

South Worcestershire Development Plan

South Worcestershire Water Management and Flooding Supplementary Planning Document

**Statement of Consultation:
Early Engagement Scoping Paper
February 2017 & Targeted Pre-
consultation August / September
2017**



Introduction

1.1 This consultation statement has been prepared in accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The statement sets out who was consulted on the Water Management and Flooding Supplementary Planning Document (SPD) Scoping Paper and during the Targeted Pre-consultation, including when and how and summarises the representations received and how they have influenced the Draft Water Management and Flooding SPD.

2. Name and Purpose of the SPD

Name

2.1 South Worcestershire Water Management and Flooding Supplementary Planning Document (SPD).

Purpose

2.2 The purpose of the Water Management and Flooding SPD is to provide guidance for planning applicants, planning officers and other interested parties on how the requirements in policies SWDP28, SWDP29 and SWDP30 of the adopted South Worcestershire Development Plan (SWDP) relating to Flood Risk, Sustainable Drainage Systems and Water Supply, should be applied. The SPD also aims to assist co-ordination between the regulatory authorities in the resolution of water management matters. It is intended to be used alongside the appropriate national planning policies and the local plan policies in the SWDP.

2.3 The SPD relates to policies SWDP28: Management of Flood Risk, SWDP29: Sustainable Drainage Systems and SWDP30: Water Resources, Efficiency and Treatment of the adopted SWDP which seek to minimise the impacts of flood risk and direct development to the areas of lowest flood risk, promote effective water management and maintain water quality. However, there are other relevant and interlinked policies that can have implications on water management:

- SWDP1: Sustainable Development
- SWDP2: Development Strategy and Settlement Hierarchy
- SWDP3: Employment, Housing and Retail Provision Requirement and Delivery

- SWDP5: Green Infrastructure
- SWDP7: Infrastructure
- SWDP17: Travellers and Travelling Showpeople
- SWDP18: Replacement Dwellings in the Open Countryside
- SWDP19: Dwellings for Rural Workers
- SWDP22: Biodiversity and Geodiversity
- SWDP25: Landscape Character
- SWDP27: Renewables and Low Carbon Energy
- SWDP31: Pollution and Instability
- SWDP35: Visitor Accommodation
- SWDP36: Static and Touring Caravans, Chalets and Camping Sites
- SWDP37: Built Community Facilities
- SWDP38: Greenspace
- SWDP39: Provision for Green Space and Outdoor Community Uses in New Development
- SWDP40: Waterfronts
- SWDP41: Marinas and Moorings
- SWDP42: Residential Moorings
- SWDP62: Implementation

3. Who was consulted on the SPD?

3.1 The Early Engagement consultation, in the form of a Scoping paper and targeted pre-consultation was directed towards those organisations with an interest in water management. The Statutory consultees set out in regulation 4 of The Town and Country Planning (Local Planning) (England) regulations 2012 were all consulted. Appendix 1 and 2 provides an overview of the types of organisation consulted. A collaborative approach has been taken to the preparation of the Water Management and Flooding SPD and colleagues in the three south Worcestershire authorities have been directly involved in contributing to and reviewing the draft SPD.

4. How Were People Consulted?

4.1 The Scoping Report consultation took place alongside consultation for the proposed Design SPD and the Renewable Energy SPD and the consultation period ran from Monday 13 February to Monday 27 March 2017. The consultees were asked if they agreed with the scope of the SPD to include:

- Explanation on the roles and responsibilities of the different bodies responsible for water management;
- Advice on flood mitigation requirements on developments and an explanation of when they are required;
- Advice on the various SuDS and water recycling / harvesting techniques available and how to design them into schemes, including their long term management;
- Advice on the level and detail of information that needs to be provided for the required Water Management Statements;
- Advice on when the Sequential and Exception tests are required and when Flood Risk Assessments should be undertaken along with the level of information required;
- Information on flooding from all sources and how this impacts on communities;
- An explanation on the relationship between biodiversity and flooding and how biodiversity gain can be maximised;
- Information and advice on water efficient devices and how to design these into development schemes;
- Advice on how development can incorporate appropriate water management techniques that maintain existing hydrological conditions that will not have adverse effects upon the natural water cycle; and
- Explanation on how the SWCs will monitor the implementation of policies SWDP28, 29 & 30.

4.2 There were also a number of consultation questions set within the Scoping Report that asked consultees to respond accordingly:

- **Q1** Do you agree with the issues identified? If not, please outline your reasons. Are there any other issues you feel should be covered?
- **Q2** Do you consider that the areas of South Worcestershire that are liable to fluvial or pluvial flooding should be identified within the document? If so, what is the best way to show this?
- **Q3** What do you think are the main planning issues that need to be considered when assessing developments that have implications for water management?

- **Q4** Apart from Biodiversity, what are the wider benefits of successful water management schemes? Should these be included within the document?
- **Q5** It is considered that a Strategic Environmental Assessment (SEA) is not required. If you believe one is required please set out what exceptional circumstances you think would justify one to be undertaken.
- **Q6** Do you think that there is an opportunity to encourage innovative designs to deal with flood risk issues such that are found in other countries?

4.2 The Scoping paper was sent together with a covering letter to a wide range of consultees as summarised within Appendix 1 in time for the start of the consultation. The Scoping Paper was also available on the three South Worcestershire Councils websites and the SWDP web-site, together with an electronic response form, for the duration of the consultation period. Hard copies of the Scoping Paper were placed in the Customer Service Centres throughout South Worcestershire, together with hard copy response forms. A press release was also issued to promote the consultation within the local area.

4.3 A pre-consultation draft was also shared with key stakeholders for comment prior to seeking approval from each of the Council's to go out to consultation. This targeted approach enabled the main partners with an interest in Water Management to help further shape the draft SPD. This exercise was undertaken from 31st August 2017 - 8th September 2017 and was in the form of a formal email and covering letter to those organisations / individuals set out at Appendix 2 with the latest draft version of the SPD attached for comment.

5. Summary of Responses

5.1 A total of nine responses were received to the Scoping Paper. A further six were received to the Targeted Pre-consultation exercise.

5.2 A summary of the comments and the officer responses to these is set out at Appendix 2 and Appendix 3 to this report.

5.3 All of the responses were either in support of the production of the SPD or raised comments in relation to its content suggesting various changes and additions / deletions. No particularly negative objections were raised to the SPD.

6. Summary of the Main Issues Raised

6.1 The main points raised were:

- New areas suggested for inclusion in the SPD including 'roles and remits', 'biodiversity betterment' and 'climate change'.
- Suggest the inclusion of reference to the promotion of trees and woods in appropriate locations to alleviate flood risk.
- Suggest that the requirements for drainage and water features in close proximity to Network Rails infrastructure be included.
- Further sources of information and suggestion on issues that need to be considered when assessing development proposals.
- The implications for heritage assets should be addresses within the document.
- The policy guidance section should be strengthened and updated and what is required or encouraged needs to be clearly set out.
- Suggest Biodiversity section could be strengthened to demonstrate gains or a specific requirement for biodiversity enhancement.
- Consider that SuDS features are surface water management devices and should be clearly defined and maintained as such. There may be landscaping benefit in their form but this should be secondary to their drainage function – this needs to be addressed in the SPD.
- Suggest the inclusion of a specific paragraph for the historic environment and recognition of the need to consider and protect heritage assets through any proposed works.

7. How Have the Issues Raised Been Addressed in the Draft SPD?

7.1 The table at Appendix 3 and 4 sets out how each of the comments made has been considered within the Draft SPD.

Appendix 1: List of Consultees

- Statutory Bodies listed in Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
- Parish and town councils in Worcester City, Malvern Hills and Wychavon Districts.
- All adjoining District Councils.
- All Parish and Town Councils adjoining Malvern Hills and Wychavon Districts.
- Worcestershire County Council.
- Registered Providers.
- Agents for developers/ architects/ Tetlow King (who act for local Registered Providers).
- All District Councillors in Malvern Hills District Council, Worcester City Council and Wychavon District Council.
- Economic Development officers/ groups.
- Voluntary sector- wide ranging, local residents groups/ tenants associations.
- Health and public services organisations, e.g. NHS, police and Fire service (and adjoining ones).
- The utilities.
- District Council officers in Development Management.

Appendix 2: Targeted Consultees

Lead Local Flood Authority

Canal River Trust

Lower Severn Internal Drainage Board

National Flood Forum

Severn Trent

Network Rail

Natural England

Local Authority Land Drainage Engineers

Local Authority Development Management Officers

Historic England

Environment Agency

South Worcestershire Land Drainage Partnership

Worcestershire Wildlife Trust

Woodland Trust

Appendix 3 – Summary of responses received to the Scoping Paper and how they have been considered in the draft SPD

Rep no.	Respondent	Summary of representation	Officer Comments on Representations
1	Environment Agency	Supportive of the production of the SPD and detailed a number of areas which the SPD might want to discuss, including roles and remits, biodiversity betterment and climate change.	Supportive comments noted. Agreed with the inclusion of new headings and areas that the SPD should address and subsequently the 'roles and responsibilities' section was strengthened within the SPD and new paragraphs introduced to deal with 'biodiversity' and 'climate change' included within the draft SPD.
2	Woodland Trust	Promoted the use of trees and woods in appropriate locations to alleviate certain types of flood risk, and highlighted a number of innovative schemes from across the UK.	Acknowledge that the promotion of trees and woods in appropriate locations to alleviate flood risk could be beneficial and reference to this has been included within the new 'biodiversity' section in the draft SPD. In addition, innovative schemes from across the UK have been included as an Appendix to the SPD.
3	Network Rail	Provided information on Network Rail's infrastructure and the requirements for drainage and water features in close proximity to it.	Comments noted. The requirements for drainage and water features in close proximity to Network Rails infrastructure have been included within the draft SPD.
4	Worcestershire County Council	Agreed that the issues outlined in the Scoping Paper should be addressed in the SPD and provided further sources of information.	Comments noted and further sources of information referred to in the draft SPD.

5	Worcestershire Wildlife Trust	Agreed with scope of the SPD and provided useful information on issues that need to be considered when assessing development proposals.	Comments noted and information on issues that need to be considered when assessing development proposals have been included within the draft SPD.
6	Natural England	Topic unlikely to have a major impact on the natural environment, but may nonetheless have some effects. Provided some general information to refer to in the SPDs production.	Comments noted and general information provided has been included within the draft SPD.
7	Historic England	Welcomed the preparation of the SPD as there are often implications for heritage assets. Suggest that appropriate management of flood risk could be beneficial for the historic environment.	Comments noted. The implications for heritage assets have been included in the draft SPD.
8	South Worcestershire Land Drainage Partnership	Agreed with the issues identified and provided references to a number of relevant documents.	Comments noted. The relevant documents referred to have been included in the draft SPD for further sources of information.
9	Hallam Land Management	Highlighted the importance of detailing national policy and guidance and that the SPD should make clear what is required and what is encouraged.	Comments noted. The policy guidance section has been strengthened and updated and it is now considered that the SPD clearly sets out what is required or encouraged.

Appendix 4 – Summary of responses received to the Targeted pre-Consultation exercise and how they have been considered in the draft SPD

Rep no.	Respondent	Summary of representation	Officer Comments on Representations
1	Environment Agency	Responded stating that the Environment Agency will now be charging for their services to comment on draft SPD documents.	Noted.
2	Worcestershire Wildlife Trust	Generally supportive of the draft SPD. Suggest Biodiversity section could be strengthened to demonstrate gains or a specific requirement for biodiversity enhancement. Strongly endorse the requirements regarding SuDS.	Comments noted and support welcomed. The SPD has been updated in the Biodiversity section to require biodiversity enhancement.

3	South Worcestershire Land Drainage Partnership	<p>Suggest updated information is provided within the SPD on legislation and sources of information.</p> <p>Suggest reference is provided on the EA surface water maps to assess the fluvial flood risk for smaller catchment areas.</p> <p>Suggest reference is made to the latest version of the EA Flood Risk & Coastal Change; Climate Change Allowance for Planning (SHWG area).</p> <p>Also mention should be made of the EA guidance on Residual Uncertainty Allowance (RUA).</p> <p>In terms of the section on Site Specific FRA's - floodplain compensation should be provided near to, or opposite the site, up to the Design Flood Level.</p> <p>Consider that SuDS features are surface water management devices and should be clearly defined and maintained as such. There may be landscaping benefit in their form but this should be secondary to their drainage function.</p> <p>Need to clarify who the 'operating authorities' referred to are and ensure the document refers to appropriate mechanisms by which to fund the long term maintenance of SuDS.</p>	<p>Comments and suggested changes on legislation and sources of information have been incorporated into the draft SPD. Map references have also been updated to refer applicants to the correct sources. Comments on floodplain compensation are also noted and included within the draft SPD.</p> <p>Comments are noted on the fact that Suds are surface water management devices that need to be maintained as such but the SPD does need to recognise the importance of their landscape benefit.</p> <p>Comments noted on the 'operating authorities' and these have been greater defined in the draft SPD and included within the glossary for clarification.</p> <p>Further comments on Suds maintenance have been noted and reference to LA's adopting such features has been deleted from the draft SPD.</p>
4	Worcestershire City Council	<p>Provided a track changes version of the draft SPD including a number of comments, additions and deletions.</p>	<p>Changes suggested have been noted and comments received have been reviewed and generally any suggestions have been incorporated into the draft document.</p>

5	Worcester City Council DM Officer	<p>The document sets out too much detail on the legislative and policy framework but at the same time, the policy requirements are not sufficiently clear – the policy sections are a mix of policy and guidance and the requirements are often not sufficiently explained. It is not sufficiently clear how applicants will be required to demonstrate how they have met the requirements and also how we will assess this. The document does not make clear the scale and type of applications that will need to meet each of the requirements. Section 6 sets out a lot of background information relating to flooding but it doesn't really move us forward in terms of the specific requirements that applicants will be required to meet. Section 7 requires more detail around how proposals will be assessed – there are currently references to the Council's Engineering Consultancy section which we do not have. Overall, the purpose of the document and the requirements need to be clearer.</p>	<p>Comments noted. The draft SPD has been updated and re-formatted to make the purpose of the SPD and the requirements expected of applicants clearer. The policy section has also been revised to produce a more succinct analysis of legislation and guidance.</p>
6	Historic England	<p>A couple of minor points at this stage. Support the reference to the historic environment policies and consider that any flooding and water management improvements should not have a negative effect on the historic environment or cause problems for heritage assets. Especially vulnerable to this can be</p>	<p>Support and comments noted. The draft SPD has been amended to include specific reference to undesignated archaeology and a new heading 'historic environment' has been included to ensure that water management does not have a negative impact on heritage assets.</p>

		<p>undesigned archaeology. We also welcome the opportunity for the historic environment that benefits from this SPD could bring.</p> <p>We would support the inclusion of a specific paragraph for the historic environment and recognition of the need to consider and protect heritage assets through any proposed works.</p> <p>Consider it would be beneficial to include a reference to whether there are heritage assets on site or in the vicinity of proposed works and how flood and water management may impact, either negatively or positively.</p> <p>As we have raised undesigned archaeology can be particularly vulnerable so we would expect the Historic Environment Record to be consulted and local historic environment staff engaged.</p>	
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