

Part B (see Note 1 and Note 8 para 4.2)

Please use a separate Part B form for each representation you wish to make

Name or Organisation (see Note 8 para 4.1)

Environment Agency

1. To which part of the BDP does this representation relate?

Page: 26	Paragraph:	Policy: BDP5A
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

Yes:

3. Please give details of why you consider the BDP is not legally compliant. Please be as precise as possible. If you wish to support the legal compliance of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

Please refer to attached letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11 November

4. Please set out what change(s) you consider necessary to make the BDP legally compliant, having regard to the issue(s) you have identified above. You will need to say why this change will make the BDP legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

Please refer to attached letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11 November

5. Do you consider the BDP is sound? (see Note 3)

Yes:

Part B (see Note 1 and Note 8 para 4.2)

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Environment Agency

1. To which part of the BDP does this representation relate?

Page: 74	Paragraph:	Policy: BDP17
Policies Map:	Other document:	

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

2. Do you consider the BDP is legally compliant? (see Note 2)

<input type="checkbox"/>	No:
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5. Do you consider the BDP is sound? (see Note 3)

Yes: <input type="checkbox"/>	<input type="checkbox"/>
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Do you consider the BDP is **unsound** because it is not:

	<input checked="" type="checkbox"/>
(2) Effective (see Note 5)	<input type="checkbox"/>
(3) Consistent with national policy (see Note 6)	<input type="checkbox"/>
(4) Positively prepared (see Note 7)	<input type="checkbox"/>

6. Please give details of why you consider the BDP is unsound. Please be as precise as possible. If you wish to support the soundness of the BDP, please also use this box to set out your comments. (Continue on a separate sheet /expand box if necessary)

Please refer to attached letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11 November

7. Please set out what change(s) you consider necessary to make the BDP sound, having regard to the test you have identified at 6 above. You will need to say why this change will make the BDP sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Continue on a separate sheet /expand box if necessary) (see Note 8 para 4.3)

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Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s), as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? **Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

No, I do not wish to participate at the oral examination	<input type="checkbox"/>
Yes, I wish to participate at the oral examination	<input checked="" type="checkbox"/>

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary. (Continue on a separate sheet /expand box if necessary)

To address issues identified in our letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11

November

Signature:



Date: 11/11/13

Part B (see Note 1 and Note 8 para 4.2)

Please use a separate Part B form for each representation you wish to make

Name or Organisation (see Note 8 para 4.1)

Environment Agency

1. To which part of the BDP does this representation relate?

Page: 43

Paragraph: .

Policy: RCBD1

Policies Map:

Other document:

If your representation does not relate to a specific part of the document, or it relates to a different document, for example the Sustainability Appraisal, please make this clear in your response.

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Yes:

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Please refer to attached letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11 November

5. Do you consider the BDP is sound? (see Note 3)

Yes:

Do you consider the BDP is **unsound** because it is not:

(1) Justified (see Note 4)	<input type="checkbox"/>
(2) Effective (see Note 5)	<input type="checkbox"/>
	<input checked="" type="checkbox"/>
(4) Positively prepared (see Note 7)	<input type="checkbox"/>

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To address issues identified in our letter ref. SV/2010/103997/CS-03/SB1-L01 dated 11 November

Signature



Date: 11/11/13

Bromsgrove District Council
Planning Policy
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Our ref: SV/2010/103997/CS-
03/SB1-L01
Your ref:
Date: 11 November 2013

Dear Sir/Madam

BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION DOCUMENT

Thank you for referring the above document for consultation which was received on 30 September 2013. Having reviewed the plan our comments and representations are set out below.

PREVIOUS INVOLVEMENT

We have provided responses to the previous stages of this plan including the Draft Core Strategy 2 (Draft CS2) on 14 April 2011 (our letter ref. SV/2010/103997/CS-02/P01-L01), the Draft Town Centre Area Action Plan on 14 April 2011 (our letter ref. SV/2010/103997/ AP-02/PO1-L01), and Bromsgrove District Council and Redditch Borough Council's Consultation on Housing Growth on 15 May 2013 (our letter ref. SV/2010/104024/OR-03/IS1-L01).

The Bromsgrove District Plan effectively involves the consolidation of these documents incorporating the cross boundary growth proposals.

POLICIES

BDP1 – Sustainable Development Principles

B079/1

The District Profile Section of the Plan recognises the environmental characteristics of the District including the quantitative and qualitative issues associated with its waterbodies.

We consider therefore that, in addressing local environmental issues to reflect the presumption in favour of sustainable development within the NPPF, this policy should have sufficient regard to these characteristics.

To address this it is recommended that the policy is updated to include reference to water quality in proviso d) of BDP1.4. It is suggested that this proviso reads as follows:

d) The quality of the natural environment including any potential impact on biodiversity, water quality, landscape and the provision of/and links to green infrastructure (GI) networks;

B079/2 **BDP5A – Bromsgrove Town Expansion Sites Policy**

General

New evidence base documents have been produced since our response to the Draft CS2 including the Level 2 Strategic Flood Risk Assessment (SFRA) for Bromsgrove and Redditch (June 2012) and the Outline Water Cycle Strategy (WCS) (May 2012). We are pleased to note that all three of the sites proposed by this policy are assessed in the SFRA and WCS.

We welcome the biodiversity measures at provisos i) and j) of the policy and the reference to Water Framework Directive (WFD) objectives at proviso k).

We would however recommend that reference is made at proviso k) to the findings and recommendations for the sites within the Council's Level 2 SFRA. This will ensure a clear link with the Council's evidence base supporting this policy and provide prospective developers with key site specific information to inform the Flood Risk Assessment and Drainage Strategy for each site. It is suggested that proviso k is amended to read as follows:

k) Flood risk from the Battlefield Brook on BROM2 and BROM3 should be addressed through flood management measures to protect and enhance the District's watercourses and enable development appropriate to the flood risk; and surface water run off must be managed to prevent flooding on and around all of the sites through the use of SuDS. Regard should be had to the findings and recommendations for these sites in the Council's Level 2 Strategic Flood Risk Assessment. In accordance with the objectives of the Water Framework Directive, development should ideally enhance, or at least not worsen, water quality;

Similarly, we would recommend that reference is made to the Council's WCS at proviso l) of the policy. This could read as follows:

l) Sewerage capacity issues identified in the Outline Water Cycle Strategy will be satisfactorily addressed in Bromsgrove Town through engagement with both Severn Trent Water Ltd and the Environment Agency;

The reference to 'SAB' at footnote 15 to this policy should refer to the SuDS Approval Body and not the Science Advisory Board.

Risk to controlled waters

We would like to highlight that there is a licensed public water supply abstraction located within the curtilage of the existing dwelling at the north west corner of site allocation BROM3 (Whitford Road). There are Source Protection Zones associated with this groundwater source with the inner zone (SPZ1) falling within the boundary of the

dwelling's curtilage. The catchment area of this groundwater source extends across all three of the sites allocated by this policy with BROM2 and BROM3 affected by both SPZ2 and SPZ3, and BROM1 being within SPZ3.

Source Protection Zones – SPZs have been modelled to protect specific sensitive locations such as springs, wells and boreholes used for potable supply. They define the source catchment area i.e. the area underlain by groundwater which will eventually be drawn to that borehole or well. Generally, the closer a polluting activity or release is to a groundwater source the greater the risk of pollution (SPZ1 is the inner zone and therefore the type of development and activities that can take place within this zone are restricted). The location and extent of the Source Protection Zones on the site is shown on the map at Appendix A to this letter. The site is therefore located in a sensitive hydrogeological setting.

At present this groundwater body is at poor chemical status and poor quantitative status under the Water Framework Directive (WFD). This means that the quality of the groundwater is poor and the aquifer is over-abstracted.

We are concerned to note that Policy BDP5A provides no reference to the SPZs on the sites and makes no reference to the poor quantitative status of the groundwater body under the WFD. We consider that in its current form BDP5A does not take into account the sensitive hydrogeological setting of the area and its vulnerability to the effects of new development.

As such we believe that this policy does not have sufficient regard to national policy in the NPPF, namely the requirement at paragraph 109 for the planning system to contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution; and paragraph 120 requiring planning policies to take account of the potential sensitivity of the area to adverse effects from pollution. On this basis we consider that the plan is unsound because it is not consistent with the requirements of national policy.

We note that there is general provision within the plan at Policy BDP19 (High Quality Design) for addressing land contamination issues associated with development, but consider that that this site presents specific constraints that should be addressed in a site specific policy.

Sustainability Appraisal

We note that the assessment of this policy in the Sustainability Appraisal (SA) has regard to the potential for the sites to impact on environmental issues such as flooding, air and water quality. It is considered however that the presence of SPZs on the sites and the WFD status of the groundwater body also represent key policy weaknesses that are not given consideration in the Appraisal.

Recommendations

We consider that changes are required to the content of this policy in order to ensure that:

- it has due regard to the sensitive hydrogeological setting of the area;
- it fully recognises the potential effects of the proposed development on water quality and water resources;

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- it provides mechanisms to secure the delivery of a sustainable development that is consistent with the aims of national planning policy and the Water Framework Directive.

We also consider that the SA for the BDP needs to be updated to identify the key ground water issues with this policy and put forward appropriate recommendations for mitigation.

We support the mitigation recommendation within the SA for a masterplan to be developed to supplement the policy, but consider it important that this has due regard to the risk to controlled waters including the location of the Source Protection Zones. We also consider it important that such spatial information is presented within the plan and recommend that an indicative masterplan forms an integral part of the policy rather than being reserved for future production.

Our recommendations for Policy BDP5A are as follows:

- Updated maps are provided to supplement the policy, including indicative masterplan showing the location and extent of SPZs, and including appropriate restrictions for certain development types within SPZs
- Appropriate risk assessments and site investigations should be required to identify any previous contaminative history
- A SuDS scheme including appropriate treatment and measures to ensure recharge to aquifer. A risk assessment to identify pollution risks associated with proposed development i.e contaminated run off, foul drainage, etc.

8079/3 **BDP5B – Other Development Sites Policy**

The previous version of this policy in the Draft CS2 (Core Policy 4B) listed a number principles that should be applied to any development proposals on the sites. This approach has not been taken for Policy BDP5B with the policy only providing details relating the scale, capacity and planning status of each site. We appreciate that the majority of the sites have now received planning permission and thus it may not be appropriate to include policy to secure their implementation.

It is however noted that the site at Frankley and the Ravensbank Expansion site are not subject to an extant planning permission, and the site at Hagley is not developed to its full capacity.

Furthermore, the Frankley and Ravensbank Expansion sites are not included in the Council's Level 2 SFRA. We accept that both of these sites are shown on our flood map to be located within Flood Zone 1 however this is due to the small catchment size of the watercourses associated with the sites and does not mean that flood risk is not an issue. As advised in our response to the Draft CS2, the development of the Ravensbank site provides an opportunity to open up the culverted section of watercourse through the site to improved its flood capacity.

On the basis that both of these sites are located in Flood Zone 1, we do not consider it to be reasonable at this stage for you to update your Level 2 SFRA. We would however recommend that the proposals on these sites have regard to the principles and recommendations within the SFRA and it is suggested that reference to this is made in

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the descriptive text for the sites at paragraphs 8.65 and 8.67 of the plan. It is suggested that at each paragraph the text is amended to include:

“A Flood Risk Assessment will be required to support any planning application proposing the development of this site which reflects the principles and recommendations within the Council’s Level 2 Strategic Flood Risk Assessment.”

The Hagley Development Site still has remaining capacity for 18 dwellings. It is recommended that proposals for this site have regard to the principles and recommendations for this site (BDC51) within the Council’s SFRA. It is suggested that paragraph 8.66 is updated to include:

“Any planning application proposing the development of the remainder of this site should be supported by a Flood Risk Assessment which reflects the principles and recommendations for the site within the Council’s Level 2 Strategic Flood Risk Assessment.”

Given that the sites are located within Flood Zone 1 you may wish to consult with your Land Drainage Officer/the Lead Local Flood Authority regarding the above suggested approach as they may wish to advise on other sources of flooding and the guidance within the SFRA on these other sources.

RCBD1.1 - Redditch Cross Boundary Development

X8002/1

Flood Risk

These sites are not included in Level 2 SFRA for Bromsgrove although based on their location predominately in Flood Zone 1 we do not see any need for you to update the document.

A Preliminary FRA for this site has been submitted to Redditch Borough Council by a prospective developer. This document is available for public viewing on the ‘Cross Boundary Site Information’ page of Redditch Borough Council’s website. We have provided a review of this FRA advising that *“for a development of this scale we would expect full hydraulic modelling of the watercourses to be undertaken to determine the potential flood risk. The results of this should be included with any future planning application.”* We were however satisfied that there should be more than ample land available on the site within Flood Zone 1 for development once this assessment has been undertaken.

Our full comments in relation to the Preliminary FRA are available for public viewing on the ‘Cross Boundary Site Information’ page of Redditch Borough Council’s website.

The requirement to carry out hydraulic modelling also applies to Site 2 Brockhill East on the basis that this site has not been assessed in the Council’s Level 2 SFRA. This will ensure consistency with the policy for the remainder of the site within the Borough of Redditch Local Plan No.4 (Policy 46). It is recommend that the requirement to model the floodplain of the watercourses on both sites should be made an integral part of Policy RCBD1.1. To achieve this it is suggested that proviso VI. of the policy is amended to read as follows:

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"VI. Flood risk from the Spring Brook on Site 1 Foxlydiate and the Red Ditch on Site 2 Brockhill East should be managed through measures that work with natural processes to improve the local water environment. Any necessary measures to mitigate flood risk are to be implemented and flood modelling will be required, which must be outlined in a site specific Flood Risk Assessment. Development will only be permitted in Flood Zone 1. Surface water runoff must be managed to prevent flooding on, around and downstream of the both sites through the use of Sustainable Drainage Systems (SuDS). A supporting risk assessment will be provided as SuDS techniques may be limited due to Source Protection Zones within Site 1 Foxlydiate."

Risk to controlled waters - Site 1 Foxlydiate

We would reiterate our comments made in relation to this policy in our response to the Council's Consultation on Housing Growth. This site is mainly located on a Principal Aquifer. It forms part of the Warwickshire Avon Permo-Triassic Sandstone South groundwater body. At present this groundwater body is at good chemical status and poor quantitative status under the Water Framework Directive (WFD). This means that the quality of the groundwater is good however, the aquifer is over-abstracted and this has caused problems with low flows in the watercourses that should be supported by baseflow from the aquifer. Source Protection Zones (i.e. SPZ 1, 2 and 3) cover part of the area relating to Severn Trent Water Ltd's public water supply boreholes. We understand that Severn Trent Water Ltd. has been consulted on the Bromsgrove District Plan and raised commented on the potential impacts on their public water supply boreholes, such as water quality, pollution prevention and aquifer recharge etc.

X B002/2 In this instance the groundwater sources and their inner Source Protection Zones (SPZ1) are based around Cur Lane at the centre of the site allocation with the source catchment area extending across the majority of the northern part of the site. The location and extent of the Source Protection Zones on the site is shown on the map at Appendix A to this letter. The site is therefore located in a sensitive hydrogeological setting. X2

Policy RCBD1.1 proposes large scale development on the site comprising a minimum of 2800 dwellings, a first school and a local centre, including associated community infrastructure. The proposed development has the potential to cause diffuse pollution to groundwater as a result of urban run and foul water drainage. Further to this, there is a historic landfill site (Hawthorne Pit, Cur Lane, Bartles Wood, Foxlydiate) located within the northern part of the site, which also presents a pollution risk to controlled waters.

In addition to the pollution risks associated with the development the proposal has the potential to cause a reduction in recharge to the aquifer and lead to further deterioration of its quantitative status under the Water Framework Directive (WFD).

The WFD aims to prevent deterioration in the status of aquatic ecosystems, protect them and improve the ecological condition of waters. Planning authorities have a duty under the WFD to take account of the River Basin Management Plans (RBMPs) and can help deliver WFD objectives. Planning policies and activities can ensure that new development does not create adverse pressures on the water environment that could compromise our ability to meet WFD objectives. Failure to comply with WFD requirements may lead to the European Commission bringing legal proceedings against the UK. Local Authorities have a general responsibility not to compromise the achievement of UK compliance with EU Directives.

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In our response to the Housing Consultation we referred the Council to guidance within our publication entitled 'Groundwater Protection: Principles and Practice document (GP3)', and recommended that these principles are adhered to when producing detailed proposals for the site, in order to protect controlled waters and meet WFD objectives. We recommended that any development proposals should be located and designed appropriately and careful consideration should be given to pollution potential of activities.

We also highlighted in our previous response the careful consideration that needs to be given to the design of SuDS schemes on the site and the need for a relevant risk assessment to be carried out considering the types of pollutants likely to be discharged, design volumes and the dilution and attenuation properties of the aquifer. We recognise that proviso V of the policy refers to this, but we feel the Plan requires greater detail on this matter to ensure it is sound and developers are aware of the requirements for the site at the earliest stage.

We are concerned to note that Policy RCBD1.1 provides only a very limited reference to the SPZs on the site and makes no reference to the poor quantitative status of the groundwater body. We consider that in its current form RCBD1.1 does not take into account the sensitive hydrogeological setting of the area and its vulnerability to the effects of new development. Furthermore the policy does not take account of the potential for pollution associated with the proposed development including during its construction phase, and pollution arising from previous uses on the site namely the historic landfill. As such we believe that this policy does not have sufficient regard to national policy in the NPPF, namely the requirement at paragraph 109 for the planning system to contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution; and paragraph 120 requiring planning policies to take account of the potential sensitivity of the area to adverse effects from pollution. On this basis we consider that the plan is unsound because it is not consistent with the requirements of national policy.

We note that there is general provision within the plan at Policy BDP19 (High Quality Design) for addressing land contamination issues associated with development, but consider that that this site presents specific constraints that should be addressed in a site specific policy.

Sustainability Appraisal

The assessment of this policy in the Sustainability Appraisal (SA) for the plan has no regard to the environmental constraints and issues set out above. We consider that these are key policy issues that are not given consideration in the Appraisal and on this basis we consider that the BDP is not legally compliant. If the Plan is updated to incorporate the necessary ground water protection issues and the SA is altered alongside this then this would address our soundness and legal compliance concerns.

XB002/3

X3

Recommendations

We consider that changes are required to the content of this policy in order to ensure that:

- it has due regard to the sensitive hydrogeological setting of the area;

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- it recognises the potential effects of the proposed development on water quality and water resources;
- it provides mechanisms to secure the delivery of a sustainable development that is consistent with the aims of national planning policy and the Water Framework Directive.

We also consider that the SA for the BDP needs to be updated to identify the key weaknesses with this policy and put forward appropriate recommendations for mitigation.

We support the mitigation recommendation within the SA for a masterplan to be developed to supplement the policy, but consider it important that this has due regard to the risk to controlled waters including the location of the Source Protection Zones and the historic landfill. We also consider it important that such spatial information is presented within the plan and recommend that an indicative masterplan forms an integral part of the policy rather than being reserved for future production.

Our recommendations for Policy RCBD1.1 are as follows:

- Updated maps are provided to supplement the policy, including indicative masterplan showing the location and extent of SPZs, and including appropriate restrictions for certain development types within SPZs
- Appropriate risk assessments and site investigations should be required to identify any previous contaminative history
- A SuDS scheme including appropriate treatment and measures to ensure recharge to aquifer. A risk assessment to identify pollution risks associated with proposed development i.e contaminated run off, foul drainage, etc.

The formation of any resulting land use masterplan should be informed by these environmental constraints and consideration should be given to designating development exclusion zones (perhaps via public open space allocations) in these areas.

B079/4 Policy BDP17 – Town Centre Regeneration

It is noted that the Bromsgrove District Plan now contains the policies which were previously being progressed through the Town Centre Area Action Plan.

We agree with the comments made in Section 8.223 of the document in that the Spadesbourne Brook through Bromsgrove town centre has been culverted and heavily modified over the years. It is however considered that the reference within this paragraph to plant and animal life and good water quality is inaccurate.

Most of the plant life seen in the Spadesbourne Brook in Bromsgrove is the damaging invasive weed Himalayan balsam (*Impatiens glandulifera*). This excludes native vegetation and leads to an increased bank erosion in the winter.

The Spadesbourne Brook is failing to meet its objectives under the Water Framework Directive partly because of its inability to support desirable populations of invertebrates.
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This caused by a combination of the extensive culverting and canalisation of the brook and partly due to poor water quality.

We fully support the possibility of creating a more naturalised channel and the opening up of culverted sections of the brook as not only would this reduce flood risk in the area but would also bring ecological benefits and contribute towards the achievement of WFD objectives. It is therefore suggested that in order to add weight to the benefits of opening up the Spadesbourne Brook this paragraph is amended to read as follows

“8.223 The Spadesbourne Brook flowing through the town is an important natural asset. Parts of the Brook are naturalised, including areas between Birmingham Road and School Drive, and at the bus station. However, the majority of the Brook has been re-routed, culverted and effectively relegated to function as a storm drain through the Town Centre, hidden from view, and sometimes covered entirely by access roads to properties. It fails to provide any real amenity value for users of the Town Centre and its ability to support a wide variety of plants and animals is reduced by poor water quality and its unnatural form.”

It is also recommended that an additional paragraph is added to the Natural Environment statement for this policy to confirm the requirement for a Flood Risk Assessment to demonstrate the impacts of any major alterations to the brook channel, such as opening up culverts and channel diversions, in order to ascertain the impacts on the flooding regime and to ensure flooding to third parties is not increased.

In our response to your Council's consultation on the Level 2 SFRA we recommended the modelling of the Spadesbourne Brook through Bromsgrove. It is understood that this did not form part of the SFRA as policy proposals for the Town Centre were not being pursued at that time.

A number of the sites in the Town Centre Regeneration area covered by Policy BDP17 are shown on our flood map to be located in areas of high fluvial flood risk from the Spadesbourne Brook. These include TC1, TC7, TC9, and TC10. The allocation of these sites should follow the sequential, risk-based approach to the location of development required by the NPPF and we would expect that this policy is underpinned by appropriate flood risk evidence within a SFRA based on flood plain modelling of the Spadesbourne Brook. We consider that the omission of these sites from the Level 2 SFRA represents a soundness issue based on questions surrounding the justification of the plan and its consistency with national policy.

To resolve this concern we would recommend that an addendum is produced to the SFRA to assess the sites referred to above. It is acknowledged that site TC7 benefits from full planning permission and we appreciate that the inclusion of this site in the SFRA may no longer be appropriate.

The inclusion of the sites in the SFRA should enable a more accurate representation of flood risk to the developments and inform policy relating to their delivery. The policies relating to these sites (BDP17.8, 17.14, 17.16 and 17.17) should be reviewed following the preparation of the SFRA and, where appropriate, updated to state that (in the

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determination of any planning application) flood risk to the development should be addressed in accordance with Policy BDP23 and the NPPF.

B079/5 **BDP19 – High Quality Design**

We support the provision relating to land contamination within this policy (criterion r) but consider that this limits its focus to the potential risk contamination presents to the future occupiers of development with no reference to the potential risk to controlled waters.

The NPPF advises at paragraph 109 that planning should contribute to and enhance the natural environment by (inter alia) preventing new development from contributing to unacceptable levels of water pollution.

The NPPF goes on to advise at paragraphs 120 and 121 that, to prevent unacceptable risks from pollution, planning policies should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on the natural environment should be taken into account. Planning policies should ensure that adequate site investigation information, prepared by a competent person, is presented.

It is considered that criterion r of Policy BDP19 does not adequately address this requirement as it has no regard to the polluting effect contaminated land can have on ground and surface waterbodies.

To address this requirement it is suggested that the wording of criterion r is amended to as follows:

“Ensuring development is made suitable for the proposed final use, for instance, in terms of land contamination, and, where relevant, does not create an unacceptable risk to controlled waters. The Council will determine whether reports detailing for example, the site history; a preliminary risk assessment, and where appropriate; a site investigation and remediation scheme along with long term monitoring and maintenance proposals, will need to be submitted in support of any planning application. Such reports will be prepared in accordance with best practice guidance”.

B079/6 **BDP21 – Natural Environment**

Overall we welcome the measures set out in this policy. It is however considered that the policy provides an opportunity to address the ever increasing threat to biodiversity posed by alien invasive species such as Himalayan Balsam. The Spadesbourne and Battlefield Brooks contain areas of extensive infestations of Himalayan balsam. This highly invasive alien weed greatly reduces the populations of native river bank species, causes increased bank erosion and makes areas unsuitable for supporting sustainable populations of Water Voles.

It is therefore suggested that an additional proviso is added to Policy BDP21 to read as follows:

Cont/d..

“Take appropriate steps to control and where practicable eradicate alien invasive species of plant on and around developments.”

BDP22 – Climate Change

B079/7

We support this policy and the reference at paragraph 8.297 to the effect that climate change will have on flooding. It is considered that reference to further information on this topic could be made in this paragraph although it is noted that Policy BDP23 addresses this issue separately. We would therefore suggest that the supporting text to Policy BDP23 is updated to include reference to information on the effects of climate change on flood risk within the NPPF Technical Guidance. Please see our comments on Policy BDP23 below.

Policy BDP23 – Water Management

B079/8

We support the flood risk objectives of this policy but would recommend that reference is made in its supporting text to the Flood Risk Assessment and SuDS guidance within the Council’s Level 2 SFRA and the guidance on the Sequential and Exception Tests and climate change effects within the NPPF Technical Guidance.

It is suggested that an additional paragraph is included in the ‘Risk management approach’ statement supporting this policy which could read as follows:

“Developments should be steered to areas with the lowest probability of flooding through application of the Sequential Test and if appropriate the Exception Test as set out in the Technical Guidance to the NPPF. Site-specific Flood Risk Assessments (FRAs) and drainage proposals should have regard to the guidance within the Council’s Level 2 Strategic Flood Risk Assessment (SFRA) and take account of the effect of climate change on peak river flows and peak rainfall intensity as set out at Table 5 of the Technical Guidance to the NPPF.”

Infrastructure Planning

We are in receipt of the Council’s consultation on the Bromsgrove District Draft Infrastructure Delivery Plan Report and will be responding separately in due course. We have no major concerns at this stage regarding infrastructure, as we are satisfied that recent work towards the Water Cycle Study and waste water infrastructure information has addressed our previous concerns. The main issue that has been highlighted in this recent work relates to the preference for the foul drainage from strategic sites to drain to Redditch (Spernal) sewage treatment works. This is highlighted below in the interests of consistency between the IDP and the Local Plan:

Waste Water

Cont/d..

It is likely that Redditch (Spemal) sewage works has adequate headroom to accept all the additional foul flows and stay within the limits of the environmental permit that regulates the discharge (and therefore its impact on the water quality of the receiving river), however this must be confirmed by Severn Trent Water. If this is the case then no further work is required on environmental capacity associated with the proposed growth to this works. This would be our preferred option in relation to wastewater collection.

However, any scenario that would include the drainage of the sites to Priest Bridge sewage works will require further assessment due to environmental capacity concerns. This is because of the low dilution afforded by the Bow Brook and due to the existing environmental permit which already has relatively tight limits on effluent quality. The Bow Brook is also classified as a sensitive area eutrophic under the Urban Waste Water Treatment Directive, and classified as less than good status under the Water Framework both due to elevated levels of phosphate.

Conclusion

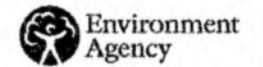
Given this is the submission stage of the Local Plan document it is necessary for us to raise objections to the Plan. We anticipate that our concerns can be addressed through some additional work and alterations to the Plan. Our concerns relating to the BDP5A and RCDD1.1 policies (ground water protection and the source protection zones) are accordingly raised as soundness objections and we have raised a legal compliance objection also given the necessity for an associated reference to these issues in the SA. We have also raised a soundness objection on the lack of assessment of the Town Centre site allocations as this is a requirement of the evidence base that has not yet been undertaken. Finally, we have made a number of recommendations for improvements to policies. We do not raise these as soundness objections, but would recommend they are incorporated nevertheless to enhance the Plan.

Yours faithfully







End

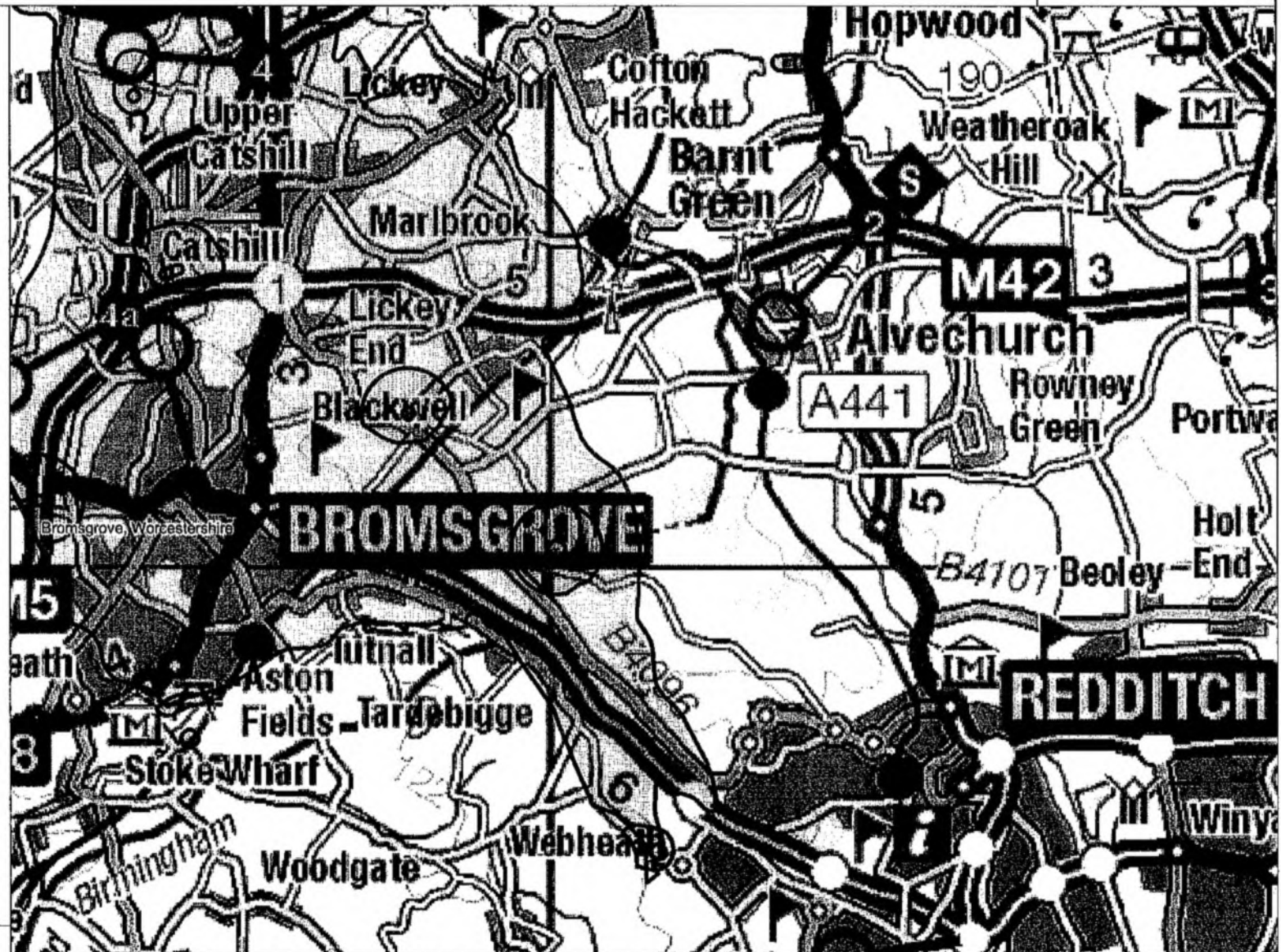
Environment Agency Appendix A_Bromsgrove Source Protection Zones



Legend

Source Protection Zones

-  Zone I - Inner Protection Zone
-  Zone II - Outer Protection Zone
-  Zone III - Total Catchment
-  Zone of Special Interest



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