 2013 Position Statement explains that - '... some additional housing is needed to support the facilities and services in the [designated] Key Rural Service Centres and Rural Villages. Furthermore it was agreed that this need should not be left to chance (e.g. windfall) and that some strategic allocation is therefore required. This will enable the principles of the sequential test... to be applied... The Environment Agency is supportive of the Borough Council's approach and understands the need to allocate development in [these settlements]. This will need to: 1. Be of a scale commensurate to the settlement, in line with the method of distribution... 2. Use the most up to date flood risk information to... apply the principles of the sequential test.'

4.16 The NPPF (paragraphs 100-102) states - ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing risk elsewhere... Local Plans should apply a sequential risk based approach to development to avoid where possible flood risk... to steer new development to areas with the lowest risk... If by application of the sequential test it is not possible, consistent with wider sustainability objectives, the Exception Test can be applied... it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk,... and a site specific food risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users.’

4.17 Similarly, sites within the mapped ‘Hazard’ areas have only been allocated where there is a specific need which cannot be met outside them. In such cases, allocation is subject to the incorporation of design measures to mitigate the residual risk. These design measures will be judged in relation to Development Management Policy POAW 4, which incorporates the advice of the Environment Agency on this matter.

4.18 The steps undertaken to address the tests required by the NPPF, and Protocol, and to determine whether to allocate a site at risk of flooding is summarised in the following chart.

Consolidated Staged Approach to Flood Risk and Allocations					
Stage 1	Stage 2	Stage 3	Stage 4	Stage 5	Stage 6
Hazard	Sequential Test			Exceptions test	
Is the site in the Hazard Zone?	Check which flood zone the site is in	If no Zone 1 sites	If no Zone 2 sites	Can wider sustainability benefits that outweigh the flood risk be demonstrated?	Is there a site specific flood risk assessment that meets the tests ⁽¹⁰⁴⁾ ?
No – continue to next stage. Yes – Can the obtain advice information from EA	<u>Flood Zone 1</u> <u>(low probability)</u> : OK – allocate (subject to site specific flood risk assessment if over 1 ha) ⁽¹⁰⁵⁾				

104 Demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk elsewhere

105 Likely to be short and simple

before proceeding to next stage.	<u>Flood Zones 2 or 3a (medium or probability):</u> Look for sites in Zone 1	<u>Flood Zone 2 (medium probability):</u> OK – allocate (subject to site specific flood risk assessment)			
		<u>Flood Zone 3a (high probability):</u> Look for sites in Zone 2	Go to 4 to start exception test	Yes – go to 5. No – Not acceptable.	No – make allocation subject to such an assessment (& POAW19).
	<u>Flood Zone 3b (functional flood plain):</u> Not acceptable. Cannot be allocated for housing use.	<u>Flood Zone 3b (functional flood plain):</u> Not acceptable. Cannot be allocated for housing use.			

Appendix 5

Strategic Flood Risk Assessment and Tidal River Hazard Mapping Protocol 2012

5.1 This is a joint protocol, between Kings Lynn and West Norfolk Borough Council and the Environment Agency (KLWNBC), for how the Borough Council's [Strategic Flood Risk Assessment](#) (SFRA) and Environment Agency [Tidal River Hazard Mapping](#) for the River Great Ouse and River Nene will be used.

5.2 This protocol is effective immediately and the previous Strategic Flood Risk Assessment Protocol (February 2009) is now revoked.

5.3 Should any future changes to the protocol be proposed we will endeavour to update Agents through our circulation list and publish any changes on our website.

5.4 In December 2009 the KLWNBC SFRA was adopted for use. Since that time the Environment Agency has undertaken detailed Tidal River Hazard Mapping for the River Great Ouse and River Nene.

5.5 The Environment Agency's [Tidal River Hazard Mapping](#) illustrates in greater detail the flood risk from the Rivers Nene and Great Ouse in the event of an overtopping and/or breach of the defences (in a 1 in 200 year event, both now and in the future, taking into account the impacts of climate change up to the year 2115). The information available includes depth, velocity and a hazard rating.

5.6 For the purposes of assessing development proposals, both the EA and Borough Council will assess them against the SFRA Climate Change maps, in accordance with the National Planning Policy Framework.

5.7 In addition to considering proposals against the SFRA Climate Change maps, for those areas covered by the Tidal Hazard Mapping, this flood risk information is considered to be the most up-to-date and accurate and should be used to inform Flood Risk Assessments for planning applications and development plan documents.

5.8 Please be aware that whilst the [Strategic Flood Risk Assessment](#) provides information on different types of flood risk (both fluvial and tidal) and different events up to the 1 in 1000 year return period, the Tidal River Hazard maps shown here only look at the risk of the 1 in 200 year event. Both maps look at the flood risk for the present day and future risk inclusive of predicted allowances for climate change.

5.9 Accordingly, both sets of flood mapping (SFRA and Tidal River Hazard Mapping) should be checked to get a thorough understanding of the flood risk to a site and, where applicable, both the SFRA mapping and the Tidal River Hazard Mapping should be used to inform Flood Risk Assessments.

5.10 Should an applicant not agree with the mapping they will need to undertake their own modelling.

Tidal River Hazard Mapping

5.11 For those areas covered by the Tidal Hazard Mapping, this flood risk information is considered to be the most up-to-date and accurate. This information, in addition to the SFRA, should be used to inform [Flood Risk Assessments](#) for both planning applications and development plans.

5.12 The [Tidal Hazard Mapping for the River Nene and River Great Ouse](#) map indicates the combined extent.

Strategic Flood Risk Assessment

5.13 For sites outside the area covered by the Tidal Hazard Mapping the SFRA remains the most up-to-date information source and should be used to identify flood risk to sites and to inform [Flood Risk Assessments](#) for both planning applications and development plans.

5.14 The SFRA maps refer to Flood Categories 1, 2 and 3. These are to be used and treated in the same way as the Environment Agency's Flood Zones 1, 2 and 3.

Environment Agency's Interactive Online Flood Zone Map

5.15 For development and planning purposes the SFRA maps and Tidal River Hazard mapping should be used to identify flood risk to your property / site. This is because these sources of flood mapping provide the most suitable information for assessing flood risk to sites located in tidal flood risk areas. These maps also take into account the presence of flood defences and consider the impacts of climate change. This mapping should be used rather than the Environment Agency's interactive online flood zone map.

Sequential Test

5.16 As detailed within [National Planning Policy Framework](#) and the [Technical Guidance](#), all applications in areas at risk of flooding (except for sites allocated in development plans, applications for minor development and changes of use) should be accompanied by appropriate evidence to allow the Local Authority to carry out the Sequential Test and, where appropriate, the Exception Test.

5.17 Both sets of flood mapping (SFRA and Tidal River Hazard Mapping) should be checked to get a thorough understanding of the flood risk to a site and, where applicable, both the SFRA mapping and the Tidal River Hazard Mapping should be used to inform the application of the Sequential Test.

5.18 Advice on defining the geographical area when looking for reasonably available sites at a lower flood risk, is provided within the still extant [PPS25 - Practice Guide](#). This may be as simple as the village where the development is proposed. If the development is close to the local authority

boundary we would not expect differing flood zones in a neighbouring district to be included in an assessment of alternative sites. If you are in any doubt you should speak to the relevant Planning Officer at the Local Authority for further advice.

5.19 Where entire areas and villages are within a high risk flood zone, clearly it would be unreasonable to prevent all development in those areas. Paragraph 4.16 of the Practice Guide states that “*where there are large areas in Flood Zone 2 & 3, and development is needed in those areas to sustain the existing community, sites outside them would not be reasonable alternatives*”. It would also be unreasonable at this stage to put on a general limit on development in these areas, although issues such as scale and the nature of any development in relation to flood risk will of course be relevant. Each case will therefore have to be assessed on its own individual merits.

5.20 Further guidance on the application of the sequential Test is available from the [Environment Agency's webpages](#) regarding and the NPPF and the latest Practice Guide.

5.21 Last updated: 04 February 2013