

F.A.O. Kerry Trueman
Programme Officer
Programme Officer Solutions Ltd
32 Devonshire Place
Prenton
Wirral
CH43 1TU

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Your ref:

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Dear Mr Bristow

NORTH WARWICKSHIRE LOCAL PLAN EXAMINATION: PHASE 2 POSITION STATEMENT

MATTER 10, DEVELOPMENT MANAGEMENT POLICIES

The Environment Agency is working with NWBC to agree a set of modifications to the Development Management policies, primarily to ensure that the Local Plan correctly reflects local flood risk and water management requirements throughout its policies and is up to date and clear.

These changes primarily relate to Policies LP31 and LP35, but also add references within LP1 and LP10 to ensure these policies reflect the wider aims of the plan. A new paragraph 3.3 should be added to summarise flood risk issues within the borough and consider the impact of climate change on this risk.

10.39 Policy LP31, Development considerations

(b) With reference to Local Plan paragraph 13.11, for consistency with NPPF2012 paragraph 102 should instead reference be made to a site-specific flood risk assessment?

Where sites within the floodplain are put forward for allocation in the Local Plan, a Level 2 Strategic Flood Risk Assessment should be undertaken to support their allocation. Where sites in the floodplain come forward as planning application (regardless of whether they have been allocated or not) they should be supported by a site specific Flood Risk Assessment. This paragraph should also be updated to refer to the 2013 Level 1 SFRA undertaken by URS rather than the 2009 report currently referenced.

10.40 Policy LP32, Built form

(b) Should criterion j) related to water courses instead be for policy LP35, Water management?

We consider that reference to deculverting and renaturalisation of watercourses is

appropriate within the body of this policy, as it primarily relates to the built form and layout of the site, and reinforces the principles within Policy LP35 within the context of site design. It is imperative that watercourses that flow through development sites (culverted or otherwise) are considered at the earliest stages of site design and not as an afterthought, as retrofitting the water environment around an existing site layout rarely results in an integrated overall scheme.

10.43 LP35, Water management

(a) With reference to paragraph 13.23, should the policy seek to ensure that development replicates or improves upon existing infiltration or drainage provision?

The Lead Local Flood Authority (LLFA) should lead on addressing this point as surface drainage falls within their remit, however we point to NPPF(2012) paragraph 100 which states that new development should take into account the impacts of climate change and use *'opportunities offered by new development to reduce the causes and impacts of flooding'*

(b) What does the initial sentence to Local Plan paragraph 13.25 mean? For consistency with NPPF2012 paragraph 103 should the requirement for a site specific flood risk assessment also apply where schemes would be within flood zone 1 but within a critical drainage area?

We provided advice to NWBC in regards to this paragraph within our response to the Submission draft of the Local Plan. We understand from discussions that this paragraph is to be amended to reflect our concerns, namely to ensure this reflects the sequential approach to development and the wider requirement for a site-specific Flood Risk Assessments. This paragraph should also refer to our Flood Map for Planning rather than the Indicative Flood Maps.

(c) With reference to Local Plan paragraph 13.26, what is the 'particular issue' identified by the Environment Agency in Atherstone regarding Sustainable Urban Drainage Systems (SUDS)?

At Submission stage we recommended a number of changes in relation to this paragraph, which we understand will be reflected within the proposed Main Modifications. Where assertions are made regarding particular areas or circumstances we recommend it is directly linked to evidence based documents for clarity and transparency. We also recommend the LLFA respond to this query given its link to their surface drainage remit. The Environment Agency's remit with regards to SuDS largely extends to matters relating to the resulting water quality, pollution control and impact on water-based ecology, although we do have an overview of all flood risk matters.

(d) Should the policy refer to industry standard technical documentation regarding SUDS (e.g. produced by ICE or CIRIA)?

Reference to where good practice guidance can be found regarding this matter would support the use of SuDS and implementation of Policy LP35, however as a minimum we recommend the changes we recommended at Submission stage are included within any revisions for this paragraph, which summarise the key elements of CIRIA guidance. Discussions with Warwickshire County Council as the LLFA should also be undertaken to ensure the Local Plan reflects any locally produced guidance (a SuDS Handbook for instance) which may have been produced with regards to this matter and should be used to provide a steer on good practice within this locality.

(e) What does the reference to 'under capacity' in the second paragraph, first sentence, of policy LP35 mean?

We believe this point should be worded to read as follows (or similar): *‘Opportunities should be sought to de-culvert rivers, in order to reduce flood risk through stopping flows backing up by undersized culverts. This should only be undertaken when it is demonstrated to not increase flood risk elsewhere.’*

(f) Is there a tension between the emphasis in policy LP35 on de-culverting and watercourse re-naturalisation on the one hand and exacerbating the potential for flood risk on the other?

Generally deculverting results in a reduction of flood risk through the removal of obstructions and an increase in the size of the channel, however where deculverting is proposed a full assessment should be undertaken to demonstrate that it will not inadvertently increase flood risk elsewhere. Deculverting should be considered as an integral part of the development scheme therefore any increased risks that may occur should be considered in the round by looking at any appropriate measures that may be appropriate on or off site to mitigate this risk.

Renaturalisation of watercourses in culvert also reduce the risk of flooding through removing the risk of collapse and blockage of the culvert itself, and reduce the need for ongoing maintenance responsibilities for the riparian owner throughout the lifetime of the development. A well-designed open channel should need little ongoing maintenance and should therefore cost the developer less in the long-term when taking into consideration the maintenance schedule of managing a culvert under a site. In light of this we do not feel there is a conflict within the policy requirements.

(g) Are the requirements for flood zone 3, as opposed to flood zone 2 or critical drainage areas, justified?

As far as we are aware there are no Critical Drainage Areas within the plan area, however this policy should differentiate between requirements within high risk Flood Zone 3 and medium risk Flood Zone 2. In summarise:

- Floodplain compensation is only required for built development or land raising within Flood Zone 3 (including Climate Change)
- All development should set back 8m from the top of the banks of Main Rivers, regardless of the flood zone – all development should be set back at least 8m from the top of bank of the Main River and/or any culverted watercourse.
- Finished floor levels (FFL) are required to be raised within Flood Zone 3 (including climate Change) and is also good practice on land adjacent (although due to higher land levels this may not actually result in floor levels being raised up). FFL should be set a minimum of 600mm above Flood Zone 3, (including climate change) flood level.
- In order to ensure all developments have safe refuge in the event of a flood, single storey residential development should not be located within Flood Zone 3 (including climate change)

We are continuing to work closely with the council with regards to the detail of these changes.

(h) Are principles for sewerage provision consistent with the PPG and provisions of policy LP35 in accordance with Section 106 of the Water Industry Act 1991 regarding combined sewers and a water statement?

We are aware from discussions with Severn Trent Water that a number of development sites identified for allocation are assessed as High Risk by Severn Trent Water, and as such will need further detailed assessment to inform on infrastructure improvements that may be required to support the development. In light of this the Local Plan should

highlight the need for the developer to undertake early discussions with the sewerage undertaker to ensure any planning application is supported by adequate assessment to inform on the availability of infrastructure and any resulting impact to the water environment. It should be made clear that development may need to be phased to reflect any improvements to the mains foul drainage transmission or treatment infrastructure. This is something which may need to be controlled by the use of planning conditions.

We trust that these changes will be presented as part of the Main Modifications document for wider consultation.

Yours faithfully

Miss Jane Field
Planning Specialist

Direct dial 020 3025 3006

Direct fax 01543 444161

Direct e-mail swwmplanning@environment-agency.gov.uk