

Mr Dave Barber  
Warwick District Council  
PO Box 2178  
Leamington Spa  
Warwickshire  
CV32 5QH

**Our ref:** UT/2007/101229/CS-  
08/PO1-L01  
**Your ref:**  
**Date:** 27 January 2015

Dear Mr Barber

The Environment Agency has the following Statement of Common Ground in relation to our comments and responses from the Council in relation to our representations in relation to the emerging Local Plan.

The Environment Agency would like to confirm that we consider Warwick District Council to have complied with the Duty to Co-operate, as set out in the Localism Act. The duty requires that councils set out planning policies to address strategic issues and requires them to consider joint approaches to plan making.

The National Planning Policy Framework (NPPF) builds on the requirements of the Localism Act. It indicates that public bodies should:

- Co-operate on cross boundary planning issues;
- Undertake joint working on areas of common interest;
- Work collaboratively with other bodies to ensure that strategic priorities are properly co-ordinated and clearly reflected in Local Plans;
- Consider producing joint policies and strategies;
- Work collaboratively with Local Enterprise Partnerships, Local Nature Partnerships, private sector bodies, utility and infrastructure providers;
- Demonstrate evidence of effective co-operation when submitting a local plan for examination (e.g. a Memorandum of Understanding or jointly prepared strategy or evidence); and
- Satisfy the tests of soundness relating to positive preparation and effectiveness

We can confirm that Warwick D.C. has sought to produce a strategic framework for development that balances the priorities of strategic partners and enables appropriate supporting infrastructure and impact mitigation to be put in place where required.

Environment Agency  
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.  
Customer services line: 03708 506 506  
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We acknowledge that they have consulted us during the plan making process and considered our recommendations to improve the soundness of the local plan. This included a workshop held on the 23 December 2014 in relation to the Local Plan Policy: Flooding and Water, FW1 Reducing Flood Risk, FW2 Sustainable Drainage, FW3 Water Efficiency and FW4 Water Supply (A copy of our formal letter is appended to the end of this letter).

If the recommendations included in our letter to your Council (our ref UT/2007/101229/CS-07/PO1-L01) are incorporated into the local plan, we would not object to the proposed modifications outlined in the e-mail of 15 February 2015.

Whilst we would have liked to have seen all of the policy recommendations made in our letter of 25 June 2014 –(our Ref UT/2007/101229/CS-06/PO1-L01) we accept the justification provided by Warwick DC for not including them, mainly because the revised overarching policy's detailed above provide a clear steer towards the delivery of the River Basin Management Plan objectives within the borough, and promotes a positive approach to reducing and managing flood risk.

If your Council reconsiders its position in relation to the inclusion of policies FW1 Reducing Flood Risk, FW2 Sustainable Drainage, FW3 Water Efficiency and FW4 Water Supply as set out in our letter of 06 January 2015 (our Ref UT/2007/101229/CS-07/PO1-L01) we would wish to be reconsulted for a revised statement of common ground.

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

Yours sincerely

Mrs Becky Clarke  
Sustainable Places Planning Specialist

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Ms Lorna Coldicott  
Warwick District Council  
PO Box 2178  
Leamington Spa  
Warwickshire  
CV32 5QH

**Our ref:** UT/2007/101229/CS-  
07/PO1-L01

**Your ref:**

**Date:** 06 January 2015

Dear Ms Coldicott

## **Warwick District Local Plan**

### **Flood Risk & Water Environment Policy Query**

Thank you for consulting the Environment Agency in relation to the wording and development of the above policies within the emerging local plan.

Our comments below are in response to the meeting held at your offices on 23 December 2014 to discuss the responses from consultees in relation to their representations to the local plan.

Having made extensive notes in relation to developing these comments into a more concise and deliverable policy, we recommend the following wording be incorporated into the local plan with additional local context outlining why the policy's below are required to locally steer development.

Further to our meeting on 23 December 2014, please find attached a summary of the proposed amendments agreed in draft.

### **Flooding and Water**

5.127 National planning policy is clear about the approach to be taken by local authorities towards dealing with flooding issues at all stages of the planning process.

5.128 Warwick District has a long history of flooding from surface water flows mainly attributed to the many watercourses and main rivers which interconnect across the district. These include the Rivers Avon, Leam, Sowe, Itchen, Finham Brook and Canley Brook among others. In the last thirty years, parts of the district have experienced flooding to various degrees, most notably in the major events of 1998, 2007 and 2012 where district wide flooding was experienced.

These events highlighted the many issues associated with development and modern farming practises which including channel capacity issues, the diverting and culverting of watercourses, building within the flood plain, removing natural woodlands and habitat areas.

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The anticipated implications of climate change will only increase the District's vulnerability to such events and it is important therefore to appraise, manage and reduce the risk of flooding, directing development away from areas at risk of flooding wherever possible and to encourage developments to work with and to harmonise with the natural environment and surroundings.

#### FW1 Reducing Flood Risk

Planning applications should be submitted in line with the revised validation checklist that has guidance on the national approach to meeting the sequential and exception tests and meeting the requirements of the NPPF.

Developers are advised to review the Environment Agency's 'flood map for planning' at the earliest possible opportunity to consider what development would be appropriate for a potential development site to ensure that proposals are in line with the following policy requirements:

a, There will be a presumption against development in flood zone 3, and no built development will be allowed in the functional floodplain. Development must be steered to areas with the lowest probability of flooding.

b, land that is required for current and future flood management will be safeguarded from development. Where development lies adjacent to or benefits from an existing or future flood defence scheme they will be expected to contribute towards the cost of delivery and/or maintenance of that scheme.

c, new development that lies within the floodplain will be required to implement a flood alleviation scheme to reduce the risk of flooding to the proposed development site and deliver significant flood risk reduction benefits to the wider community.

d, All new development proposals will contribute to meeting 'good status' as defined by WFD. This will include delivery of geomorphological, chemical and biodiversity enhancements and include a minimum 8 metre buffer strip from the top of bank of all watercourses.

Where development lies adjacent to a watercourse the supporting planning application will include a WFD assessment to demonstrate how the waterbody will not deteriorate in status and will be enhanced.

- There will be no impact upon priority habitat or designated sites of nature conservation
- Modified watercourses will be restored in line with the recommendations of the Severn River Basin Management Plan
- Culverting open watercourses will not be allowed.

e, New development must be resilient to surface water, fluvial and pluvial flooding. Where new development lies in an area of flood risk it must be designed to be flood resilient with safe dry access for vehicles and pedestrians. Finished floor levels should be 600mm above the predicted flood level and include a freeboard for climate change to ensure new development is safe.

Justification:

The River Severn Catchment Management Plan has a specific set of recommendations for the area covering Warwick District Council within the Upper Avon, and Coventry Cluster sub catchments.

The Environment Agency estimates that up to 5000 homes are at risk of flooding within the area managed by Warwick District Council, and many more businesses, roads and other essential infrastructure is already vulnerable to flood risk.

The risks above can be managed at the same time as encouraging increased floodwater storage on undeveloped floodplains in order to increase attenuation and reduce flood risk to communities. This sub area presents a good opportunity for storage, as it will benefit communities locally and downstream.

The Environment Agency plans to reduce dependence on raised flood defences, as this is unsustainable in the long term, by taking opportunities to restore sustainable natural storage of floodwater on undeveloped floodplains. This would benefit many communities here and elsewhere, for example Yelvertoft, Willoughby, Rugby and Leamington Spa.

Development/redevelopment must be managed to minimise flood risks. Methods must be sustainable over the long-term. For example, making more space for rivers through urban areas via 'blue corridors' (i.e. restoring access for floodwater onto key strips of floodplain. This requires redevelopment to be limited to flood-compatible land uses e.g. parkland.)

In line with the recommendations of the Warwick Water Cycle Study, (pg 76) it must be ensured that all new development is 'safe' meaning that dry pedestrian access to and from the development without passing through the 1 in 100 year plus climate change floodplain, and that emergency vehicular access is possible. An appropriate strategy to ensure 'safe' access is provided for areas identified to be at risk of surface water flooding.

#### FW2 Sustainable Drainage

a, All new major developments must incorporate SuDS that provide biodiversity, water quality and amenity benefits and be in accordance with the Warwickshire Surface Water Management Plan. There will be a presumption against underground storage of water, and it should support the delivery of green infrastructure.

b, All new development sites will discharge at the QBAR Greenfield run off rate including an allowance for climate change, for site with a life expectancy of less than 60 year a 20% allowance must be applied, for sites with an greater than 60 year life expectancy the allowance must be 30%.

c, SuDS schemes must be located outside the floodplain, ideally this should be within the development site or close to the site as part of a master planned drainage scheme. Priority should be given to SuDS that incorporate green infrastructure including green roofs, walls and rain gardens.

d, for development sites that are suspected to be contaminated the SuDS scheme will be designed to prevent the mobilisation of contaminants to waterbodies. The Environment Agency must be consulted in relation to sites suspected to be contaminated and will provide advice and guidance to the council and developers on how best to implement SuDS on a site specific basis.

Justification:

Man-made trends in land management and land-use have increased flood risk over time in this sub catchment

Surface water flooding is a growing problem. Local Councils are mainly responsible for managing this, but it often has to be integrated with other organisations' assets, for example their sewers or rivers.

New developments should be designed to consider the inherent risks posed by surface water flooding, for example developers should consider the design and layout of new developments to reduce the risk of homes and businesses becoming inundated by surface water.

5.134 SuDS involve a range of techniques that mimic the way that rainfall drains in natural systems and avoids any increase in flood risk or adverse effect on water quality. Many existing drainage systems can cause problems of flooding, pollution or damage to the environment and are not proving to be sustainable in the long term. SuDS provide a range of ecosystem services which include:

- a) reducing flood risk;
- b) maintaining and restoring natural flow rate and volume of surface runoff to reduce the risk of flooding;
- c) improving water resources;
- d) enhancing amenity and minimising diffuse pollution;
- e) reducing pressure on the sewerage network, and;
- f) Improving biodiversity and local amenity and expanding habitat and green routes for biodiversity movement.

In line with the recommendations of the Warwick Water Cycle Study (page 25) new development will discharge surface water at the greenfield run off rate, and all new developments must include a detailed assessment of drainage and SuDS requirements.

The latest guidance from DCLG promotes that the planning system be the key deliverer of SuDS.

5.135 Warwickshire County Council has been the 'lead local flood authority' with responsibility for developing, maintaining and monitoring a Local Flood Risk Management Strategy in partnership with other relevant bodies in the area. The County Council also currently has a duty to prepare preliminary flood risk assessment maps in accordance with the EU Flood Directive.

In 2010 Lead Local Flood Authorities were given overall responsibility for local flood risk management under the Flood and Water Management Act 2010. This means they are responsible for managing local sources of flooding from surface water, groundwater and small ("ordinary") watercourses.

In relation to local flood risk, the Environment Agency has a strategic overview role, in addition to its operational responsibility for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

In December 2014 the Government announced that it would be amending national planning policy to expect the installation of sustainable drainage systems for all major development where appropriate. This followed a consultation on Delivering

Sustainable Drainage Systems between 12 September and 24 October 2014. In response to that consultation, it was noted that local planning authorities would require access to the technical expertise required to assess the surface water drainage proposals as part of planning applications. The Government also noted views expressed that this advice should be provided by a consistent and guaranteed source of advice, and that the Lead Local Flood Authorities were best placed to do this.

5.136 Trees and woods can play a positive role in helping to solve water quality and flow issues. They can deliver a major contribution to resolving a range of water management issues, particularly those resulting from climate change like flooding and water quality implications caused by extreme weather events. Trees can attenuate water flow reducing the impact of heavy rains.

Warwick District Council falls within Avon Rural Operational Sub Catchment for the River Severn Basin Management Plan.

This catchment includes the rivers Avon, Swift, Leam, Itchen, Dene and Stour, and the conurbations of Rugby, Warwick and Stratford-upon-Avon. Arable farming is the dominant land use activity and the catchment sits within a Nitrate Vulnerable Zone.

There are 33 river water bodies, 6 canal water bodies, 2 lake, 0 estuarine & coastal waters and 1 groundwater water bodies in the catchment. The status (health) of the water environment in 2009 was assessed as being generally moderate. In 2014, the status of the water environment had fallen. It can take 5 to 10 years for the positive benefits of actions to be reflected in the ecological status. Our current analysis suggests that 68% of the water bodies in the Avon Rural catchment should have a long term objective of achieving good status.

The actions proposed in this catchment focus on reducing the impact of diffuse pollution from rural and urban sources, reducing inputs of phosphate and ammonia from water industry point sources and opening up water bodies for fish movements by removing physical barriers and improving aquatic habitats. Actions to reduce diffuse pollution would involve exploring ways to manage manures, slurry, livestock and pesticides for the benefit of the water environment, incorporating SuDS within the catchment and removing misconnections and car wash effluent from surface water drainage systems.

Additional references:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389215/Further\\_changes\\_to\\_statutory\\_consultee\\_arrangements\\_for\\_the\\_planning\\_application\\_process\\_-\\_Consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389215/Further_changes_to_statutory_consultee_arrangements_for_the_planning_application_process_-_Consultation.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289103/River\\_Severn\\_Catchment\\_Management\\_Plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289103/River_Severn_Catchment_Management_Plan.pdf)

FW3 Water Efficiency

The Council will require new residential development of one dwelling or more to meet a water efficiency standard of 110 litres/person/day. This includes 5 litres/person/day for external water usage.

For non-dwellings, applicants must demonstrate that they have incorporated appropriate water efficiency measures into the building.

All new development must incorporate water efficiency measures.

Justification:

137 The Council is committed to ensuring the creation of well-designed sustainable buildings and considers that water conservation is a key part of this. It is considered that the application of appropriate methods for water conservation in new homes will ensure long term resilience to the future impacts of climate change

Currently a water efficiency standard of 125 litres/person/day (lpd) is set in the Building Regulations, but the Government is proposing to allow local authorities to introduce a tighter level of 110 lpd in areas of high water stress. The Water Cycle Study (2010) carried out on behalf of the Council suggested that a water efficiency standard of 105 lpd (exclusive of external water use) should be applied to all new dwellings. When an allowance of 5 lpd for external water use is applied, this figure is equivalent to the Government's proposed higher water efficiency level of 110 lpd.

#### FW4 Water Supply

Developers must ensure that there is adequate water supply and waste water infrastructure to serve the existing and proposed developments by:

a, minimising the need for new infrastructure by directing development to areas where there is a guaranteed and adequate supply of water having due regard to Severn Trent's Water Resources Management Plan and Strategic Business Plan as well as the finding of the Water Cycle Study

b, In accordance with the Water Framework Directive's Objectives, development must not affect the waterbodies' ability to reach good status or potential as set out in the River Severn Basin Management Plan (RBMP).

Justification:

Warwick District Council falls within Avon Rural Operational Sub Catchment for the River Severn Basin Management Plan.

This catchment includes the rivers Avon, Swift, Leam, Itchen, Dene and Stour, and the conurbations of Rugby, Warwick and Stratford-upon-Avon. Arable farming is the dominant land use activity and the catchment sits within a Nitrate Vulnerable Zone.

Draycote Water is part of a designated drinking water protected area with the River Leam and the principal aquifers in the catchment are important for public water supply. In the south the River Stour rises in the Cotswolds, an Area of Outstanding Natural Beauty and other designated sites include the River Itchen, a Site of Special Scientific Interest in the Itchen Valley.

The main pressures impacting on water bodies in the catchment are physical modifications, wastewater and polluted run-off from rural and urban land. Some water bodies have been modified to accommodate urbanization or flood defences,



which has damaged the physical habitat for wildlife, introduced barriers to fish movements and altered flow regimes. Improving habitats and mitigating low flow problems will be costly, but there may be opportunities to combine solutions with other planned development.

Wastewater problems originate from infrastructure associated with the water industry and private domestic facilities, including poorly maintained septic tanks and package sewage treatment plants. Although sewage treatment within the catchment has improved significantly over recent years, further investment, together with new technologies coordinated with action on other phosphate sources, is needed to meet the required river standards.

Finally:

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

Yours sincerely

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Sustainable Places Planning Specialist

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