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**Our ref:** SV/2018/110042/OR-  
08/PO1-L01  
**Your ref:**  
**Date:** 18 April 2019

Dear Mr Sadler

### **ECKINGTON NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION.**

I refer to your email of the 15 March 2019 in relation to the above consultation.

As you are aware we previously provided a response to the draft Neighbourhood Plan in November 2018, Ref: SV/2018/110042/OR-05/PO1-L01, and have previously forwarded a copy of our area Neighbourhood Plan pro-forma guidance.

Having reviewed the Submission Plan (2019-2030), we would offer the following comments for your consideration at this time.

We do not offer detailed bespoke advice on policy but advice you ensure conformity with the local plan and the aforementioned guidance. Notwithstanding the above, for example it is important that these plans offer robust confirmation that development is not impacted by flooding and that there is sufficient waste water infrastructure in place to accommodate growth.

We note 3 additional sites are being promoted though the Plan, Roman Meadow (RM2), comprising of 17 homes, Persore Road Development, comprising of 21 homes as shown on Map 2 and Jarvis Street Development, comprising of 6 units, shown on Map 3. In addition we understand the provision of land to create an extension to the cemetery on Persore Road on (PRF2) is being provided for through the Plan.

Both sites being promoted for residential development are shown to be located in Flood Zone 1 (low risk zone) in accordance with our Flood Map for Planning (Rivers and Sea). As previously stated we would only make substantive further comments on the plan if you were seeking to allocate sites in flood zone 3 and 2 (the latter being used as the 1% climate change extent perhaps).

We would advise you refer to our previous response referenced above and utilise our area guidance and pro-forma in this regard.

With regards to the burial ground extension it should be recognised within the Plan that any future planning application for the extension to the burial ground should be supported by an appropriate risk assessment to demonstrate that there is no adverse risk of pollution to controlled waters including domestic water supplies, or includes appropriate measures, including monitoring (where necessary) to prevent risk.

Further guidance in this regard can be found in our area Developer Guidance Note attached.

I trust the above is of assistance at this time.

Yours faithfully

**Mrs Anita Bolton**  
**Planning Advisor**

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## Development Guidance Environment Agency (West Midlands Area)

Revised: August 2018

*This is to guide on environmental planning and regulatory issues, at pre-application/application stage.*

We offer a **preliminary and pre-planning advice (cost recovery) service**. Further information is available at:

<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>

Please contact our Area Sustainable Places (Planning) Team at [shwgplanning@environment-agency.gov.uk](mailto:shwgplanning@environment-agency.gov.uk)

### **Flooding and Flood Risk Assessments (FRAs) incl. Climate Change:**

For information on which 'flood zone' and river classification (main or ordinary watercourse) is relevant see our website:

<https://flood-map-for-planning.service.gov.uk>

The National Planning Policy Framework (NPPF) and its Planning Practice Guidance (PPG) guides on the consideration of flood risk. It has information on climate change (Section 14 of NPPF and 'Climate Change' and Flood Risk and Coastal Change sections of PPG); the Sequential & Exception Tests and vulnerability of land use types (Para. 158 & 159 of NPPF and sub-sections within the Flood Risk and Coastal Change section of PPG); and preparation of detailed FRAs (see this link to the NPPF and PPG). <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

FRAs must assess the risks of river (fluvial), sea (tidal) as appropriate, surface water and all other sources of flooding. Once the risks have been assessed mitigation measures should be identified to reduce/manage the risk on and off site to an acceptable level. Sustainable Drainage Systems (SuDS) should be included to manage surface water run-off and to prevent it from exacerbating flood risk. They can also help protect and improve water quality, and add amenity value. See SUDS Manual (C753) updated November 2015. For guidance view: <http://www.susdrain.org/>

For advice on 'flood proofing': [http://www.planningportal.gov.uk/uploads/br/flood\\_performance.pdf](http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf)

Climate change allowances for planning matters were published on 19 February 2016: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>. For local application of these see our area guidance.

National 'standing advice' can be viewed at: <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities>

In West Midlands area, we use a detailed local version. We may/may not be consulted or make comment on some applications or enquiries. This does not remove the need to submit FRAs for consideration by the Council. We do have local FRA Guidance notes to assist production of FRAs.

You will need to contact the Lead Local Flood Authority Land Drainage Team (LLFA) to discuss proposals in or adjacent to ordinary watercourses and related local flooding issues. They may also advise on detailed surface water management proposals. Your County or Unitary Council is the authority to contact.

We may have flood level data to assist in preparing a FRA. This can be provided by our Area Customers & Engagement Team on 03708 506506: [Enquiries\\_WestMids@environment-agency.gov.uk](mailto:Enquiries_WestMids@environment-agency.gov.uk) we do not recommend individual FRA consultants but the following website may help you to source a suitably qualified person <http://www.endsdirectory.com/>

### **Land Contamination:**

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).

Where contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development (Para. 178 of the NPPF). Minimum requirements for submission with a planning application are a desk study and preliminary risk assessment, such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found. You should contact the Council Environmental Health team who may hold records on known/potential land contamination. If during site works, contaminated material is suspected, you are advised to stop works and seek further guidance. Remediation of contaminated land may also require an authorisation under environmental permitting legislation. For information: we do not recommend individual environmental consultants but the following website link may help find environmental consultants that undertake contaminated land assessments <http://www.endsdirectory.com/> Further advice on how land contamination should be assessed is available in our local Land Contamination Guidance note.

### **Foul Drainage – domestic and trade effluent**

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297:2007+A1:2008 and Approved Document H of the Building Regulations 2015. You should also have regard to the advice within the 'Water supply, wastewater and water quality' section of the PPG in respect of planning requirements for non mains sewerage. We have prepared a Foul Drainage Assessment Form to assist in your consideration of these matters. We can send this for you to submit to the Council with your application. Alternatively, the Council may have its own assessment form. The treatment of trade effluent will often require an environmental permit which may not be granted. Please see contact details below.

## Water Protection

It is a requirement of the **Water Framework Directive (WFD)** to cause no overall deterioration in water quality or the ecological status of any waterbody. Information on WFD and the current status of water bodies can be found in our River Basin Management Plans at: <https://www.gov.uk/government/collections/river-basin-management-plans> Use of SUDS in development, removal of structures in watercourses and habitat enhancement are examples of how to help deliver the WFD aim of 'good' status/potential by 2027. You should incorporate pollution prevention measures to protect ground and surface water. Previous Pollution Prevention Guidance maintained by the Environment Agency has been withdrawn but is still available in the national archives at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg> We would refer you to the latest Pollution Prevention Guidance targeted at specific activities, available at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

The location of features such as **Source Protection Zones** can be found at <http://apps.environment-agency.gov.uk/wiyby/37833.aspx> and our approach to **Groundwater protection** can be seen at <https://www.gov.uk/government/publications/groundwater-protection-position-statements> (This replaces Groundwater protection: Principles and practice (GP3)). For below ground petrol tanks or storage of contaminants, a Groundwater Risk Assessment report, including water features survey, may be required to address Position statements D2 and D3.

## Cemetery/burial site

A tier 1 hydrogeological risk assessment should be undertaken, including a water features survey. Where the tier 1 risk assessment shows that there is a need for more detailed assessment (i.e. the best practice controls cannot be met) a tier 2 risk assessment may be required. Information requirements for tier 1 and tier 2 assessments are set out within our guidance 'Cemeteries and burials: prevent groundwater pollution'. <https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

## Water Resources

We encourage water efficiency in all development. Minimum residential requirements (125 litres per person per day) will be secured through Building Regulations, with Local Plans able to secure a higher standard (of 110 l/pppd). Code for Sustainable Homes will only apply to legacy cases. For info see: <https://www.gov.uk/government/publications/2010-to-2015-government-policy-energy-efficiency-in-buildings/2010-to-2015-government-policy-energy-efficiency-in-buildings> For commercial use, please refer to [www.breem.org](http://www.breem.org) and consider rainwater harvesting and grey water recycling.

## Ecology

The NPPF aims to conserve and enhance biodiversity. An ecological survey may be required to inform 'protected species' assessment and biodiversity enhancement. Mitigation measures and WFD compliance assessment may be required.

## Landfill/Landfill Gas

Proposals near to a landfill site can be affected by gas or contamination issues. Environmental consultants that undertake technical assessments can be found at: <http://www.endsdirectory.com/> For location of authorised and historic landfills see: [http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&y=355134.0&scale=1&layerGroups=default&ep=map&textonly=off&lang=\\_e&topic=waste](http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&y=355134.0&scale=1&layerGroups=default&ep=map&textonly=off&lang=_e&topic=waste)

### **Environmental Permits – (Note: You may also need Planning Permission)**

**For advice on the need for a Standard/Bespoke Environmental Permit (EP) or Exemption see:**

<https://www.gov.uk/topic/environmental-management/environmental-permits>. These may have been known by a different name including flood defence consents, discharge consents, abstraction licences, and waste management licences.

**Flood Risk Permit** – Works in, on or adjacent to a Main River/ Flood structure or Main river Floodplain may need a permit. See <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> Contact the local Partnerships and Strategic Overview Team. (Note: Flood Defence Consents still apply to Ordinary watercourses – Contact your Lead Local Flood Authority). To discuss our role in **reservoir management** contact the EA Reservoir Safety Team <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>

For other initial permit advice ring 03708 506506 and ask to speak to **the EA National Permitting Service**.

Detailed pre-permit application discussion may then be referred to the relevant Area Team. Examples:

**Discharge of trade or 'domestic' effluent to ground or surface water** - You may need a Permit or Exemption if you wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch or to allow discharges to ground.

**Intensive Pig & Poultry activities** – some of these activities will be regulated by us and require an EP.

**Industrial and Waste management facilities** - If you are proposing a waste management facility e.g. landfill, energy from waste incinerator, transfer/recycling centre, scrap yard, contaminated land remediation site, anaerobic digestion plant, composting area, or select industrial process plant an EP will be required.

**Waste** – Importing waste material (e.g. hardcore for construction) will require an EP or registered Exemption. Large projects might benefit from a **Site Waste Management Plan** to document reuse, recycling and disposal of waste.

**Mining Waste:** <https://www.gov.uk/government/publications/regulatory-framework-for-the-implementation-of-the-mining-waste-directive>

**Water** – You may need an EP to abstract ground or surface water, or to impound/obstruct/transfer water e.g. as part of a hydro electric power project. <https://www.gov.uk/government/collections/hydropower-schemes-guidelines-and-applying-for-permission>

**Other Agricultural regulation** - Proposals for slurry lagoons and field silage stores need to comply with the **Water resources (control of pollution, silage, slurry and agricultural fuel oil) regulations (SSAFO)**. 14 day prior notification must be provided to us. See: <https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil> For advice contact the Local Land and Water Team.

For guidance on Water Storage Reservoirs and Rural SuDS to help meet **Water Framework Directive** objectives:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/291508/scho0612buwh-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291508/scho0612buwh-e-e.pdf) and <http://www.ukia.org/>