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# Craven Local Plan Examination

## Matter 17

### Statement by Craven District Council

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**Matter 17** – Flood Risk, Water Quality and the Leeds & Liverpool Canal (Policies SD2, ENV6, ENV8 and ENV11)

**Hearing Day 9**–Wednesday 24<sup>th</sup> October 2018 (Week 3)

September 2018

## **Issue 1 – Flood Risk – Policies SD2 and ENV6**

**Q1. Are policies SD2 and ENV6 consistent with paragraph 94 of the Framework which states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk?**

### **Council's Response**

1. Policies SD2 and ENV6 are consistent with paragraph 94 of the Framework in that they exemplify how the Council is proactively adapting to climate change in line with the objectives and provisions of the Climate Change Act 2008. Specifically Policy ENV6 (a) advocates the application of the sequential test and if necessary the exception test to concentrate development in flood zone 1 and avoid building in higher risk flood zones. The Council's Strategic Flood Risk Assessment (FI001) evidences this approach and warns that 'locations currently within lower risk zones could in future be re-classified as lying within a higher risk zone as a result of climate change' (i.e. flood zone 2 could become flood zone 3 in certain areas in the future). As such, the SFRA states that 'this will have implications for both the type of development that is appropriate according to its vulnerability to flooding and design standards for any SuDS or mitigation schemes proposed'.
2. To mitigate climate change effects on land which may creep into higher flood zones in the future ENV6 (b) requires developers to incorporate SuDS where feasible and appropriate. As the strategic policy on meeting the challenge of climate change, Policy SD2 also advocates that proposed new development should be located in areas of low flood risk and that 'when new development is brought forward in areas which may be more vulnerable, care will be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure', as advocated in Policy ENV5.
3. Specifically Policy SD2 states that "in terms of adapting to climate change, the local plan considers future climate risks when allocating development sites to ensure risks are understood over the development's lifetime, in addition to considering the impact of and promoting design responses to flood risk." Green infrastructure has been identified on allocated sites in some instances to buffer development from areas of land which are at a greater risk of flooding.

**Q2. Does Policy ENV6 set out clear and effective criteria for proposals for new development to adhere to?**

**Council's Response**

1. Yes, the policy directs development to areas of lowest flood risk wherever possible, applying the sequential and exceptions tests where necessary (criterion a). The policy also promotes SuDS (criterion b) in line with NYCC SuDS Design Guidance (see Main Modification in Q3 below) and aims to minimise the risk of surface water flooding via standards set out by the Environment Agency (criterion e).

**Q3. Is it clear to decision-makers, developers and local communities what is required of proposals when managing surface water drainage? Is it necessary in the interests of soundness to refer to the NYCC SuDS Design Guidance?**

**Council's Response**

1. The Council accepts that it may be appropriate and help to make the policy more effective and clear if Policy ENV6 directly refers to the NYCC SuDS Design Guidance and any successor guidance. Whilst reference to NYCC's SuDS Design Guidance is made in the supporting text to Policy ENV6, it is agreed that the policy should also refer to the Guidance and any successor. This is in line with the approach taken with other policies in the plan which refer to guidance documents. As such and following advice from NYCC, the Council has suggested a main modification to Policy ENV6, criterion (b) to include reference to NYCC SuDS Design Guidance and any successor guidance.

<b>Proposed Modification</b>
Page 141 of the Submission Draft Local Plan: amendment to Policy ENV6, criterion (b) as follows:  b) Development will safeguard waterways and benefit the local environment (aesthetically and ecologically) by incorporating sustainable drainage systems (SuDS) <u>as set out in the NYCC SuDS Design Guidance and any successor guidance</u> ; where the use of SuDS is not possible, feasible or appropriate other means of flood prevention and water management should be used. All surface water drainage systems (SuDS or other) should be economically maintained for the lifetime of the development.

**Q4. What is the justification for referring to specific standards within Appendix D to the Local Plan, rather than Policy ENV6?**

**Council's Response**

1. The Environment Agency has requested that the specific standards for surface water management are included within Policy ENV4. These specific standards (or successor standards) have been appended to the plan in order to keep the Policy ENV6 clear and concise. Direct reference is made to the appendix within criteria (e) and (f) of the policy, to avoid confusion. A main modification is suggested to Policy ENV6, criteria (e) and (f) to include the wording “and subsequent updates to the standards”, following the bracketed wording “as per standards set out by the Environment Agency.”

<b>Proposed Modification</b>
<p>Page 142 of the Submission draft Local Plan: amendment to Policy ENV6, criteria (e) and (f) as follows:</p> <p>e) Development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal in advance of occupation (as per standards set out by the Environment Agency <u>and subsequent updates to the standards</u>, see Appendix D). Surface water should be managed at the source and not transferred, and every option should be investigated before discharging surface water into a public sewerage network.</p> <p>f) Development will maximise opportunities to help reduce the causes and impacts of flooding by ensuring adequate sufficient attenuation and long term storage is provided to accommodate storm water on site without risk to people or property and without overflowing into a watercourse (as per standards set out by the Environment Agency <u>and subsequent updates to the standards</u>, see Appendix D).</p>

## **Issue 2 – Water Quality – Policy ENV8**

**Q1. Is it clear to decision-makers, developers and local communities what is required of proposals for new development under Policy ENV8 b)?**

### **Council’s Response**

1. Due to the ability of all site designs to incorporate water conservation it may be more clear if the policy ‘requires’ not ‘encourages’ the collection and reuse of water on site. This also reflects criterion (u) of Policy ENV3 on Good Design which states that development should take the opportunity to reduce water use. Water conservation is one of a variety of the methods advocated in the local plan

to achieve sustainable development (Plan Objective PO9 and policy SD1) and meet the challenge of adapting to climate change (policy SD2).

<b>Proposed Modification</b>
Page 146 of the submission local plan: Amendment to Policy ENV8, criterion (b) to alter the word “encourage” to “require”:  b) Development will <del>encourage</del> <u>require</u> the incorporation of water conservation into its design, to maximise opportunities to collect and re-use water on site

## **Q2. How does the Local Plan allow for potential operational development that may be required to United Utilities assets located in the countryside?**

### **Council’s response**

1. Following advice from United Utilities to allow for potential operational development to take place on their assets in the countryside, the Council have suggested a main modification to SP12: Infrastructure, Strategy and Development Delivery, and the accompanying Infrastructure Delivery Plan (IDP) (Appendix C). It is suggested that SP12 be modified to recognise that utility sites, located within the countryside are appropriate for development for operational purposes. It is also suggested that the IDP be modified to include a list of United Utilities WWTW outside the settlement boundaries.

<b>Proposed Modifications</b>
Page 113 of the submission local plan: Amendment to Policy SP12 to include additional paragraph:  <u>“Proposals for the necessary maintenance, upgrading and expansion of utilities infrastructure that falls outside of the settlement boundaries will be supported. “</u>
Page 30 of the Infrastructure Delivery Plan (Appendix C): Additional paragraph after 4.13: <u>“United Utilities would wish to see proposals for maintenance, upgrading and expansion of water supply and waste water infrastructure that falls outside the settlement boundaries to be supported. These include:</u>  <ul style="list-style-type: none"><li>• <u>Clapham Beck Wastewater Treatment Works (WWTW)</u></li><li>• <u>Lower Bentham WWTW</u></li><li>• <u>Burton in Lonsdale WWTW</u></li><li>• <u>Horton in Ribblesdale WWTW</u></li><li>• <u>Newby WWTW</u></li></ul>

- Austwick WWTW
- Long Preston WWTW
- High Benham WWTW
- Hellifield WWTW
- Ingleton WWTW
- Gildersleets WWTW “

### **Q3. What are Source Protection Zones ('SPZ's') and are they shown on the Policies Map?**

#### **Council's response**

1. Source Protection Zones (SPZ) are the areas close to drinking water sources where the risk associated with groundwater contamination is greatest. There are two SPZ in Craven, one to the south-west of Cowling and one at Broughton Hall. These have been missed off the Submission Plan Area Policies Map in error. The Local Plan Policies Map will be amended to include the two SPZs. Specifically the SPZ at Broughton will be included in Inset Map 19 however, the SPZ to the south-west of Cowling is too far away to show on Inset Map 29 for Cowling, and will be included on the full plan area Local Plan Policies Map.

## **Issue 3 – The Leeds & Liverpool Canal - Policy ENV11**

### **Q1. Is it clear to decision-makers, developers and local communities how development will be expected to improve the “amenity” of the canal? Is this precise enough, and is the policy effective?**

#### **Council's Response**

1. Yes – “Amenity” is a common term in planning and is widely understood by decision-makers, developers and local communities. The dictionary definition of amenity is “The pleasantness or attractiveness of a place” and this is usefully expanded upon by the Planning Portal Glossary, which defines amenity as “A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity”. The amenity of the canal, in particular, is described in the supporting text for Policy ENV11, at paragraph 5.94 of the Local Plan.

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If you would like to have this information in a way that's better for you, please telephone **01756 700600**.

