Neighbourhood Planning

Environment Agency consultation guide/pro-forma

Version 8, February 2024

The Environment Agency aims to reduce and protect against flood risk, whilst protecting and enhancing the water environment, land, and biodiversity. To assist us in the West Midlands Area in providing the most focused and accurate consultation responses through the Neighbourhood Planning process we have produced the below guidance and pro-forma for you to consider, complete and return to the Planning Policy Team at Warwick District Council.

You may wish to also refer to the Neighbourhood planning - GOV.UK (www.gov.uk) guidance to assist you in the preparation of your Plan.

The Environment Agency, along with Natural England, Historic England, and the Forestry Commission (now known as Forestry England), has also produced some national guidance which offers further environmentally specific information in the context of Neighbourhood Planning and gives ideas on incorporating the environment into Plans. The guidance is available at: How to consider the environment in Neighbourhood plans.

In the context of Climate Change there is further information on writing a low-carbon Neighbourhood Plan available at: How to write a neighbourhood plan in a climate emergency.

To compliment the above we have produced the following guidance to assist you in the West Midlands Area specifically. This takes you through some of the relevant environmental issues your community should consider when producing a Neighbourhood Plan. We recommend completing the pro-forma to check the environmental constraints specific to your Plan area, which should help identify challenges, inform evidence and policy, and assist delivery of sustainable solutions. This approach will help ensure you have a robust Plan.

Flood Risk: Your Plan should conform to national and local policies on flood risk. National Planning Policy Framework (NPPF) – Paragraph 165 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

With reference to the adopted Warwick District Local Plan (2011-2029) it is important that your Plan is in accordance with Policy FW1 – Reducing Flood Risk and the associated text.
New Local Plan - Download - Warwick District Council (warwickdc.gov.uk)

If your Plan is proposing sites for development you should check whether any of the proposed allocations are at risk of river or tidal flooding based on our Flood Map (of modelled flood risk). For example, are there any areas of Flood Zone 3 or 2 (High and Medium Risk). In line with National Planning Policy and, specifically, the Sequential Test, you should aim to locate built development within Flood Zone 1, the low-risk Zone. Our **Flood Map** can be accessed via the following link:
Check the long term flood risk for an area in England - GOV.UK (www.gov.uk)

In addition to the above you should also check with the Council's Planning Policy Team with regards to other sources of flooding (such as surface water, groundwater, sewers, and historic flooding) as detailed in their Strategic Flood Risk Assessment (SFRA). **Warwickshire County**

Council as the Lead Local Flood Authority (LLFA), has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map.

Specifically, some watercourses have not been modelled on our Flood Maps (Our Flood Maps primarily show flooding from Main Rivers, not ordinary watercourses, or un-modelled rivers, with a catchment of less than 3km^2). The SFRA also gives information on the 'functional floodplain', also known as Flood Zone 3b. The National Planning Practice Guidance (NPPG) shows the different Flood Zones in Table 1 in the Flood Risk and Coastal Change Section: Flood risk and coastal change - GOV.UK (www.gov.uk)

Any allocations in areas of flood risk should include a consideration of climate change (see below). In the absence of up-to-date modelled flood risk information, or a site-specific FRA, to confirm an appropriate allowance you may wish to utilise the current Flood Zone 2 extent (where available) to indicate the likely, nominal, Flood Zone 3 with climate change extent. Where no modelling or flood map outline is available you will need to consider an alternative approach. Where an un-modelled watercourse is present, or adjacent to a site, then it may be prudent to incorporate a buffer zone, relative to topography, in consideration of flood risk not shown on the Flood Map.

Some assessment is necessary in your Plan, to confirm that the site is developable. This includes safe occupation and that there will be no impact on third parties. You might seek opportunities to reduce flood risk.

All 'major development' sites with flood risk issues, especially those with ordinary watercourses or un-modelled rivers within/adjacent or near to sites, are likely to need detailed modelling at the planning application stage to verify the design flood extents, developable areas and that the development will be sustainable.

Climate Change: Your Local Authority's SFRA should indicate the extent of flood zones with likely climate change. The NPPG refers to Environment Agency guidance on considering climate change in planning decisions which is available online: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances .

Please refer to our separate 'Area Climate Change Guidance' (March 2023) for more information on how to consider and incorporate allowances in development proposals. This advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to a river 'management catchment'.

You may wish to use the following link in conjunction with our Area Specific Climate Change Guidance to ascertain the correct climate change peak flows allowances in your area: Climate change allowances for peak river flow in England (data.gov.uk).

Surface water (peak rainfall intensity) climate change allowances should be discussed with the LLFA.

Flood Defences: Areas of your Parish, or proposed sites, may be afforded protection by a flood defence/alleviation scheme. Where this is the case, your Plan should acknowledge this and identify the level of protection provided (including any climate change allowance). It should be noted that flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise be impacted by flooding. Any assessment of development behind flood defences should consider the impacts of a breach or overtopping.

Where it is determined that new development should be behind a flood defence financial contributions may be sought to maintain or improve the structure.

Waste Water Infrastructure: Waste water infrastructure is also of importance in your Plan. Where housing is proposed you should use the pro-forma to identify the receiving treatment works and whether the housing and/or any employment growth can be accommodated without impacting the receiving treatment works. You should look at physical capacity issues (e.g. network pipes) and environmental capacity (quality of treated effluent) issues. In addition you should contact the Water Company for further advice.

Where there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed or could be a possible future infrastructure upgrade) to help improve the capacity issue and enable the development to go ahead. This will require consultation with the Water Company, and we have developed some general questions to assist this process. The outcome of this may inform a 'phasing' policy within your plan where appropriate. It may also be necessary to produce an 'Infrastructure Delivery Plan' to set out any key milestones for wastewater infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable, and importantly ensure that your plan is 'sound'.

Note: Government Guidance states that sufficient detail should be provided to give clarity to all parties on when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

We would recommend discussions with the Utility Company to ascertain how you can progress with your Plan without impact on the works. To assist in these discussions, we would recommend the following:

- What solutions are programmed within Asset Management Plans (AMP)? When will these solutions be delivered? Are there any options for accelerating these schemes via developer contributions?
- In the absence of any improvement schemes what could alternative solutions be (type and location of) for short/medium/long term growth. Are these solutions cost prohibitive?
- Are there any short-term options to facilitate growth? Some options to consider could be SUDS retrofitting or removing surface water from sewer systems.
- Utility companies could be asked about what Water Framework Directive (WFD) work they already have programmed in to their AMP Schemes for Phosphate stripping or other sanitaries (e.g. ammonia/Biological Oxygen Demand).
- With reference to the Nutrient Management Plan (where this is relevant), and Phosphate specific issues, are there any stringent measures factored in to ensure no environmental deterioration? What improvement scheme is, or could be, in place to bring forward development?

Water Management and Groundwater Protection: In February 2011, the Government signalled its belief that more locally focussed decision making, and action should sit at the heart of improvements to the water environment. This is widely known as the catchment-based approach and has been adopted to deliver requirements under the Water Framework Directive (WFD). It seeks to:

• deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and
• encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the water environment. Local WFD catchment data can be obtained from: River Basin Catchment Data Explorer.

Aquifers and Source Protection Zones (SPZs): Some of your local area, and specific potential site allocations, may be located upon or within aquifers and Source Protection Zones (link below). SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites. The relevance of the designation and the potential implication upon development proposals should be seen with reference to our Groundwater Protection Position Statements: https://www.gov.uk/government/publications/groundwater-protection-position-statements

Development and surface water drainage will need to be carefully located and designed to avoid pollution risks to waters and address potential environmental impact associated with low flows. For example SuDS may need to provide multiple levels of treatment. To address any quantitative issues with the waterbodies, SuDS should be designed so as to maximise recharge to the aquifer and support water levels in receiving rivers.

Water Efficiency at Neighbourhood Plan Level: Local Water Efficiency targets may be secured in a neighbourhood plan or higher-level local plan policy. The draft Technical Standards – Housing Standards Review (Paragraph 14) provided advice on more stringent ('optional') water efficiency targets/measures, which go beyond the minimum building regulations standard. Paragraph 14 states that..."Neighbourhood Planning Bodies will only be able to apply the space standard and not optional requirements".

These standards have since been enshrined into the Building Regulations (part G) "*The optional requirement only applies where a condition that the dwelling should meet the optional requirement is imposed as part of the process of granting planning permission. Where it applies, the estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day"*. However, there is no direct responsibility for Neighbourhood Plans to incorporate these water efficiency measures.

Cemetery Allocations: Allocations for cemeteries brought forwards within Neighbourhood Plans must consider their location in relation to Flood Zones, Source Protection Zones (Any Borehole, including private boreholes, for potable supply should be considered) and Type of Aquifer. We would offer comments primarily in relation to the protection of controlled waters (i.e. groundwater and surface water). Matters relating to human health should be directed to the Local Authority. If steps are not taken to reduce the risks, burials can present a risk to the water environment. The proposed burial ground will need to meet our minimum groundwater protection requirements as set out in the following document: Protecting groundwater from human burials - GOV.UK (www.gov.uk) .

Biodiversity Net Gain: Development of allocated sites offers the opportunity for Biodiversity Net Gain (BNG) as referenced in Paragraphs 180, 185 and 186 of the NPPF 'Conserving and enhancing the natural environment'. Specifically, any ponds and flood storage areas if designed correctly could also provide opportunity for blue and green infrastructure, such as wetland habitat throughout the year as well as providing a recreation amenity.

Whilst we would not necessarily expect to see specific BNG details for allocations within the Plan, there may be an opportunity to promote 'Net Gains' within your Policies.

Please see Biodiversity net gain - GOV.UK (www.gov.uk) and Biodiversity Net Gain for local authorities | Local Government Association for further information.

Neighbourhood Plan Environment Agency Pro-Forma

Site Allocation Description e.g. name, type and number of units.	Flood Zone (3/2/1) *	Unmodelled river or ordinary watercourse in or adjacent to site	Other sources of flooding (e.g. SW, GW, SF)	Flood Defence	Aquifer/Source Protection Zone 1 (Description)	Environmental Capacity at Treatment Works (Red – potential showstopper, Amber – possible problem; or Green – likely to be no issues)
Example	2	Y	SW	N	N	Amber
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	

***Note to above:** Flood Zone 3 is the high-risk zone and is defined for mapping purposes by the Environment Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). Flood Zone 2 is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years. Flood Zone 1 is the low-risk Zone with a flood risk in excess of 1 in 1000 years.

When considering 'other sources of flooding' you should refer to the SFRA and contact Warwick District Council to ascertain whether the Parish, or specific allocated site, is impacted by surface water, groundwater, or sewer flooding etc. The team and/or the LLFA may also have historic flooding information to help inform your plan. More information on sewer flooding, or plans to remedy such, may be available from the Water Company.

Produced by: West Midlands Sustainable Places Team.
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