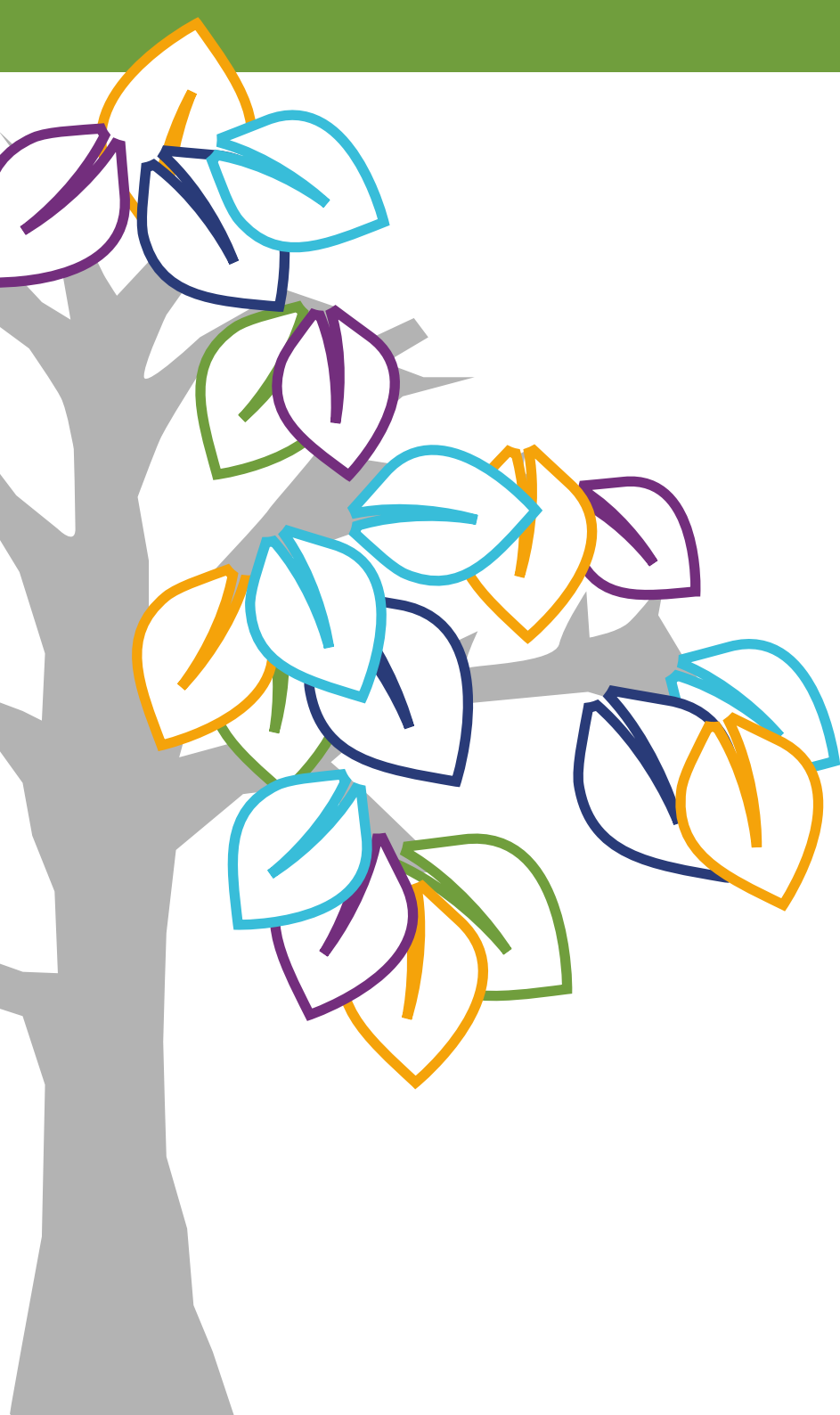


Chelmsford Local Plan  
Statement of Common Ground  
with the Environment Agency

September 2018

*Our Planning Strategy to 2036*





## **Chelmsford Local Plan**

### **Statement of Common Ground with the Environment Agency**

1. This Statement of Common Ground identifies areas of agreement between the Environment Agency and Chelmsford City Council in relation to the Environment Agency's representations on the Chelmsford Pre-Submission Sustainability Appraisal (SA), Pre-Submission Habitat Regulations Assessment and Pre-Submission Local Plan.
2. This Statement identifies the issues raised by the Environment Agency in the representations. These are listed in the tables below. **There are no areas of dispute which affect the soundness of the Plan but some outstanding suggestions to enhance the Local Plan which continue to be promoted by the Environment Agency.**
3. CCC has worked closely with the Environment Agency on the development of the Local Plan, the Sustainability Appraisal (SA) and the Habitat Regulations Assessment (HRA) from the outset. In accordance with the Town and Country Planning (Local Development) (England) Regulations, the Environment Agency has been formally consulted at every stage of consultation.

### **Pre-Submission Sustainability Appraisal**

4. The Environment Agency raised no issues with the Pre-Submission Local Plan Sustainability Appraisal (SA) and considers the SA submission document (SD 004) and its accompanying addendum report (SD 005) are comprehensive documents which are supported.

### **Pre-Submission Habitats Regulations Assessment**

5. The Environment Agency raised no issues with the Pre-Submission Local Plan Habitats Regulations Assessment (HRA) and considers the HRA submission document (SD 006) and its update (SD 007) are comprehensive documents which are supported.

## Pre-Submission Local Plan

6. The Environment Agency consider the Pre-Submission Local Plan sound but made the following comments which could enhance the Pre-Submission Local Plan. Table 1 sets out those comments which have been supported and taken forward by the City Council and Table 2 sets out those comments which have not been taken forward and remain as outstanding suggestions for improvement from the Environment Agency:

**Table 1: Environment Agency's comments taken forward by the City Council**

Rep Number	Local Plan Ref	Summary of the Environment Agency's Representation	CCC agreed response with the Environment Agency (as set out in the Submitted Schedule of Additional Changes – SD 002)
PS605	Strategic Policy S6	Could be enhanced by adding in:- 'the council will ensure that new development seeks to improve water-related biodiversity taking account of Water Framework Directive objectives and River Basin Management Plan actions'.	<p>Add new fifth paragraph to Policy S6: <u>The council will ensure that new development seeks to improve water-related biodiversity taking account of Water Framework Directive objectives and River Basin Management Plan actions.</u> (Ref. AC21 in the Schedule of Additional Changes)</p> <p>Add new penultimate sentence to paragraph 5.31: <u>In addition, new development should seek to improve water-related biodiversity taking account of Water Framework Directive objectives and River Basin Management Plan actions.</u> (Ref. AC25 in the Schedule of Additional Changes)</p>

Rep Number	Local Plan Ref	Summary of the Environment Agency's Representation	CCC agreed response with the Environment Agency (as set out in the Submitted Schedule of Additional Changes – SD 002)
PS611	Strategic Growth Site 1a	Whilst the policy mentions natural flood risk management which is supported it should also contain the need for appropriate flood risk mitigation, either in the policy or reasoned justification.	Flood risk is covered generically under policies S11 and NE3. For consistency with other policies the following bullet point is to be added to Strategic Growth Site 1a under the heading 'Historic and natural environment': <ul style="list-style-type: none"> <li>• <u>Provide suitable SuDS and flood risk management</u> (In addition to the changes set out in the Schedule of Additional Changes)</li> </ul>
PS620	Policy CO1	In part B) of the policy the function of green wedges should identify the important function of green wedges in terms of flood protection provision.	Criterion B) amended to: ..... They will be protected and enhanced as valued and multi-faceted landscapes for their openness and function as important green networks for wildlife, leisure and recreation, <u>flood storage capacity</u> , and for increased public access and enjoyment..... (Ref. AC211 in the Schedule of Additional Changes)
PS625	Para 8.106	Broadly agree and support this policy but it could be enhanced further by acknowledging that for sites adjacent to main rivers that principles around improving water related biodiversity should be included. Developers should consider contributing to the achievement of Water Framework Directive objectives through activities such as riparian tree planning, alien species removal, increasing in-channel morphology diversity, buffer strips.	Additional sentence added at end of paragraph 8.106: <u>Developments adjacent to main rivers should take opportunities to improve water related biodiversity through a variety of initiatives including buffer strips, riparian tree planning, alien species removal and increasing in-channel morphology diversity.</u> (Ref. AC218 in the Schedule of Additional Changes)

Rep Number	Local Plan Ref	Summary of the Environment Agency's Representation	CCC agreed response with the Environment Agency (as set out in the Submitted Schedule of Additional Changes – SD 002)
PS630	Para 8.117	Could be enhanced by adding wording to the effect 'In order to ensure the protection of the water environment, any development must incorporate appropriate pollution prevention measures and a suitable number of SUDS treatment train components in line with requirements of Ciria C753 and the SUDS Manual.'	Additional sentence added to end of paragraph 8.117: <u>In order to ensure the protection of the water environment, any development must incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components in line with latest national and local technical requirements.</u> (Ref. AC221 in the Schedule of Additional Changes)

**Table 2: Environment Agency's outstanding comments**

Rep Number	Local Plan Ref	Summary of the Environment Agency's Representation	CCC response
PS604	Para. 4.11	Could be enhanced with further explanation as to what is meant by a development being 'safe for its lifetime'.	This is the wording used in the NPPF and is considered to be sufficient as it is a recognised term. Change therefore not necessary.

PS607	Strategic Policy S10	<p>Could be enhanced by including the following:</p> <p>Green infrastructure - To contribute towards a multifunctional network of green infrastructure and to enhance biodiversity and help wildlife adapt to climate change. Green infrastructure should contribute to protecting and enhancing water bodies.</p> <p>Flood Risk Management – reasoned justification should include - Compensatory storage must be provided to replace any lost floodplain storage volumes. Consideration should also be given to displaced floodwaters, where flood cells may be divided following the construction of road/placement of spoil, for example.</p>	<p>These issues are dealt with satisfactorily in Strategic Policy S3 and covered by the requirements of the NPPF so it is not necessary to duplicate them within this Policy.</p>
PS608	Para 7.233	<p>Reasoned justification could be strengthened by adding more details in this section, such as developers should refer to the SFRA. The term flood risk management used here and in other places in the document could be refined, suggest 'the development should be designed to be safe through flood risk mitigation measures' as more suitable wording.</p>	<p>Reference to the consideration of the SFRA is covered satisfactorily by paragraphs 1.22 &amp; 1.25-1.26.</p> <p>The use of the wording 'flood risk management' is considered to be acceptable.</p>
PS626	Policy NE3	<p>Support the policy but reference should be made towards the SFRA as a key document supporting the policy.</p>	<p>Reference to the consideration of the SFRA is covered satisfactorily by paragraphs 1.22 &amp; 1.25-1.26.</p>

PS627	Para 8.115	Reasoned justification should also include text related to compensatory storage. Suggest the following wording 'It must be demonstrated that there will be no increase in flood risk as a result of built development. Compensatory storage must be provided to replace any lost floodplain storage volumes. Consideration should also be given to displaced floodwaters, where flood cells may be divided following the construction of road/placement of spoil'.	This is covered satisfactorily by other technical documentation as well as the NPPF.
PS628	Para 8.116	Support this policy but consideration should be given to enhancing the policy based upon a flood alleviation scheme being built, as all new development should consider the scheme and also a policy for pre-alleviation scheme, as a safeguard to protect against the eventuality that the scheme does not go ahead. Furthermore, even with the scheme in place there is still a residual risk. Recommend that an SPD to guide the future development of Chelmsford with regard to flood risk and the new Chelmsford alleviation scheme is considered. This way developers and small schemes will know how to prepare the FRA before the defences are in place (e.g. if they want to rely on the future defences for a safe development then the planning permission will need to include a condition that the development is not constructed until defences are in place), and also what is required once the defences are in place.	Whilst an SPD may be useful it is not considered necessary. Every planning application will be considered on its own merits under the circumstances of the proposal and its location at the point in time at which it is determined. This will vary depending on the nature of each application and the point in time at which it is submitted/determined. Given the current progress with the flood alleviation scheme, National Guidance, the technical advice available from the EA it is not considered that an SPD is necessary.



**Signatories:**

<i>Jeremy Potter</i>  31/08/2018 Jeremy Potter Planning and Strategic Housing Policy Manager Chelmsford City Council	<i>Tim Gornall</i>  31/08/2018 Tim Gornall Sustainable Places Team Leader Environment Agency
---	---



This publication is available in alternative formats including large print, audio and other languages

Please call 01245 606330

Planning and Housing Policy  
Directorate for Sustainable Communities  
Chelmsford City Council  
Civic Centre  
Duke Street  
Chelmsford  
Essex  
CM1 1JE

Telephone 01245 606330  
[planning.policy@chelmsford.gov.uk](mailto:planning.policy@chelmsford.gov.uk)  
[www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

Document published by  
Planning and Housing Policy  
© Copyright Chelmsford City Council

