

Epping Forest District Council Representations to the Draft Local Plan Consultation 2016 (Regulation 18)

Stakeholder ID	3963	Name	Thomas	Campbell	Environmental Agency
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Method	Letter
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Date	12/12/2016
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Letter or Email Response:

Thank you for consulting us on your Draft Local Plan. Please find our comments in relation to the overarching issues that need to be immediately addressed as a priority, and then in regards to the policies and site allocations included within the plan. I hope these comments are useful to you in moving forward with the preparation of your plan. I would be happy to discuss any of our points further with you and to review any further drafts of policies etc. Overarching issues to be addressed Sewage Infrastructure/Water Cycle Study The plan states that the adequacy of sewage infrastructure in certain parts of the district has been questioned, and you have also explicitly stated that development can only be granted where there is sufficient capacity in the infrastructure network. As part of your evidence base, you will need to demonstrate that there is sufficient capacity in the network to support the proposed level of growth. Without this, it is not clear whether the plan is actually deliverable. You may therefore need to undertake a Water Cycle Study (WCS) in order to investigate this. I have attached our WCS guidance for your information, which sets out the different stages of a WCS quite clearly and should help if you need to undertake further work. Alternatively, it may be acceptable for you to provide confirmation to us from the sewage provider that there aren't any known issues and that there is sufficient capacity in the treatment works and network to accommodate the proposed growth in the proposed locations within the district across the plan period. However, you have already stated that this may not be the case. Therefore, if there are concerns that the growth strategy could impact on water resources, flood risk, water quality or the treatment works/network capacity then further assessment work will need to be undertaken to confirm what mitigation measures may need to be undertaken. This is in line with the requirements of the Water Framework Directive (WFD). Level 2 Strategic Flood Risk Assessment/Sequential Test Your plan allocates housing sites that fall partially within Flood Zone 2, 3a and 3b. You will therefore need to undertake a Sequential Test and, depending on the outcome of this, a Level 2 Strategic Flood Risk Assessment (SFRA) if this remains the case. A Strategic Flood Risk Assessment is a study carried out by one or more local planning authorities to assess the risk to an area from flooding from all sources, now and in the future, taking account of the impacts of climate change, and to assess the impact that land use changes and development in the area will have on flood risk. You have already undertaken a Level 1 assessment. Where a plan cannot accommodate all development areas on land outside of areas at flood risk, it is necessary to increase the scope of the SFRA to a Level 2. A Level 2 SFRA should consider the detailed nature of the flood characteristics within the sites containing areas of flood risk. Alternatively, you could remove all of the allocated sites containing a flood zone from the plan, or amend the site boundaries to remove all areas within Flood Zone 2, 3a and 3b. Of particular concern is the strategic housing allocation 'East of Harlow', which has the main river Pincey Brook dissecting the site with its associated flood plain surrounding it. It is therefore very likely you will need to

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undertake a Level 2 SFRA. This assessment will also need to adequately consider the appropriate climate change allowances. It is important to note that the Planning Practice Guidance states that an SFRA should make an assessment of all sources of flooding. Therefore, if there are any known surface water flooding issues within any of your allocated sites, this also constitutes a requirement for you to undertake a Level 2 assessment. Policy comments

Policy SP6 This policy should refer specifically to blue infrastructure and watercourses in the wording itself. Rivers are a key consideration when referring to the protection of the natural environment. Their enhancement and conservation is a strategic environmental issue for the borough and so this needs to be better reflected in the policy.

Policy DM1 Whilst we strongly support you having a policy on habitat protection, the current wording of the policy focuses too heavily on mitigation and compensation of habitat loss, as opposed to protection. The policy should place more focus on how developments must not cause harm habitats and biodiversity, instead of largely concentrating on when it is acceptable to do so. Part A of this policy mentions that development should seek to deliver net biodiversity gain. This is a key part of the policy. However, it should be specified how this will be assessed, for example through utilising the Biodiversity Impact Assessment Calculator (BIAC). The BIAC is a British Standard which quantifiably demonstrates whether a net gain in ecological units has been achieved in regards to a proposed development. For further reference, you may wish to refer to policies NE1 and NE2 of East Herts District Council's pre-submission Local Plan document which have included the following: "Ecological impacts will be quantified by utilising the Biodiversity Impact Assessment Calculator (BIAC). Development must demonstrate a net gain in ecological units. Ecological information must be supplied in accordance with BS 42020 2013. All proposals should achieve a net gain in biodiversity, as measured by using the BIAC, and avoid harm to, or the loss of features that contribute to the local and wider ecological network." Part C needs to be stronger in order to protect Local Wildlife Sites (LWS). Alternatively, LWS' should be included within Part B. The wording of Part F should be amended as follows: "Where there are grounds to believe that a Protected Species, Priority Species or Priority Habitat may be affected by proposed development, applicants must provide adequate survey information and site assessment to establish the extent of potential impact. This evidence should inform appropriately designed plans and mitigation measures." Policy DM5 In section A i), you should remove 'where possible'. This is because every development proposal should be looking to enhance green infrastructure. You should also include wetlands in the list of green infrastructure in this paragraph, as there are a lot present within the Lee Valley SPA. In section B, you should specifically mention watercourses, ponds and wetlands. In general, this policy needs to be clearer that watercourses, ponds and wetlands are included within green infrastructure. Alternatively, the policy should refer to both blue and green infrastructure throughout, not just green infrastructure. This is to ensure every opportunity to improve the water environment is taken, in line with the Water Framework Directive and Thames River Basin Management Plan; a requirement that all Local Authorities must adhere and contribute to wherever possible. There should also be a policy in the plan which covers non-native invasive species and their management, including biosecurity measures. Invasive species are a growing issue and must be addressed to stop the spread. This should include clearer guidance on the need for new planting to be of native species only. This should either be a new policy in its own right, or incorporated into either DM1 or DM5. Policy DM9 Section G should read 'The council will expect development proposals to positively respond to:'. Part iv) of Section G should state 'natural boundary features (including watercourses)'. Policy DM15 Section C should read 'Proposals within Flood Zones 2 and 3a must be informed by a site specific Flood Risk Assessment (FRA), taking account of all potential sources of flooding and the appropriate climate change allowances, and should:...' Part i) and ii) of Section C have been mixed up and combined. Part ii) should begin with and then read fully as 'preserve overland flood and flow routes and ensure there is no net loss of flood storage'. Part iv) should read 'provide adequate flood storage and compensation on site'. The following part about providing compensation off the site should be removed as floodplain compensation must be provided within the site itself on a level-for-level and volume-for-volume basis. Part v) should be stronger. It should read 're-naturalise watercourses where opportunities arise'. Whilst we support the Local Plan's emphasis on reducing flood risk for new development in this policy, further emphasis should also be given to help existing communities at risk of flooding.

Policy DM16 Section D of this policy states that all brownfield, 'minor' and 'other' development proposals should aim to achieve the 1 in 1 greenfield run-off rate. This should be a requirement as it would reduce the strain on drainage systems, potentially improve water quality and create amenity sites for the development. In part i) of Section E, it should state that the standards of the implemented Sustainable Drainage Systems should meet national standards, and then meet the Council's standards if they exceed the national guidance. Policy DM17 Key evidence for this policy should include the EU Water Framework Directive (WFD), as the policy mentions the prevention of watercourse deterioration. With Section 4.205 ('The Issue'), the last sentence should read 'In addition, new development must not

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reduce the quality of an adjacent watercourse, and should provide enhancements wherever there is opportunity.’ Within the policy wording itself, Section A should read ‘Development must be set back at a distance of at least 8 metres from the top of the bank of a main river* and an ordinary watercourse**, in order to provide a naturalised and undeveloped buffer zone free of built development. Buffer zones should be designed for the benefit of biodiversity, including the planting of locally appropriate, UK native species, and should be ‘undisturbed’ by development (i.e. no fencing, footpaths, lighting or other development). Proposals must include a long term scheme to put in place to protect and enhance the conservation value of the watercourse and ensure access for flood defence maintenance, in line with the requirements of the Water Framework Directive and the Thames River Basin Management Plan.’ The policy should also state that buffers must be provided to other wetland features e.g. a 5 metre buffer around all ponds and wetlands. Section B should require all development types (both major and minor) to investigate and secure environmental enhancements to all sections of watercourse, and for all development types (both major and minor) to investigate and secure measures to restore culverted sections of watercourses. Minor development must be expected to seek opportunities to de- culvert sections of watercourses as well, and this needs to be included within the policy. We would object to any planning application that we are consulted upon which does not do so. We strongly support a policy which requires deculverting, in line with the requirements of the WFD, in order to reduce flood risk and provide conservation benefits. The policy should specifically state that where deculverting or other river enhancements are shown to be unfeasible, the Council will seek a financial contribution to restore another section of the same watercourse. Section C should read ‘Proposals must not adversely affect the natural functioning of main rivers and ordinary watercourses, including through culverting’. The current wording is not strong enough and is non-committal. Section E should read ‘Development on or adjacent to a watercourse must enhance the quality of that watercourse, and under no circumstances cause deterioration. Development must not impact on the stability of the banks of the watercourse or river.’ This is in line with the requirements of the WFD. Enhancements must be sought, and it is not enough to just ensure there is no deterioration. Whilst we strongly support this policy in principle, it needs to become a lot stronger. I would be happy to review future re-wording of this policy as it is important that these amendments are made to the policy. All of the waterbodies within your district are currently at failing status, and it is your responsibility as the Local Authority to contribute to improving this. Policy DM18 The first sentence of Part C should state ‘The Council will expect new development to connect to mains foul drainage, and will restrict the use of non-mains drainage for foul water disposal, particularly in Groundwater Source Protection Zones in line with Environment Agency guidance...’. Policy DM19 Key evidence for this policy should include The Building Regulations 2010 (Sanitation, hot water safety and water efficiency). With Section A, we suggest you require that developers must submit a water efficiency calculator report to demonstrate the 110 litres per person per day compliance. This is in accordance with the Building Regulations 2010, Part G. It is recommended that this process be included in the planning application process as it will increase water efficiency and may benefit the householder by reducing water bill charges. It is positive to see the continuous reference to ‘Water Stress’, but it is stated in Section 4.224 that you as the council cannot impose the BREEAM standard. However, other Local Planning Authorities have implemented the BREEAM and Passivhaus assessments within their policies and so we would expect you to be able to do the same. We strongly support the use of such assessments and recommend that when using the BREEAM assessments, an ‘excellent’ rating for water efficiency is achieved for all developments (commercial and refurbished domestic). The BREEAM Refurbishment Domestic Buildings document can give appropriate guidance when retrofitting of existing buildings. Older properties are often the least water efficient and introducing such measures will reduce overall water consumption within the district. Policy DM20 Key evidence for this policy should include The Building Regulations 2010 (Sanitation, hot water safety and water efficiency). We support the ‘incorporation of low carbon and renewable energy measures in new and existing development’. The application of Target CO2 Emission Rate (TER) and Target Fabric Energy Efficiency (TFEE) when choosing an efficient heating/cooling system for new builds is also recommended. The guidance is set out in Part L1A of the Building Regulations 2010. Part L1B of the Building Regulations 2010 give guidance on upgrading existing builds to increase energy efficiency. Such changes will reduce future costs to the customer and help meet CO2 emission reduction measures. Policy DM21 We strongly support a robust policy being in place to prevent and remediate land contamination in the district. The first sentence of Section C should read ‘The council will expect the remediation of contaminated land through development.’ Policy D3 We strongly support the Council’s decision to only grant proposals where there is sufficient capacity within the utilities infrastructure. This is vital in order to prevent development being approved which is then unviable for this reason. However, the wording of part A should be changed to state ‘...developers must consult with utilities providers...’, instead of should. Site allocations We have indicated

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below the constraints within our remit for each site allocation, and what would need to be provided to address those constraints.

- Strategic Site SR-0091 (West Katherines) Page 43-44. This site is adjacent to the main river Parndon Brook. Every opportunity to provide river enhancements should be taken with any development at this location, and a minimum 8 metre buffer zone next to the watercourse should be provided. The south eastern corner of the site falls within Flood Zone 3a. The site must be planned sequentially to ensure no building within the floodplain. A Flood Risk Assessment would be required with any planning application at this site, as would a buffer zone management plan (including management of invasive non-native species). If this site is allocated in the plan with its current boundaries, this would require you to undertake a Level 2 SFRA as part of your evidence base.
- Strategic Site SR-0146 (East of Harlow) Page 43-44 The main river Pincey Brook runs through this site. Every opportunity should be taken to provide river enhancements along the watercourse. A minimum 8 metre buffer zone should be provided either side of the watercourse, and this should be naturalised and left undeveloped, and designed to the benefit of biodiversity. Any development at this location would need to prove there will be no consequent deterioration of Water Framework Directive status. There is a large area of Flood Zone 2, 3a and 3b on the site. The site must be planned sequentially to ensure no building within the floodplain. This is especially important with Flood Zone 3b, as residential uses are incompatible with this flood zone in line with the Planning Practice Guidance. A Flood Risk Assessment would be required with any planning application at this site, as would a buffer zone management plan (including the management of non-native species). An ecological survey would also need to be undertaken as protected species are known to be present in the catchment. If this site is allocated in the plan with its current boundaries, this would require you to undertake a Level 2 SFRA as part of your evidence base.
- Site SR-0113B (Epping) Page 121-122 - Land to the south of Brook Road, Epping. The main rivers Brookhouse Brook and Ivy Chimney Brook are present on the site. Every opportunity should be taken to provide river enhancements along the watercourses. Minimum 8 metre naturalised and undeveloped buffer zones must be provided either side of both rivers. A buffer zone management plan would be required with any planning application at this site, as would a landscape management plan detailing the wider biodiversity enhancements and mitigation on the site. These would need to include the management of invasive non-native species. The considerations of the Water Framework Directive must be considered at this site. The Brookhouse Brook is currently classified as being at 'moderate' status. There are three specific actions outlined in the Thames River Basin Management Plan for this watercourse, and so it is recommended that any potential developers work closely with us to complete the requirements of these Water Framework Directive actions as part of this development in order to achieve good ecological status for this river. Please contact us in order to discuss these actions further.
- Site SR-0219 (Waltham Abbey) Page 132-135 - Fire Station, Sewardstone Road, Waltham Abbey This site is located within Source Protection Zone 2, which we designate in order to identify the catchment areas of sources of high quality water supplies usable for human consumption, and so these are areas which may be at particular risk from polluting activities on or below the land surface. Therefore, any development on the site must have regard to the potential risks to drinking water. Due to this, it is important to consider the previous land uses of the site. Due to the previous use of the site as a fire station, contamination on the site must be investigated. Where contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development. The minimum requirements for submission with a planning application is a preliminary risk assessment (PRA), such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with planning application for sensitive land use types or where significant contamination or uncertainty is found.
- Site SR-0541 (Waltham Abbey) Page 132-135 - Waltham Abbey Community Centre, Saxon Way This site is located within Source Protection Zone 2, which we designate in order to identify the catchment areas of sources of high quality water supplies usable for human consumption, and so these are areas which may be at particular risk from polluting activities on or below the land surface. Therefore, any development on the site must have regard to the potential risks to drinking water. If contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development. The minimum requirements for submission with a planning application is a preliminary risk assessment (PRA), such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with planning application for sensitive land use types or where significant contamination or uncertainty is found.
- Site SR-0381 (Waltham Abbey) Page 132-135 - Darby Drive/Abbey Gardens Car Park This site is located within Source Protection Zone 1, which we designate in order to identify the catchment areas of sources of high quality water supplies usable for human consumption, and so these are areas which may be at particular risk from polluting activities on or below the land surface. Therefore, any development on the site must have regard to the potential risks to drinking water. If

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contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development. The minimum requirements for submission with a planning application is a preliminary risk assessment (PRA), such as a site walkover or conceptual model. Site Investigation and Remediation Strategy reports may be required for submission with planning application for sensitive land use types or where significant contamination or uncertainty is found. You should be aware that there is a permitted waste site close to the development site. This site operates under an Environmental Permit from us. New development in such close proximity to an existing waste facility could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. The severity of these impacts will depend on the size of the facility, the nature of the waste it takes and prevailing weather conditions. If the site operator can demonstrate that they have taken all reasonable precautions to mitigate these impacts, the facility and community will co- exist, with some residual impacts. In some cases, these residual impacts may cause local residents concern, and there are limits to the mitigation the operator can apply. Only in very exceptional circumstances would we revoke the operators Permit. Generally, sensitive development (e.g. occupied buildings) within 50m of such a facility is unacceptable because of the potential impacts to residents that may not be able to be mitigated. If any development is proposed within 50m of this site at the planning application stage, we may object to the application on this basis. - Site SR-0158A (North Weald Bassett) Page 149-152 - Land at North Weald Bassett, South of Vicarage Lane Site is adjacent to main river North Weald Bassett Brook and the culverted Queens Brook. Every opportunity should be taken to deculvert the Queens Brook, and provide river enhancements along the North Weald Brook. A minimum 8 metre buffer zone either side of both watercourses should be provided, which is both naturalised and left undeveloped. The site contains areas of Flood Zone 3a and Flood Zone 2 in the west of the site. The site must be planned sequentially to ensure no building within the floodplain. A Flood Risk Assessment would be required with any planning application at this site, as would a buffer zone management plan (including management of invasive non-native species). If this site is allocated in the plan with its current boundaries, this would require you would to undertake a Level 2 SFRA as part of your evidence base. The site also falls on historic landfill. Therefore, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of remediation. Where contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development. At the minimum, a preliminary risk assessment (PRA), such as a site walkover or conceptual model must be submitted with any planning application at this location. Site Investigation and Remediation Strategy reports may be required for submission if there are sensitive land use types or where significant contamination or uncertainty is found. - Site SR-0003 (North Weald Bassett) Page 149-152 - Two Fields East and West of Church Lane (North of Lancaster Road), North Weald Bassett, Essex Site is adjacent to main river North Weald Bassett Brook, and the culverted North Weald Flood By-Pass Channel runs through the site. Every opportunity should be taken to deculvert the North Weald Flood By-Pass Channel and to improve flood storage, and provide river enhancements along the North Weald Brook. A minimum 8 metre buffer zone either side of both watercourses should be provided, which are both naturalised and left undeveloped. The east of the site falls within Flood Zone 2. The site must be planned sequentially to ensure no building within the floodplain. A Flood Risk Assessment would be required with any planning application at this site, as would a buffer zone management plan. If this site is allocated in the plan with its current boundaries, this would require you to undertake a Level 2 SFRA as part of your evidence base. - Site SR-0011 (Nazeing) Page 164-167 - St Leonard's Road, Nazeing, Essex The main river Lichen Brook is present on the site. Every opportunity should be taken to deculvert the river and provide river enhancements. This is in line with our objection to planning application EPF/0937/16. A minimum 8 metre buffer zone along the Lichen Brook should be provided, which is both naturalised and left undeveloped. The site is partially within Flood Zone 3a and 3b. The site must be planned sequentially to ensure no building within the floodplain. This is especially important with Flood Zone 3b, as residential uses are incompatible with this flood zone in line with the Planning Practice Guidance. A Flood Risk Assessment would be required with any planning application at this site, as would a buffer zone management plan (including management of invasive non-native species). If this site is allocated in the plan with its current boundaries, this would require you to undertake a Level 2 SFRA as part of your evidence base. - Site SR-0473 (Nazeing) Page 164-167 - St Leonards Farm, St Leonards Road, Waltham Abbey, Nazeing As above, the same requirements apply to this site as to SR-0011. - Site GRT_I_09 (Moreton) Page 175-180 - Lakeview, Moreton This site falls on historic landfill. Therefore, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of remediation. Where contamination is known or suspected, a desk study, investigation, remediation and other works may be required to enable safe development. At the minimum, a preliminary risk assessment (PRA), such as a site walkover or conceptual model must be submitted

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with any planning application at this location. Site Investigation and Remediation Strategy reports may be required for submission if there are sensitive land use types or where significant contamination or uncertainty is found. If you have any queries about this response, please do not hesitate to contact me.