

Stroud District Council
Planning Policy
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

Our ref: SV/2018/110073/CS-02/PO1-L01

Your ref:

Date: 22 January 2020

Dear Sir/Madam

Stroud District Local Plan Review: Draft Local Plan Public Consultation

Thank you for notifying us of the above consultation, which we received on 20 November 2019.

For completeness, we previously commented on the Local Plan Review Issues and Options consultation in our letter dated 5 December 2017 (reference SV/2010/104083/CS-09/PO1-L01) and more recently on the Emerging Strategy in our letter dated 16 January 2019 (reference SV/2018/110073/CS-01/IS1-L01).

Flood Risk

We welcome the key issues identified in the Draft Plan, specifically numbers 20 and 25 from a flood risk perspective and reference to flood risk in Strategic Objective SO5.

We recommend Core Policy CP6 includes reference to flood risk projects and environmental contributions.

We note the key development sites that are impacted upon by flood risk are;

- PS01 – Brimscombe Mill – residential/employment
- PS02 – Brimscombe Port – residential/employment/tourism
- PS11 – Merrywalks Arches – residential
- PS13 – Central River/Canal Corridor – residential/employment/tourism
- PS20 – M5 Jn 13 – employment/sports
- PS25 – East Of River Cam – residential
- PS34 – Sharpness Docks – residential/employment/distribution
- G1 – South of Hardwicke – residential
- G2 – Land at Whaddon – residential

In the majority of cases it is considered that allocated development is achievable and would meet the sequential approach to provide appropriate and sustainable development. However, this may not be achievable for site allocation PS13. We question whether the development would meet the Exception Test and accord with the principles outlined in the supporting Level 2 Strategic Flood Risk Assessment (SFRA) or the National Planning Policy Framework (NPPF). The allocated number of units proposed for residential occupation has not been given. Whilst we do not object to uses that would be classed as less vulnerable upon the site, including short term daytime moorings for tourism, more information is required to ensure the proposed development quantum can be brought forwards on the site.

We recognise that PS13 is similar to site allocation PS02, however the Brimscombe

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Newtown Industrial Estate (Riversmeet House) Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.
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www.gov.uk/environment-agency

Cont/d..

Port development is being driven by the canal regeneration that has to deliver an appropriate solution that removes flood risk from the majority of the site, we do not believe that such an option is available on site PS13 to be able to deliver sufficient mitigation to make it compliant. Accordingly we wish to register an objection to this allocation at this stage pending more work to demonstrate the site can be brought forward in a sustainable way

As part of Site allocation PS36 - Sharpness Vale, we suggest reference should be made in the Policy wording to include the potential for managed realignment of the tidal flood defences along the Severn Estuary frontage of the site. We note that the current SMP2 policies have been correctly included in Table 2-2 in the Level 2 SFRA. However, there may be scope to change the policies for this unit in consultation with the Severn Estuary Coastal Group. The benefit of this approach would be to provide more intertidal habitat, which appears to be compatible with the draft masterplan for the site to create a nature reserve / Suitable Alternative Natural Greenspace (SANG) on the western side of the site. Any changes to policies within the SMP will need to be evidence driven to demonstrate what the pros and cons are in the short, medium and long term, from a financial / risk and environmental perspective. There may also be impacts on other parts of the coast, or up a tidal river that result from a change of regime so these issues would also need to be explored. The alternative required approach may be that the existing tidal defences will need to be raised to mitigate the flood risk to the site over the lifetime of the development. The Habitats Regulations Assessment (HRA) should also make reference to the above considerations.

Policy CP14 includes flood risk in point 4 and green infrastructure in point 8 but these may be in direct conflict with point 6 on some sites within the district, hence a steer needs to be provided as to the weighting given by your Council.

This policy would also benefit from a mention of being resilient to the potential impacts of climate change, following on from point 2 or part of ES1.

We concur with the inclusion of flood risk in **Policy ES3**.

We feel it would be beneficial to incorporate the following text from section 6.1 of the Level 2 SFRA between paragraphs 3 and 4 of **Policy ES4**: "Flood risk should be considered at an early stage in deciding the layout and design of a site to provide an opportunity to reduce flood risk within the development".

Within the introductory text additional reference needs to be made with regards contributions to all types of flooding and the provision of mitigation measures by third parties such as flood warning or existing defences, this is in line with financial requirements that are being asked for other infrastructure and the canal regeneration. We recommend the following change is made to the fourth paragraph; For all developments in areas with known **surface water** flooding issues, appropriate mitigation and construction methods will be required including, where appropriate, contributions towards **maintenance of existing defences that benefit the site, development or maintenance of existing flood warning services, development of future flood alleviation projects and/or provision** of upstream rural SuDS projects.

We welcome the inclusion of the removal of culverts within the requirements.

The following paragraph, also from section 6.1 of the Level 2 SFRA, could also be incorporated at the end of the delivery policy introduction notes linking Policy ES4 to ES6: "Waterside areas, or areas along known flow routes, can act as Green

Infrastructure, being used for recreation, amenity and environmental purposes, allowing the preservation of flow routes and flood storage, and at the same time providing valuable social and environmental benefits contributing to other sustainability objectives”.

Level 2 SFRA

The Level 2 SFRA covers all relevant criteria with regards to Flood Risk and clearly sets out the expectations for undertaking allocations with regards flood risk following current national planning policy guidance. However, it would be useful if the document included a list of appendices in the Contents.

Some of the wording within the paragraphs in chapter 6 would benefit from being edited and included within the relevant policy notes of the Local Plan document as follows:

Within section 6.3.2 the figure of 300mm is technically incorrect and should be 600mm. The lower figure can be used with the agreement of the EA if deemed appropriate because of other planning constraints, but this is not the starting point/best practice and should be changed within the document.

We welcome reference to developer contribution in 6.3.7. However, this needs to be included within the local plan policy document especially with regards to maintenance and provision of flood risk management assets, flood warning and the reduction of surface water flooding (i.e. SuDS).

In section 6.4 the text needs to be altered within the first sentence to reflect all relevant legislation and should read; ‘Permanent or temporary works within or adjacent to a watercourse require a consent from the relevant authority, under **either** the **Environmental Permitting Regulations** or Land Drainage Act 1991.’

Paragraph 8.2.1 is also a key point especially within the Stroud Valleys and would benefit with being linked into the relevant policies within the Local Plan.

Water Resources – Water Framework Directive (WFD)

Whilst the natural environment in terms of wildlife sites, biodiversity, SSSIs, SAC, RAMSAR etc. are mentioned throughout the Draft Plan, there is less mention of protecting and improving surface waters. The linkage between developments and the risks to the water environment could be made clearer. Development, must not cause deterioration under Water Framework Directive (WFD) or hamper the ability for waterbodies to achieve WFD good status. Water and sewage undertakers are key delivery partners that must be engaged at early stages of development.

The ‘Catchment Data Explorer’ contains the latest information about WFD classification and status of the water environment. Link is: -

<https://environment.data.gov.uk/catchment-planning>

Water Quality – Waste Water Infrastructure

As outlined previously, it is imperative that the evidence base has regard to water resources. We usually recommend that a robust Water Cycle Study (WCS) is in place to inform a ‘sound’ Plan that fully recognises the timings and costs associated with infrastructure planning in the water environment. Securing effective water resource policies and allocating development in appropriate areas, with adequate infrastructure in place (or planned), is an important element of the strategic planning remit.

We previously noted, in the absence of a WCS, that the 'Refresh Version' of the Infrastructure Delivery Plan (IDP), November 2014 included some information on local treatment works and their ability to accommodate housing and employment growth. **However, we recommended this is updated to include the proposed site allocations in the Draft Plan and your Council contact the Water Companies for further and up-to-date information and advice.**

Aside from the two strategic growth locations, we understand housing will be predominately concentrated in and around the main towns. This is generally preferred by water and sewage undertakers as improvements can be delivered most efficiently. However, we are aware that there have been sewage capacity issues in the District resulting in sewer flooding and spills to the environment. Improvements are currently being developed and implemented. Therefore it is particularly important in this area that the Water and Sewage undertakers are engaged at an early stage of development. In addition where new garden village communities or major urban extensions are planned these may not be served by existing water and sewage infrastructure and therefore significant time may be required by the water company to plan, fund and construct/upgrade these services. Furthermore, new development should not be allocated in areas that are not currently served by mains foul drainage, unless it is intended to provide new mains drainage in the area prior to development coming forwards. This is to avoid the proliferation of package treatment plants and septic tanks. Any WCS or IDP evidence base should also address this matter.

Based on the information available at this time, it is not evident that the above has been undertaken. A large area of Stroud District falls within the Cotswolds South groundwater management unit (GWMU) where restricted water is available for licensing. The development plan areas of Thrupp & Brimscombe, Chalford, Horsely, Eastcombe, Bussage, Manor Village, France Lynch, Minchinhampton, Nailsworth, North Woodchester, South Woodchester, Stroud, Cam, Dursley, Uley, Nympsfield, Bisley, Miserden and Oakridge fall totally or partially within this GWMU. All new groundwater licences from this unit will be granted with a "hands off flow" (HOF) condition, required as the surface water and groundwater in this area is extremely well connected. Any application will be subject to the assessment of impacts on existing water users, groundwater dependent terrestrial ecosystems, surface water level and flow impacts, as we must ensure that no deterioration of the water environment is allowed to occur. Developers should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. Applicants will be required to contact our National Permitting Service (NPS) to confirm the legal requirements.

In addition to the above, we recommend that the following points are added to the Plan:

1. In Section 3.0 Making Places; under the Planning Constraints and Designations section for the following: The Stroud Valleys; Cam & Dursley; and, The Cotswold cluster, add: *"Some or all of the development areas fall within the Cotswolds South groundwater management unit (GWMU) where restricted water is available for abstraction licensing, there may therefore be potential water resource constraints"*.
2. Regarding Policy DES3, whilst we welcome the inclusion of policies to help the District achieve Carbon Neutrality by 2030, there can be occasions where developments proposing non-standard heat supply can have impacts upon the water environment. We would wish to see any such developments brought forwards in a way that protects the water environment. Given that the Plan should be read as a whole, and policy ES3 includes the section regarding

'unacceptable level of risk to the quality and quantity of a water body or water bodies', we do not feel it is necessary to repeat this wording in Policy DES3

With reference to the Key Issues identified in the Draft Plan, specifically 'Environment 18 -20', we note protection of the water environment is currently not mentioned. Development can pose risks to the water environment, therefore implications should be considered at the strategic planning and development management stages. This should include consideration of available water supply capacity, and infrastructure, would also encourage that water efficiency measures beyond minimum standards be incorporated within development. The siting of development must also consider waste water collection and treatment infrastructure to ensure there either is capacity or that any upgrades can be planned and delivered before development has been completed. Development should not cause any current issues e.g. overloading of infrastructure / sewer flooding to worsen. There should be no unplanned increases of sewage from existing storm overflows and no new storm overflows as a result of new development.

CP14 - Point 3 stating development will only be supported if it achieves adequate provision of water supply and foul drainage and sewer capacity is welcomed, but could also state "whilst ensuring no detriment to the environment through its provision". We note delivery policy ES3 point 2 states that permission will not be granted to any development which may lead to "environmental pollution to water, land or air and an unacceptable risk to the quality and quantity of a water body or waterbodies". ES4 does set out reasonable (basic) statements that development must meet in terms of water supply and surface water drainage and foul drainage.

Water Efficiency

With regards to water efficiency, we would reiterate our previous comments as follows:

Based on available information, there does not appear to be any existing or emerging water resource issues within Stroud District. However, you Council should include consideration of the following within the updated IDP;

- Provide an overview of the Water environment and potential impacts from the new development proposed. Information can be found using Catchment Data Explorer (use link below) <http://environment.data.gov.uk/catchment-planning/OperationalCatchment/3194>
- Consult with the local water company to check for any local water resource concerns
- Outline the proposed water efficiency standards required for new development
- If there are water company concerns about water availability, justify why tighter water efficiency standards are required.

Groundwater, Hydrology and Contaminated Land

Land contamination can adversely affect or restrict the beneficial use of land. Often development presents the best opportunity to successfully deal with these risks. However, in many instances consideration of land contamination and controlled waters (i.e. ground and surface water) at the planning application stage is too late. Groundwater in particular, is not a boundary issue and ensuring an area wide holistic approach when considering such a valuable resource is much more effective at strategic 'design' stage. Local Plans have a key role to play in facilitating the improvement of land affected by contamination. Therefore, we welcome the recognition of risks to water quality and resource from development, reflected in Core Policy CP14 High quality sustainable development; and, Delivery Policies ES1 Sustainable construction and design and ES3 Maintaining quality of life within our environmental limits.

We welcome Strategic Objective 5 which recognises surface and groundwater as a resource to protect and enhance. However, we recommend that the Policies within the Draft Plan could go further to ensure that the strategic objective is met.

We recommend SO5 objectives are included in the Core Policy CP5 and CP6 to limit competing with CP1 objectives requiring carbon neutral objectives. CP14 relating to sustainable construction techniques should be broadened to include design and operations of the new high quality development.

The NPPF takes a precautionary approach to land contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of clean-up (remediation).

We note that priority will be given to development on brownfield sites, which we generally encourage.

As previously advised, where appropriate we recommend sites are assessed in terms of their contaminated land status in-line with statutory guidance following 'The Model Procedures for the Management of Land Contamination (CLR 11) principles for contaminated land assessment. This should include a desk-study of past land-use, onsite investigation and chemical sampling of the ground and groundwater, risk assessment, remediation, monitoring and validation. We suggest this is particularly relevant to the following sites:

- Millend Spring (SW138) to the South of Dursley and its source protection zones.
- Coombe Spring (SW059) to the North of Wotton-under-Edge and its source protection zone.
- Berkeley Landfill site to the East of the village near Mobley Farm.
- The Old Clay Pit to the west of Charfield

Please note the above list may not be exhaustive. You should ensure site allocations have been fully constraint checked for previous contaminative uses, including historic landfills, prior to their allocation in the Plan.

Ecology

As advised previously, the revised NPPF states "*planning policies and decisions should contribute to and enhance the natural environment and local environment by... minimising impacts on and providing net gains for biodiversity*". We welcome opportunities to incorporate measures to enhance biodiversity within developments, particularly where this could help to deliver net gains for biodiversity.

Mitigation measures and WFD compliance assessment may be required at the detailed design stage.

Local level actions and decision making can help secure improvements to the water environment. This is widely known as the 'catchment-based approach' and has been adopted to deliver requirements under the WFD. At this time we would reiterate the comments made in the 'Environmental Projects and Partnership Working', 'Fish and Invertebrates' and 'Other evidence base documents' sections of our previous letter.

There is a watercourse on the western edge of potential allocation PS33 Northwest of Berkeley. In addition to any potential flood risk, we recommend a buffer of at least 8m or public open space (as suggested) is included from the top of bank of the watercourse

to the edge of any built development. Wherever possible, watercourse buffers should be much wider than the minimum 8m to allow for significant green and blue corridors and to optimise the protection of wildlife and provision of net gain.

Climate Change

Since our previous comments on the Issues and Options consultation, the matter of climate change has increased in terms of media presence, public scrutiny and general awareness. It is now generally accepted that we face a climate emergency.

Stroud District Council has declared a climate emergency, like many other Councils in the UK, including all those within Gloucestershire. The Council has committed to becoming carbon neutral by 2030. The Environment Agency is also now taking climate change more seriously than ever before. We have committed to being a carbon neutral organisation by 2030. The climate emergency is the most important challenge we face and it must be at the heart of planning and development decisions to help shape climate resilient places now and for the future.

Achieving carbon neutrality by 2030 will be challenging, and will require bold decisions for planning and place making. We consider it is important that the Local Plan signposts this aspiration and the importance of the climate emergency so that the community, developers and decision makers are clear from the outset what will be required.

In terms of opportunities, the potential for renewable energy sources should be a key consideration for any allocations. If considered early enough in the planning process there is significant potential for new development to capitalise on the natural assets of the Borough and deliver carbon neutral development that runs on renewable sources. We would also recommend consideration of opportunities for retrofitting of renewables within the existing building stock alongside/in tandem with new development. The Local Plan is a significant opportunity for a step-change in policy to embed renewable energy in new and existing communities which would represent significant socio-economic and environmental benefits.

We therefore fully support the decision to change the previous sustainable development policy CP1 to the new policy DCP1 for Delivering Carbon Neutral by 2030. As indicated in the Draft Plan, sustainable development is indeed provided for in the NPPF, whereas the new direction the Council has taken to become carbon neutral by 2030 requires innovative local planning policy to make this huge transition.

We also therefore welcome policy ES1 as it is an entirely appropriate policy response to the challenge of the climate emergency. We also welcome the evidence base work you have undertaken on renewable energy provision, and the inclusion of Appendix B.

We welcome the inclusion of policy HC8 (Extensions to dwellings) as this contains an element of retrofitting climate change mitigation measures/energy efficiency in section 4. Your Council may wish to go further with this and potentially make it a requirement in all but exceptional circumstances. The supporting text will need to set out the parameters for this to assist with delivery of the policy. One barrier to delivery could be the financial constraints of individual homeowners. Consideration could be given to whether any local grant schemes exist or whether CIL money, or indeed the SDC carbon offset fund itself, could be put towards this. In addition, further consideration regarding the car parking standards referenced at point 3 in the policy, and included in Appendix C, is potentially needed. Elements of the Standards do have regard to the goal of delivering carbon neutrality by 2030, but these could potentially be enhanced.

Your Council may also wish to expand the requirement for retrofitting the existing building stock with climate change mitigation measures within the Plan. This might be achievable in situations where the same developer that has built in an area previously is applying to deliver further development in the area. In the case of volume housebuilders or large companies such as supermarkets, this could apply across the District.

Moving Forwards

In summary, we question the soundness of allocation PS13. We have also identified the need for further evidence base in relation to water infrastructure (either a WCS or further work on the IDP).

I trust that the above is clear and of use to you whilst progressing the Plan. Should you wish to discuss the above, please do not hesitate to contact me via the details below.

Yours faithfully

[Redacted]

Senior Planning Advisor

[Redacted]