

Mr Dave Barber
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Our ref: UT/2007/101229/CS-
06/PO1-L01
Your ref: 6581
Date: 25 June 2014

Dear Mr Barber

Warwick District Local Plan 2011-2029

Pre-Submission Draft Local Plan

Thank you for consulting the Environment Agency in relation to the draft local plan, we have reviewed the document and have the following comments to make:

Local Plan Strategy and Objectives:

We welcome the local plan strategy and supporting objectives, and welcome your Authorities commitment to deliver framework provided by the objectives to deliver sustainable development giving full consideration to the natural environment.

Development Strategy:

We have the following comments to make in relation to the following chapters;

DS3 Supporting Sustainable Communities

We recommend two amendments to chapter 2.8

Within point .a) physical infrastructure the text should be amended to include

'Flood defence structures' within the examples given.

We would recommend that point c) of this policy is expanded to highlight the multiple benefits that green infrastructure can deliver, in your policy the provided examples include parks, open space and playing pitches.

This does not accurately identify the range of ecosystem services that green infrastructure provides, including surface water management and improving water quality, through the use of Sustainable Drainage Systems (SuDS), habitat and green routes for biodiversity movement, to support nature conservation and expansion of habitat. It also assists with reducing the urban heat island by providing thermal cooling as an adaptation of climate change in addition to providing health and social benefits. It

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should be considered as integral to all new developments rather than as a separate entity such as formal green space for recreational uses.

c) We recommend that the bullet point be amended to include the following text: *'Ecosystem services including Sustainable Drainage Systems (SuDS), expansion of habitat and as an adaptation to climate change* 'is added to the end of the sentence.

DS4 Spatial Strategy

We support this policy and welcome the prioritisation of the brownfield redevelopment first approach advocated by this policy, however:

We recommend that point f) be amended to include the following text *'or other highly sensitive features in the natural environment (included designated sites for nature conservation) will be avoided'*

We recommend the insertion of the following statements:

'h) sensitive groundwater resources (i.e. source protection zones) supporting public water supply boreholes are protected'.

i) ensure that development is not at risk of flooding, does not increase flood risk elsewhere and will reduce flood risk overall.'

DS7 Meeting the Housing Requirement

In chapter 2.23 we note that this approach provides the opportunity to investigate and remediate any contaminated land. Development proposals should be supported by Preliminary Risk Assessment (i.e. Desk study, conceptual model and initial assessment of risk on controlled waters receptors).

DS10, DS11& DS15: The Environment Agency supports the council's preference for allocating previously developed sites. Development proposal should be supported by Preliminary Risk Assessment (i.e. Desk study, conceptual model and initial assessment of risk on controlled waters receptors).

Development proposals should take into consideration the Environment Agency's groundwater protection policy (GP3) to ensure that groundwater resources are not impacted as a result of development.

EC2 Farm Diversification

We recognise the importance of farming to the rural economy, and the need to support diversification into non agricultural activities. However farm diversification can involve a range of activities from recreational to energy production that may have a negative impact upon the environment. Therefore we recommend the insertion of the following statements into the policy:

'd) Farmland is important for nature conservation and biodiversity. Enhancements to maintain ecological resilient networks through the countryside should be incorporated to proposals.

e) Connectivity of riparian corridors are maintained and protected with buffer margins and tree planting

f) There will be a presumption against development that could lead to the degradation of the Water framework Directive (WFD) status of the waterbody should not be permitted'.

CT6 Camping and Caravan Sites

The Environment Agency recognises the importance of these sites for holiday use is important to the local economy, but this needs to be balanced with the requirements of European Directives and the National Planning Policy Framework (NPPF).

In line with existing practice guidance for the NPPF we note that Camping and Caravan parks are classified as 'highly vulnerable' and that planning permission must not be granted for sites located within flood zone 3, and that the exception test must be granted for sites within flood zone 2.

We recommend that a precautionary approach be taken and we recommend the insertion of the following policy wording:

'There is a presumption against locating camping and caravan sites within the flood plan because of their vulnerability within a flood event'

The Environment Agency is concerned about the potential impacts that new camping / caravan sites may have on meeting the requirements of the Water Framework Directive, specifically in relation to the provision of foul waste infrastructure.

During the year there may be significant peaks in use of toileting and washing facilities within a site, resulting in pollution to local watercourses.

All new sites must provide adequate arrangements for the disposal of foul sewerage and trade effluent to prevent a risk of pollution. Priority should be given to sites that are able to connect to the existing foul sewage system, rather than site specific treatment options.

We recommend that a precautionary approach be taken and we recommend the insertion of the following policy wording:

'There should be a presumption against development of new camping and caravan sites that can not demonstrate adequate provision for the management and discharge foul / waste water'

We would like to refer you to the letter sent to your Authority in relation to the preferred options consultation – Sites for Gypsies and Travellers ref UY/2007/101229/SL-04/PO1 – LO1 dated 09 May 2014. This letter has more detailed information about potential allocations, and provides supporting evidence for the policy recommendations.

CT7 Warwick Castle and Warwick Racecourse/St Mary's Lands

We acknowledge the need to allow new development within this area that is sensitive to heritage assets; we recommend that the following policy wording is added to the policy:

f) Identify how the proposals will contribute to EU Water Framework Directive and the Severn River Basin Management plan which requires the restoration and enhancements of water bodies to prevent deterioration and promote recovery of waterbodies.

We have the following information about the watercourse status as determined under WFD objectives.

GB109054043800 (Gog Brook from Source to confl with R Avon) is failing WFD with Moderate status (2009)

GB109054044402 R Avon (Wark) conf R Leam to Tramway Br, Stratford is failing WFD with Moderate status (2009)

To meet the requirements of the WFD objectives these waterbodies must reach good ecological status, all new development within this area must contribute to meeting this objective.

MS2 Major Sites in the Green Belt

We note that the major sites included within the plan include Stoneleigh Park and Stoneleigh Deer Park. The watercourse in this area is failing to meet good status as defined by the WFD, specifically waterbody GB109054043840 R Avon (Warks) - conf R Sowe to conf R Leam is failing WFD with Poor status (2009).

It is imperative that any new development located in this area contributes positively to improving this quality of the watercourse.

We recommend that the following policy wording is added to the policy:

'Identify how the proposals will contribute to EU Water Framework Directive and the Severn River Basin Management plan which requires the restoration and enhancements of water bodies to prevent deterioration and promote recovery of waterbodies.'

Policy H1 Directing New Housing

In line with the recommendations within the Halcrow Water Cycle Study 2010, which recommends that:

'Floodplains should be safeguarded from future development and local authorities must apply the Sequential Test to ensure all new development is directed towards Flood Zone 1 in the first instance.

Opportunities should be taken to reinstate areas of functional floodplain which have been previously developed and Flood Zones 2 and 3 should be left as open space'

We recommend the addition of the following points within the policy wording:

vi) the development is not at risk of flooding and will not increase the risk of flooding elsewhere.

vii) All development proposals should be discussed with STW at the earliest possible opportunity, to understand the constraints for development and potential upgrades required to ensure the provision of adequate foul/ waste water infrastructure.'

Policy H5 Specialist Housing for Older People

Residential care home are classified as "more vulnerable" in accordance with Table 2 of NPPF and are therefore considered appropriate in Flood Zones 1, 2 and 3a (Exception test required).

However, as the occupants are less mobile they are particularly vulnerable in a flood event, making evacuation more difficult. With this in mind, we recommend that you consider adding criteria:

'd) the proposed site is located in Flood Zone 1.'

Policy H6 Houses in Multiple Occupancy, and Student Accommodation

The plan has correctly identified that household waste management is often an issue at HMO's and Policy H6 e) requires that adequate provision is made for storage of refuse containers in new HMO's and that storage areas do not impact on the amenity of the local area.

While we would support this policy it is also important to ensure that not only is the space provided adequate but it is also appropriate to the functioning of the HMO.

For example there should be appropriate storage space internally at the point of arising as well as externally in order to minimise number of trips required to outside storage areas. The distance that occupants need to travel to access waste storage areas should also be considered as carrying waste beyond a certain distance may cause inconvenience and result in reduced participation in collection arrangements.

Distance between waste storage areas and waste collection points should also be considered. Routing and access for waste collection vehicles will also be important. In addition clear signage should be provided to identify what waste streams can go into each waste receptacle, this will be especially important for transient populations who may not be familiar with the authorities waste collection arrangements.

H8 New Gypsy and Traveller Sites

In line with existing practice guidance for the NPPF we note that Gypsy and Traveller sites are considered to be 'highly vulnerable' and that planning permission must not be granted for sites located within flood zone 3, and that the exception test must be granted for sites within flood zone 2.

We recommend that a precautionary approach be taken and we recommend the insertion of the following policy wording:

f) 'There is a presumption against locating camping and caravan sites within the flood plan because of their vulnerability within a flood event

g) The site will not impact on important designated sites for nature conservation.

h) Riparian Corridors are protected.

i) There should be a presumption against development of new traveller and gypsy sites that can not demonstrate adequate provision for the management and discharge foul / waste water'

SC0 Sustainable Communities

We would like to include the following points into this policy as they are significant indicators of sustainable development, furthermore without their inclusion into the text below the proposed policy may be judged as not meeting the requirements of the NPPF, or European legislation.

We suggest that point j) is re-worded as follows:

'reduce flood risk on the site and to the wider community through the layout and form of the development, and surface water is managed effectively on site through the incorporation of green infrastructure including Sustainable Urban Drainage systems into all new development's.

We recommend the insertion of the text below into the policy:

'h) Development proposals should have regard to and support the actions and objectives of the Severn River Basin Management Plans (RBMPs) and also have regard to the River Severn Catchment Flood Management Plans (CFMPs).

i) Protect principal aquifers and the source protection zones associated with public supply boreholes within the northern part of the district, there will be a presumption against development within a groundwater SPZ1 which would physically disturb an aquifer.'

BE1 Built Environment

We note that this policy seems to provide an overarching approach to ensure that built development is both attractive and sustainable. To strengthen this policy we have the following recommendations to make:

we recommend the following wording is added to the end of bullet point i)

'incorporating sustainable water management features including, wetlands, ponds and swales, green roofs and street rain gardens.'

We also recommend the insertion of the following points within the policy:

'q) Safeguard ecological features incorporating them into design and creating more resilient ecological networks, as an integral part of the scheme.

r) Development proposals must demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

s) Ensure that there is an appropriate easement between all waterbodies/ watercourses to allow access and maintenance (for Main River this will be a minimum of 8 metres).

t) In line with objectives of the Water Framework Directive (WFD), development proposals must not adversely affect the water quality of waterbodies in the District and wherever possible take measures to improve it.'

We recommend that you consult your Lead Local flood Authority in relation to their requirements for easements for developments in close proximity to ordinary watercourses.

Development near to waterbodies should include access to them, and watercourses should reflect a natural state. Every opportunity should be taken where development lies adjacent to the river corridor, their tributaries or floodplain to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within areas where it has been previously lost.

We welcome bullet point n) which requires sufficient provision for sustainable waste management within new developments.

TR3 Transport Improvements

We recommend that this policy be amended to reflect the need to retrofit SuDS to existing transport routes, and to all new transport routes.

One of the significant contributions to pollution within some watercourses may be

attributed directly to discharges of surface water from the road network. This can contribute towards the failure of water quality targets and could prevent the recovery of a watercourse and its ability to reach good ecological status as required by the Water Framework Directive.

We recommend that the policy is reworded to state:

'Contributions should include provision for public transport, footpaths, cycleways, towpaths and sustainable drainage systems, both internal and external to development areas.'

CC2 Planning for Renewable Energy and Low Carbon Generation

Hydropower proposals (point g) must be supported by an assessment demonstrating that this method of energy generation will not compromise the objectives of the River Severn Basin Management Plan. New hydroelectric developments will also be subject to Flood Defence Consent from the relevant Flood Risk Management Authority.

We recommend the insertion of the following text:

h) *Development proposals should have regard to and support the actions and objectives of the River Severn River Basin Management Plan (RBMPs)*

i) *Hydroelectric developments will also be subject to Flood Defence Consent from the relevant Flood Risk Management Authority'*

FW1 Development in Areas at Risk of Flooding

We suggest that the title of this policy is changed as it implies that development in areas of risk of flooding is appropriate, which is contrary to NPPF in which the aim of the Sequential Tests is to steer new development to areas with the lowest probability of flooding. We recommend that an alternative policy title such as *'Reducing Flood Risk'* is used instead.

Where there are no reasonable available sites in Flood Zone 1, the Sequential Test should be applied; taking into account the flood risk vulnerability of land use and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonable available sites in Flood Zones 1 and 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. As soon as the need for the Exception test is established, a level 2 SFRA should be undertaken by a suitable qualified technical expert or engineer.

We have the following comments on the criteria outlined for this policy in relation to each bullet point within the policy.

a) The SFRA level 1 Flood Zone maps are based on our Flood Map (fluvial risk) and the Areas Susceptible to Surface Water Flooding, now known as the Updated Flood Map for Surface Water (surface water risk). Unless there are plans to continually update the SFRA mapping, we suggest that our online Flood Map (now known as "Flood Map for Planning") available on the .GOV.UK website is referred to as this is updated on a quarterly basis and should provide the most up to date information.

b) this is essentially the Sequential test, and we would consider this criteria is re-worded to:

'the Sequential test is applied on the site so that the most vulnerable development is

located in areas of lowest flood risk'.

c) We recommend that the term “flood defence” in this criterion is replaced with the following wording

‘development is appropriately flood resistance and resilience’

Because the term flood defence suggests formal flood walls etc which will prevent flooding in all circumstances, however even development behind flood defence structures can experience flooding through breach or overtopping. It is far more practicable to direct new development to flood zone 1 rather than in an area benefiting from existing flood defences. This should not be used to justify development in inappropriate locations.

e) We request clarification as to how the term “regular flooding” defined, we feel that this should either be removed from the policy, or the wording changed to indicate a likely return period, paying due regard to the NPPF which has a presumption against all development within the functional floodplain unless it can be described as water compatible.

g) We recommend that suggest this is re-worded to the following text:

‘the development must be ‘safe’ over its lifetime, taking into account the effects of climate change. Safe pedestrian and emergency vehicle access routes above the 1:100 year plus climate change flood level must be available. Evacuation plans must be prepared for all new developments in flood risk areas’.

We suggest that the paragraph “land that is required for current and future flood management will be safeguarded from development” is added as a continuation of the points (i) rather than a separate paragraph.

We recommend that the paragraph “Where development is supported as an exception to this policy...” is removed, as there shouldn’t be any exceptions to this policy and all criteria must be complied with. This wording is repeated in paragraph 5.130 and should be removed.

This is contrary to the National Planning Policy Framework, and the Environment Agency must object in principal to inappropriate development within the floodplain.

We would object to this section policy at a formal review of this plan, and it’s inclusion could render the policy as unsound.

We recommend the addition of the following criteria to Policy FW1 as supported by the level 1 SFRA:

‘j) the functional floodplain is protected from all built development.

k) space should specifically be set aside for Sustainable Drainage System (SuDS) and used to inform the overall site layout.

l) development proposals must provide a minimum 8m wide development buffer strip from watercourses (culverted or otherwise).

m) every opportunity should be taken to de-culvert and re-naturalisation of watercourses. Culverting of existing open watercourses will not be permitted.

n) opportunities should be sought to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of SuDS.

o)for residential development, finished floor levels are set a minimum of 600mm above the 1% (1 in 100 year) plus climate change flood level.

p) developers will be required to contribute towards the cost of planned flood risk management schemes that will benefit the site.

q) opportunities should be sought to make space for water within the development to accommodate climate change.

r) Development proposals will demonstrate that will not cause deterioration of the waterbodies WFD status and contribute to meeting good status.

s) Carry out a WFD Assessment to demonstrate how the waterbody will not deteriorate in status and will be enhanced

t) No detrimental impact on priority habitat or designated sites of nature conservation.'

With regard to the FRA requirements, we suggest that point (a) is re-worded as '*within Flood Zone 2 or 3 or proposals of 1 hectare or greater in Flood zone 1, as defined on the Environment Agency's Flood Map for Planning*'.

The mapping in Warwick District Council's SFRA level 1 is based on our Flood Map. The SFRA report states that it is a "living" document and should be reviewed on a regular basis. Our Flood Map for Planning is updated on a quarterly basis to incorporate improved river models etc and this should be reflected in the SFRA document.

However, if there are no plans to update the SFRA maps on a quarterly basis in line with our Flood Map updates, then we recommend that our Flood Map is considered the best available information or until such time as a level 2 SFRA is produced. We recommend that bullet points are used in this section so as to avoid confusion with the numbering system used in the criteria part of the policy.

Paragraph 5.131 Our "Flood Map for Planning" replaced the indicative flood zone maps and should be referred to in this paragraph.

FW2 Sustainable Urban Drainage

We recommend that the title of this policy is re-worded to '*Sustainable Drainage*' as the sustainable drainage applies to both greenfield and brownfield sites.

In the first paragraph "Sustainable Urban Drainage Systems (SUDS)" should be replaced with '*Sustainable Drainage Systems (SuDS)*' as they are now known.

The retrofitting of SuDS onto existing drainage systems should be a requirement for developments where it is not possible to install an entirely new system. We recommend that the following text is added to point c):
'ecological networks and informal recreation'

We suggest that the middle paragraph of this policy is re-worded as follows to make it clearer on the surface water hierarchy and that surface water discharge should be limited to greenfield runoff rate for all points of discharge:

'Surface water runoff should be managed as close to its source as possible in line with the following drainage hierarchy:

- i. Discharge into the ground (infiltration) unless it is demonstrated by infiltration tests and groundwater levels that infiltration is not possible.*
- ii. Discharge to a surface water body.*
- iii. Discharge to a surface water sewer, highway drain or another drainage system.*
- iv. Discharge to a combined sewer.*

Above ground storage, such as balancing ponds, should be considered in preference to below ground attenuation, due to the water quality and biodiversity benefits they offer. For all sites, surface water discharge rate should be limited to the site-specific greenfield runoff rate for all return periods up to the 1% (1 in 100 year) plus climate change event'

We recommend that the paragraph which includes the text "In exceptional circumstances, where a sustainable drainage system....c) contributions will be made to off-site SuDS schemes" is removed.

This wording provides an unnecessary get out clause and could result in the delivery of unsustainable development, sustainable drainage systems take many different forms and there is no reason why a SuDS solution cannot be designed for every site.

We welcome the policy requirement for developers undertake groundwater risk assessment to ensure that groundwater quality is protected a result of development proposals. Subsequently any proposal involving infiltration SuDS schemes should be accompanied by contaminated land investigations to endure that site condition is appropriate.

For sites that are identified as significantly contaminated the Environment Agency would require input into any SuDS schemes proposed for new development to determine the most appropriate schemes. This would be to safeguard groundwater quality.

In conclusion

We trust that you will find these comments useful. Should you have any questions please do not hesitate to contact us on the number provided below.

We would welcome a meeting with your Authority to discuss our comments.

Yours sincerely

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