

Staffordshire Moorlands District Council
Planning Policy
Moorlands House
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Our ref: UT/2008/104875/OR-
02/PO1-L01

Your ref:

Date: 27 August 2021

Dear Sir/Madam

Publication of Biddulph Neighbourhood Plan Proposal and Biddulph Neighbourhood Development Order Proposal

Thank you for referring the above Neighbourhood Plan Proposal and Neighbourhood Development Order Proposal which was received on 15 July 2021. We are broadly in support of the aims and objectives and wish to make the following comments.

Flood Risk

The Neighbourhood Development Plan (NDP) should propose local policies to safeguard land at risk from fluvial flooding and the provision of sustainable management of surface water from both allocated and future windfall sites. The local policies should seek to enhance the policies in Staffordshire Moorlands District Local Plan adopted in 2020, in particular Policy SD 5 Flood Risk.

The plan area includes a number of watercourses including the Biddulph Brook, a designated main river, which runs through the town. This watercourse has areas of floodplain associated with it, most of which is Flood Zone 3 (high probability). There are also smaller ordinary watercourses and any proposals that are considered during the Neighbourhood Plan process should take account of this.

All proposals for new development must demonstrate that existing flood risk will not be increased elsewhere (downstream), ideally by managing surface water on site and limiting runoff to the greenfield rate or better. The use of sustainable drainage systems and permeable surfaces will be encouraged where appropriate which has been highlighted in the NDP. Consideration should also be given to the impact of new development on both existing and future flood risk. Where appropriate, development should include measures that mitigate and adapt to climate change.

In line with national planning policy any new development should be directed away from those areas at highest flood risk, i.e. towards Flood Zone 1. Planning applications for

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

development within the Plan area must be accompanied by site-specific flood risk assessments in line with the requirements of national planning policy and advice. These should take account of the latest climate change allowances. Consideration should also be given to the impact of new development on both existing and future flood risk.

Where appropriate, development should include measures that mitigate and adapt to climate change. In the longer term, consideration should be given to identifying opportunities to remove development from floodplains through land swapping to maximise natural storage of flood water, reduce flooding problems and increase landscape, ecological and conservation value.

Whilst we welcome Policy INF2 (Sustainable Drainage), it should be further expanded to cover a wider range of relevant flood risk management issues including the following:

- New development proposals must also demonstrate that they will not increase flood risk **elsewhere** both in and out of the Plan area.
- The sequential approach should also be used within development sites to inform site layout with the most vulnerable part of the development located in the lowest risk areas and the higher risk areas being used for flood risk management, environmental, recreation or amenity purposes.
- On Greenfield sites surface water runoff rates should not be increased and we strongly advise development should achieve better than Greenfield runoff rates for Greenfield sites. On brownfield sites surface water runoff should be reduced to the Greenfield rate or ideally better than Greenfield rates, wherever practical. Applicants should target a reduction in surface water discharge in accordance with Defra and LLFA guidance. Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage.
- All new development, including infill development and small scale development, should incorporate sustainable drainage systems (SuDS) to reduce flood risk and manage surface water and to ensure that runoff does not increase the risk of flooding elsewhere taking account of the impact of climate change. Long-term maintenance arrangements for all SuDS should also be in place for the lifetime of the development and agreed with the relevant risk management authority. Development should ensure that SuDS link to green infrastructure to provide environmental benefits as well as balancing flood flows and improving water quality.
- Proposals for new development should consider future flood risk and, where appropriate, include resistance and resilience measures that mitigate and adapt to the anticipated impacts of climate change.
- All development should be set back from main rivers with a minimum of an 8 metres wide undeveloped buffer strip in order to provide maintenance access, make space for water and provide additional capacity to accommodate climate change.
- Existing open watercourses should not be culverted. Building over existing culverts should be avoided. Where feasible, opportunities to open up culverted watercourses should be sought to reduce the associated flood risk and danger of collapse whilst taking advantage of opportunities to enhance biodiversity and

green infrastructure. Where this is not possible, an assessment of its structural integrity should be made, with any remedial actions taken prior to the development of the site. In addition, a maintenance regime should be agreed to reduce the likelihood of blockage.

- Where possible, opportunities should be sought to work with other bodies and landowners to encourage and promote implementation of natural flood management measures which will contribute towards delivering a reduction in local and catchment-wide flood risk and the impacts of climate change as well as achieve other wider environmental benefits.
- Where possible, opportunities should be sought to undertake river restoration and enhance natural river corridors as part of a development in line with the Water Framework Directive and to make space for water.
- River habitats should be retained and enhanced and taking opportunities to improve connectivity.

Green/blue corridors provide multiple benefits to residential areas by providing services such as flood management provision, green space and ecological function and some amenity. Consequently they then need to be afforded a high level of protection (8m minimum standoff) from encroaching developments in order to facilitate their function particularly with the need for extra capacity due to climate change.

Water Framework Directive

A large part of the Environment Agency's work now is to implement the Water Framework Directive (WFD) which aims to protect and improve the water environment. It applies to surface waters and groundwater. Successful implementation of the WFD will help to protect all elements of the water cycle and enhance the quality of our groundwaters, rivers, lakes, estuaries and seas

The WFD and its objectives from the Humber and North West River Basin Management Plans (RBMPs) have not been included as part of the evidence base of this NDP. The overall objective of the WFD Water Environment (England and Wales) Regulations (2017) is to aim to achieve good status of all water bodies. It is important to ensure proposed developments comply with the WFD by:

- preventing deterioration of the status of water bodies compared to the baseline status reported in the 2015 river basin management plans;
- supporting the achievement of the environmental objectives in the 2015 plans; and where relevant
- ensuring a new activity or new physical modification does not jeopardise the future achievement of good status for a water body

When considering the proposed development of a site, an assessment should be made to:

- identify when there might be impacts on water bodies;
- seek options that reduce impacts on water bodies;
- assess the risk of deterioration or failing to improve water bodies;
- require all practicable mitigation;
- prevent deterioration of current water body status;
- take listed measures in RBMPs into account;
- consider alternative development options that would avoid or reduce impacts on

- water bodies;
- seek opportunities to improve water bodies; and
- consider objectives in RBMPs for protected areas.

We strongly advise a planning policy and supporting evidence base is included within this NDP to encompass the above and strengthen Local Plan Policy SD 5 (Flood Risk). This could be encompassed within Policy NE1 (Natural Environment Features) where it is proposed to preserve or enhance watercourses, ponds and lakes.

Biodiversity

Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. We recommend the inclusion of a requirement for biodiversity net gain by restoring or creating environmental features that are of greater value to both people and wildlife.

Biodiversity net gain is an approach to development that results in measurable net gains in biodiversity, having taken positive and negative impacts into account. Net gains for biodiversity are typically either an increase in the stock itself, or an improvement to an existing stock. This is supported by National Planning Policy Framework paragraphs 174, 179 and 180.

If greenspaces can be designed to be less formal areas with more semi-natural habitats this will reduce maintenance costs and provide better biodiversity and water management potential. These can also be incorporated into the surface water management of the site.

Finally, we recommend Staffordshire County Council as the Lead Local Flood Authority (LLFA) are consulted on this Plan. The LLFA are responsible for managing flood risk from local sources including ordinary watercourses, groundwater and surface water.

If you have any queries contact me on the details below.

Yours sincerely

Ms Anne-Marie McLaughlin
Senior Planning Advisor

Direct dial 020 3025 4111

Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk