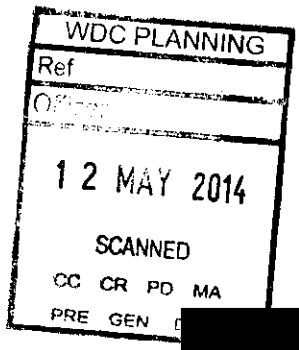
creating a better place



Environment Agency

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

[redacted]

6581

Dear Mr Barber

Warwick District Council

Preferred Options – Sites for Gypsies and Travellers

Thank you for consulting the Environment Agency in relation to the above preferred options document.

The criteria outlined in chapter 6 for assessing sites highlights the need to steer such development away from areas of flood risk, away from areas where there could be adverse impact on the natural environment and ensure there are adequate provision of utilities. The Environment Agency concurs with this approach and considers it should be key in the strategic allocation of these sites.

We are particularly concerned by the ability of the site to manage its provision of facilities including foul drainage sustainably.

There should be a precautionary approach adopted to allocating sites that may be at risk of flooding, even if they already have planning permission for a similar use. The NPPF requires that the sequential approach is taken when determining the location of development in the context of areas subject to the flooding.

Table 2 of the NPPF's Technical Guide classifies caravan sites of permanent occupation as being Highly Vulnerable to the effects of flooding, and Table 3 of the same guide states that such land uses are only appropriate when located within the lowest risk Flood Zone 1 or potentially in Flood Zone 2 if the Exception Test is applied and passed.

When choosing which of these sites to take forward to Preferred Options stage your Authority should therefore look first to Flood Zone 1, then Flood Zone 2 as defined by your Level 1 Strategic Flood Risk Assessment (SFRA).

Sites within Flood Zone 3 would be contrary to national policy. Where development is proposed within or close to a floodplain additional assessment will be required to further define the risk and ascertain the safety of the proposals. Where these works are required it is flagged up below. This additional work should take the form of a Level 2 SFRA.

Sites should also be considered based upon their ability to drain foul waters to the public foul main sewer. This is always the preferred solution over individual site sewage treatment plants as outlined within Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage incorporating Septic Tanks in New Development).

In locations where this is not possible, the sensitivity of the local water environment should be considered to ensure that non-mains drainage options will pose minimum risk of pollution to the water environment.

This in turn should ensure the proposals do not pose a barrier to the meeting of EU Water Framework Directive objectives which require improvement for every waterbody. These waterbodies are detailed within the local Severn River Basin Management Plan (further details contained within your Local Plan consultation response).

Where connection to foul drainage is not possible or financially restrictive, package treatment plants should be installed. Ownership and maintenance of the plant and environmental permit holding should be by Warwick District Council and not by individuals or through a management company set up for each site. This should ensure the long-term good maintenance of the system.

We have carefully considered the information within the document and we have the following comments to make about the individual sites proposed for Gypsies and Travellers.

GT 02: Land abutting Fosse Way at Junction with A425
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

Cont/d..

GT 04: Land at Harbury Lane/Fosse Way

Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. The site will either drain to the Tach Brook to the south or to an unnamed tributary of the River Leam to the north.

The Tach Brook is failing its objectives under WFD due to the high level of phosphates and resulting low invertebrates. The site should not therefore drain to the south due to its potential impact on the water environment.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer.

This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

This site includes ditches, Warwickshire Habitat Alert Sites, the Whitnash Brook and its floodplain. The Local Wildlife Trust and County Ecologist should be consulted about potential impacts on these sites which should be retained as part of any development

We note that the size of the proposed site has been reduced since our comments in July 2013. We therefore believe that flood risk from fluvial sources is not likely to pose a risk to the future occupants of this site. However development proposals should consider surface water flooding and localised ponding and be designed to be resilient from this source.

GT 05: Land at Tachbrook Hill Farm

Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. The nearest waterbody for discharge of treated sewage is the Tach Brook. The Tach Brook is failing its objectives under WFD due to the high level of phosphates and resulting low invertebrates.
The site therefore is not desirable in terms of its potential impact on the water environment.

Cont/d..

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer.

This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

GT 06: Land at Park Farm/Spinney Farm
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

Regardless of the floodplain extent, the watercourse and ponds must be protected and buffered from any development.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. The nearest waterbody for discharge of treated sewage is the Tach Brook. The Tach Brook is failing its objectives under WFD due to the high level of phosphates and resulting low invertebrates. The site therefore is not desirable in terms of its potential impact on the water environment.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us.

The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

Cont/d..

GT08: Depot to the west side of Cubbington Heath Farm
Published BGS map shows the site is underlain by Bromsgrove Sandstone formation, which is classified by the Environment Agency as Principal Aquifer. There is no superficial deposit recorded at this location.

The site is located within a source protection zone three (SPZ 3) for a potable water supply borehole.

Subsequently the site is considered highly sensitive in groundwater protection terms. The previous and current industrial uses of the site have the potential to have cause contamination of the ground.

We have no objection, in principle, however due to the previous sites uses any planning application should be supported by an appropriate site investigations to assess the impact of land contamination on controlled waters receptors.

The outcome will determine the need for risk assessment and remediation to protect controlled waters receptors.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. Any discharge of treated foul effluent to surface waterbodies would likely be acceptable subject to appropriate controls.

Due to the site's location on sandstone, within Source Protection Zone 3 for a potable water supply and potentially on contaminated land (i.e. previously used as a depot) drainage to ground would need additional assessment to demonstrate it would not pose a risk to the groundwater.

This site is not as desirable as one which could connect to mains but is set in a relatively low sensitivity surface water environment so would be preferable to sites that drain to the Tach Brook.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us.

The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer.

This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

Cont/d..

GT 11: Land at Budbrooke Lodge, Racecourse and Hampton Road
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

Treated foul effluent from a non-mains system would discharge to the Gog Brook. This brook is failing WFD targets on invertebrates and phosphate, with the latter at poor.

It is not suitable to accept any further discharges of nutrient rich material. There is substantial housing on the southern side of the road bordering the site so there may be a possibility to connect into the existing foul sewer. This option should be explored as a preference and this site only bought forward if less sensitive sites are demonstrated to be not suitable.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

The eastern part of the site falls within the high risk Flood Zone 3 of the Gog Brook. This has been modelled as part of the 2010 River Avon SFRM 1D-2D (ISIS) TUFLOW model and as such we are relatively confident of the extent of this floodplain.

Development on this site could be bought forward therefore only if the red line boundary was drawn to exclude the land within the mapped floodplain.

GT 12: Land north and west of Westham Lane
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Cont/d..

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. Any discharge of treated foul effluent would drain to unnamed tributary of the River Avon which would likely be acceptable subject to appropriate controls. This site is therefore not as desirable as one which could connect to mains but is set in a relatively low sensitivity water environment so would be preferable to sites that drain to the Tach Brook.

We note that the size of the proposed site has been reduced since our comments in July 2013. We therefore believe that flood risk from fluvial sources is not likely to pose a risk to the future occupants of this site. However development proposals should consider surface water flooding and localised ponding and be designed to be resilient from this source.

GT 15: Land east of Europa Way

Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. The nearest waterbody for discharge of treated sewage is the Tach Brook. The Tach Brook is failing its objectives under WFD due to the high level of phosphates and resulting low invertebrates. The site therefore is not desirable in terms of its potential impact on the water environment.

We note that this site allocation has some areas known to be at risk of flooding, We note that the size of the site has been reduced since our comments in July

Cont/d..

2013. The extent and frequency of flooding from the Tach Brook requires a detailed assessment, and should be undertaken before the submission document is produced.

This should be undertaken to determine the viability of the site, and confirm that there is no impediment to safe access during floods, the assessment may result in larger amount of site been shown to be safe for redevelopment.

GT 19: Land off Birmingham Road, Budbrooke
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

This site is unlikely however to be able to connect to a public foul mains sewer and as such would need a non-mains solution. The nearest waterbody for discharge of treated sewage is the Grand Union Canal. Most canals are already highly enriched by nutrients so further inputs of phosphate containing effluent is unwelcome and would conflict with WFD objectives. The site therefore is not desirable in terms of its potential impact on the water environment.

GT Alt 01: Brookside Willows, Banbury Road
At present the Environment Agency would not recommend the inclusion of this site in the publication document.

Large parts of the site in lie within Flood Zones 2 and 3. The flood risk mechanism appears complicated, and a detailed assessment of all watercourses is required to determine if the site is suitable for development for this more vulnerable use.

Given that there are a number of other alternative sites at lower risk of flooding, we would recommend that this site be discounted from allocation for this use.

The published BGS map for the area shows the site is underlain by Mercia Mudstone formation, which is in turn overlain by Alluvium.

The site is located on former landfill and therefore there is the potential for contamination to be present beneath the site.

Cont/d..

If it can be demonstrated that the site can be developed and the flood risk issues overcome, due to the previous sites uses any planning application should be supported by an appropriate site investigations to assess the impact of land contamination on controlled waters receptors.

The outcome will determine the need for risk assessment and remediation to protect controlled waters receptors.

Due to the location of the site on a landfill it is essential to note that any proposal involving infiltration drainage will be objected by the Environment Agency.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

GT Alt 02: Land off Rugby Road, Cubbington
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

GT Alt 03: Henley Road/Hampton Road
Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

Cont/d..

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

GT Alt 12: Land West of Barford By-Pass

Any future planning application should be supported by a preliminary risk assessment to assess the impact of contamination on controlled waters receptors. The outcome will determine the need for intrusive investigations and risk assessment/remediation to protect controlled waters receptors.

There is also a need to ensure that there is a suitable method of dealing with foul effluent (if the site is not on mains foul sewer). The discharge of treated sewage effluent into surface water or to ground may require an Environmental Permit from us. The granting of planning permission does not guarantee the granting of an Environmental Permit – a permit will only be granted where the risk to the environment is acceptable.

Our 'Groundwater Protection: Policy and Practice (GP3)' states that:

Generally, we will only agree to developments involving sewage effluent, trade effluent or other contaminated discharges to ground if we are satisfied that it is not reasonable to make a connection to the public foul sewer. This position will not normally apply to surface water run-off via sustainable drainage systems and discharges from sewage treatment works operated by sewage undertakings with appropriate treatment and discharge controls.

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

[redacted] Specialist

Direct email: [redacted]

End