

Lichfield District Council



Local Plan Allocations (Focused Changes)

Exception Test

March 2018

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1.0 Introduction

1.1 The National Planning Policy Framework (NPPF) seeks to protect people and property from flooding directing inappropriate development away from areas of highest risk. It advises that Local Plans should apply a sequential –risk based approach to the location of development. Thus avoiding where possible flood risk to people and property and manage any residual risk, taking into account the impacts of climate change. It sets tests which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.

1.2 When preparing the Local Plan Strategy and Local Plan Allocations document Lichfield District Council undertook a number of assessments to fully understand the flood risk in the area and has worked closely with its partner organisations at the Environment Agency (EA) and Lead Local Flood Authority - Staffordshire County Council (LLFA SCC) throughout the preparation of the Plans.

1.3 A Strategic Flood Risk Assessment (SFRA) Level 1 was undertaken in 2014 and a Sustainability Appraisal has been undertaken to guide development to the most appropriate locations and has been used to inform both the Local Plan Strategy and the Local Plan Allocations documents.

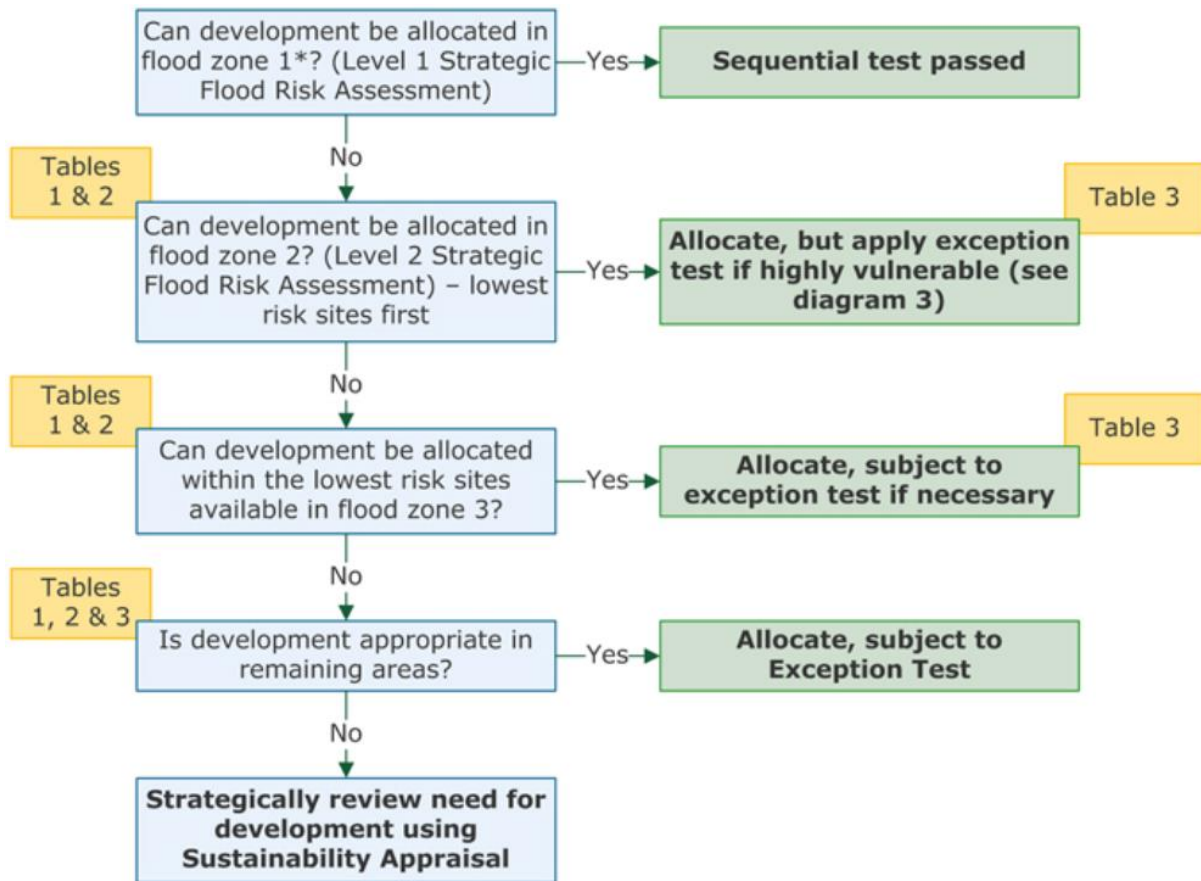
1.4 The Local Plan Strategy was adopted in 2015 and set a spatial strategy for the District, however it deferred the identification of smaller sites to fulfil the spatial strategy to a Local Plan Allocations Document. The Local Plan Allocations Document is now being prepared. All of the sites submitted during the preparation of the Local Plan Allocations Document and those subsequently chosen for inclusion in the latest iteration – the Local Plan Allocations Focused changes document were assessed using the Level 1 SFRA evidence and the EA's Flood Maps. These assessments were undertaken as part of the Sustainability Appraisal and were completed with the assistance of our colleagues in the EA and LLFA (SCC) and through the Council's site selection process.

1.5 The majority of the sites chosen to be allocated were located within Flood Zone 1 and therefore passed the Sequential Test. This document sets out the process undertaken in the preparation of the Local Plan Allocations Document in relation to the sites which are in need of meeting the requirements of the Exception Test.

2.0 National Planning Policy Framework

2.1 The NPPF advises that Local Plans should take account of climate change over the longer term, including factors such as flood risk and new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures, including through the planning of green infrastructure.

2.2 The NPPF is supported by the National Planning Practice Guidance (NPPG) and sets out how the NPPF should be implemented. THE NPPG: Flood Risk and Coastal Change advises on how planning can account for the risks associated with flooding in plan making and sets out appropriate land uses for each zone, flood risk assessment requirements, including sequential and exception tests and policy aims for developers and authorities. The following figure from the NPPG (below) sets out how flood risk should be taken into account in the preparation of Local Plans.



3.0 The Sequential Test

3.1 The Sequential Test is within the NPPG and ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. The flood zones, as defined, in the Strategic Flood Risk Assessment for the area, provide the basis for applying the test. The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

4.0 The Exception Test

4.1 The Exception Test as set out in para 102 of the NPPF states for the Exception test to be passed, both of the following elements have to be achieved:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.0 The Local Plan Strategy

5.1 The Local Plan Strategy was adopted in 2015 and forms Part 1 of the Lichfield Local Plan. Accompanying this document was a Level 1 SFRA for South Staffordshire, Cannock Chase, Lichfield and Stafford and was published in June 2014, and which was an update of an earlier Level 1 SFRA from 2008 undertaken for individual districts.

5.2 Within the adopted Local Plan Strategy the overall approach toward providing for new homes, jobs, infrastructure and community facilities over the plan period was established. The Local Plan Strategy states the Plan will deliver a minimum requirement of 10,030 dwellings and create between 7,000-9,000 additional jobs.

5.3 The Spatial Strategy set out within the Local Plan Strategy states that housing development will be focused upon the following key urban and rural settlements:

- Lichfield City
- Burntwood
- Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
- Adjacent to the neighbouring towns of Rugeley and Tamworth

5.4 Core Policy 6 addresses housing delivery and states that:

‘The District Council will plan, monitor and manage the delivery of 10,030 homes on Lichfield District and ensure that a sufficient supply of deliverable, developable land is available... Lichfield District will seek to provide 70% of housing on previously developed land to 2018 and 50% thereafter.’

5.5 The adopted Local Plan identifies the strategic development sites and a broad location for development and identifies the housing distribution across the District. The Local Plan Strategy left approximately 5,900 homes to identify new sites for, including a set range for the number of homes to be provided for five of the key rural settlements with final numbers and locations to be determined through the Local Plan Allocations document. Policies Rural 1 and 2 and Table 8.1 indicate that some of the provision will be made from the other rural areas and Core Policy 6 specifies the type of residential development which will be permitted in the remaining rural areas.

5.6 The Council closely monitors the number of new residential completions and the amount of new residential properties which are now required to be identified within the Local Plan Allocations Document is approximately 3,000.

6.0 The Local Plan Allocations (Focused Changes) Document

6.1 The Local Plan Allocations (Focused Changes) document represents the Part 2 of the Local Plan and proposes housing and employment allocations to fulfil the requirements identified in the Local Plan Strategy. The document had previously been subject to a Regulation 19 consultation between March and May 2017 and has been subsequently amended following consideration of the consultation responses and further evidence gathering. The Local Plan Allocations (Focused Changes) document is a further consultation at Regulation 19 stage in the preparation of the Lichfield Local Plan Allocations document prior to its submission for examination.

6.2 A Sustainability Appraisal (SA) has been undertaken to inform the development of the Local Plan Allocations and this has informed the site selection.

6.3 Section 3 of the SA seeks to identify where alternatives have been considered and why those selected were reasonable. The general methodology for selection of the housing sites considered all

the sites within the SHLAA 2016 which were located within or adjacent to settlements identified within the settlement hierarchy. These sites were assessed using the SA along with any additional sites submitted/ promoted through the consultations. This approach was taken as the sites adjacent to the settlement boundaries were considered to be potentially aligned to the spatial strategy. The Urban Capacity Assessment was also prepared and assessed the deliverability of the sites located within the existing built up area of settlements. Where this assessment determined that an urban capacity site was deliverable, consideration was given to other evidence, including their assessment within the SA (SA outputs), to conclude on whether the site should be proposed for allocation.

6.4 The Stage 2 of the selection process considered the findings of the Urban Capacity Assessment for each settlement against the requirements of the Local Plan Strategy. Where the assessment indicated that insufficient sites had been found including those found through stage 1, consideration to sites beyond the settlement boundary was given. This consideration was based on a range of evidence including the SA outputs.

6.5 Through the Sustainability Appraisal (SA) all the sites have been assessed to identify if they will reduce and manage flood risk. This is to avoid developments in areas being at risk from fluvial, sewer or groundwater flooding while taking into consideration climate change. Each site was assessed by answering specific questions: (Question 10)¹

1. Is the site located outside an area at risk from flooding?
2. Will there be an opportunity for flood risk reduction?
3. Will there be an opportunity to reduce an existing drainage problem?

6.6 The data used in the assessment is from the Level 1 SFRA (2014), SCC², Environment Agency, Severn Trent Water PLC. In addition the Environment Agency and Lead Flood Authority (Staffordshire County Council) have been involved in the preparation of the Local Plan Allocations Document.

6.7 Sites requiring an Exception Test

At the time of preparing the Allocations (focused changes) document 3 sites had planning permission but had been identified as requiring to meet the Exception test, these are shown at Appendix A:

The sites are:

- Station Works, Colton Road (OR5) a site of 0.4 hectares for 14 dwellings
- Fotherley Hall, Fotherley Lane (OR3) a site of 1.6 hectares for 26 dwellings
- Dark Lane, Alrewas ((A2 Alrewas 2) a sites of 6.1 hectares for 121 dwellings

6.8 As the sites have a valid planning permission they form part of the deliverable 5 year supply of housing land supply within the Local Plan Allocations (Focused changes) document. During consideration of the planning application detailed information had been considered. In addition further evidence from JBA consulting has been undertaken. The Level 2 SFRA prepared by JBA consulting and was undertaken using the latest data and modelling and screens the 3 potential development sites to assess:

- the proportion of the site in each flood zone;

¹ Appendix I p 19 Local Plan Allocations Sustainability Appraisal. Local Plan Focused Changes Sustainability Appraisal 3 of 3 January 2018. Lichfield District Council

² Sustainable Drainage Systems (SuDS) Handbook Staffordshire County Council February 2017

- whether the site is shown to be at risk in relation to the Risk of Flooding from Surface Water (RoFFSW) and if so the lowest return period from which the site is a surface water flood risk; and
- whether the site is within, or partially within, the Environment Agency's Historic Flood Map.

6.9 The findings of the report for each site along with the previous data are considered in the following Section. The sites were also assessed through the SA using the site selection process outlined above and the detailed consideration of these findings are included in the following section.

7.0 Station Works, Colton Road (OR5)

7.1 This is a site of 0.4 hectares and is allocated for 14 dwellings, a map is included at Appendix A. As the site has a valid planning permission (15/00367/OUT) it forms part of the deliverable 5 year supply of housing land and forms part of the 'Other Rural' element of the housing supply within the Local Plan Allocations (Focused changes) document. As the site is a brownfield site and whilst not located adjacent to a settlement boundary it has been identified in principle through an outline planning permission as suitable for residential development but has not started construction yet. Redevelopment of a brownfield site is supported in the NPPF as one of the 12 overarching principles that underpin plan making and through the Local Plan Strategy which sets a target of 70% of housing to be built on previously developed land to 2018 and 50% thereafter.

7.2 As part of the consideration of the site prior to allocations a SA was prepared. The general methodology for housing sites stated in the SA was followed. Within the SA Appendix E 'Station Works, Colton Road' was identified as having a neutral impact upon reducing and managing flood risk as the site was identified as being in Flood Zone 1 and adjacent to Flood Zones 2 and 3. The site is brownfield and greenfield with the majority being brownfield. The SA states that the opportunity for flood risk reduction is unknown as it is difficult to assume the level of effect such design elements (if incorporated) will have at this stage.

7.3 A more detailed assessment was undertaken as part of the SFRA Level 2 which found the entire site is within Flood Zone 1, with 0% of the site as risk from surface water flood risk in a 30yr/100yr or 10000yr event and 0% of the site is within the Historic Flood Map. Detailed analysis of the site has found that the Southern Staffordshire Surface Water Management Plan (2011) identifies surface water flooding to be a problem in the Rugeley area and broadly identifies the risk of surface water flooding in this area to be every 1-2 years, with dry egress and access to the site in a 1000 year surface water event not possible.

7.4 The report recommends that consideration should be made to how safe access and egress can be provided during flood events, both to people and emergency services. In addition there is an unnamed drain which flows into the B5013 culvert near the south western corner of the site which may need to be considered at a site specific level, in case water backing up could encroach into the site.

7.5 The site is a brownfield site and as such is required to deliver an enhanced surface water sustainable drainage. Redevelopment of this site therefore offers an opportunity to provide betterment of the existing situation.

7.6 The planning application was commented upon by Staffordshire County Council and at their request conditions requiring detailed designs of sustainable water drainage and surface water disposal have been included as part of the permission to ensure that the development is provided with satisfactory means of drainage as well as reducing the risk of creating or exacerbating a flooding

problem. In addition conditions to address contamination of the site have also been included which offers opportunities for enhancement to water quality.

7.7 The planning permission was given on 25th May 2016 and is an outline planning permission valid for 3 years or until the expiration of 2 years from the date of the approval of the last of the reserved matters. The site is therefore considered as deliverable within the housing supply assessment for the Local Plan Allocations (Focused changes) document. As a brownfield site where the principle of development has been established, redevelopment offers opportunities to improve sustainable drainage in the area both on site and off site and potentially enhance water quality. The extant permission proves that in principle 14 units can be accommodated within the site. As the site lies wholly within Flood Zone 1 and following consideration of the factors considered in detail above it is not required to pass the Sequential Test nor the Exception Test.

8.0 Fotherley Hall, Fotherley Lane (OR3)

8.1 The site at Fotherley Hall, Fotherley Lane is a site of 1.6 hectares, a map is included at Appendix A. The site is a residential care home for people with dementia and the allocation is for a further 26 dwellings. As the site has a valid planning permission (14/00218/FULM) it forms part of the deliverable 5 year supply of housing land and forms part of the 'Other Rural' element of the housing supply within the Local Plan Allocations (Focused changes) document.

8.2 As part of the consideration of the site prior to allocation a SA was prepared. Within the SA Appendix E the site at Fotherley Hall, Fotherley lane, Shenstone is identified as having a minor negative impact upon reducing and managing flood risk as the site is in Flood Zone 1 and adjacent to Flood Zone 2 and 3. The site is brownfield and greenfield. The SA states that the opportunity for flood risk reduction is unknown as it is difficult to assume the level of effect such design elements (if incorporated) will have at this stage.

8.3 The Level 2 SFRA undertaken to support the Local Plan (Focused changes) document shows that the site at Fotherley Lane, Fotherley Hall has 85% of its site within Flood Zone 1, 2% of its site within Flood Zone 2 and 13% indicative within Flood Zone 3b. It has 3% of the site at risk from surface water flood in a 30yr event, 7% of the site at risk in a 100yr event and 29% at risk in a 1000yr event and 0% of the site shown on the Historic Flood Map. Dry egress and access is possible in all surface water events.

8.4 The planning application includes a FRA as the site is over 1 hectare. This was reviewed and commented upon by the Environment Agency and conditions have been attached to the planning permission requiring details of surface water drainage to be submitted and compliance with the amended drawings which address the flood risk concerns of the EA, minimum finished floor levels and an easement to Fotherley Brook bank in order to provide a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem both on and off the site.

8.5 The site is partly a brownfield site and as such is required to deliver an enhanced surface water sustainable drainage. Redevelopment of this site therefore offers an opportunity to provide betterment of the existing situation.

8.6 The decision is dated 13th October 2014 and was valid for 3 years. It was a detailed consent and detail had been provided on how matters relating to flooding and drainage can be addressed. As the site has planning permission it was therefore considered as part of the housing land supply. The type of the development and size of site enable a scheme to be designed which can be accommodated without negatively impacting upon flood risk as has been shown through the submission of the existing evidence. As partly a brownfield site betterment to the existing situation is also required.

The evidence has shown that the site passes the Sequential Test and can deliver the mitigation necessary to pass the Exception Test. The site has therefore been included within the Local Plan Allocations (Focused Changes) document however within the key development considerations for the site it is stated:

‘The SFRA identifies that there are areas of high flood risk within the site, although a majority of the site is in Flood Zone 1. Consequently consideration and implementation of suitable measures to manage the potential impacts of flooding and to manage surface water runoff is necessary.’

9.0 Dark Lane, Alrewas (A2)

9.1 The site at Dark Lane, Alrewas is 6.1 hectares which is proposed to be allocated with an approximate dwelling yield of 121, the site is a greenfield site adjacent to the settlement of Alrewas, a map is included at Appendix A. The site has a valid planning permission (13/01175/FULM) for 121 dwellings. As the site has a valid planning permission it forms part of the deliverable 5 year supply of housing land and forms part of the housing requirement for Alrewas which is identified within the adopted Local Plan Strategy as a range of between 90-180 dwellings and within the Local Plan Allocations (Focused changes) document as 146 homes.

9.2 The Urban Capacity Assessment for Alrewas concluded that there were insufficient sites within the village settlement boundary of Alrewas to meet the requirements as set out within the adopted Local Plan Strategy. From the study only one site – Site Allocation A1 is remaining which could be identified, this has a capacity of net 4 dwellings. As such the Urban Capacity Assessment concluded that sites beyond the boundary would need to be identified to achieve the number of homes identified³. The site at Dark Lane is sited adjacent to the existing settlement boundary.

9.3 As part of the consideration of the site prior to allocations a SA was prepared. The general methodology for housing sites stated in the SA was followed and 5 sites were assessed.

9.4 The matrices showing the findings of the Sustainability Appraisal are published in Appendix E of the Local Plan Allocations Sustainability Appraisal 2017 for Alrewas⁴ and in Appendix G Table 6 – Reasons for Preferred Alternatives Housing⁵. The SA considered 5 sites:

- SHLAA site 28/Allocation A2 which is located adjacent to the village boundary
- SHLAA site 751/ Allocation A3 which is located adjacent to the village boundary
- SHLAA site 974/ Allocation A4 which is located within the village boundary
- SHLAA site 36/ Allocation A5 which is located within the village boundary
- SHLAA site 842 which is located away from the village boundary

9.5 Site A1 is a brownfield site which is within the settlement boundary and is in conformity with the Local Plan Strategy, it therefore meets the criteria for site selection and was included as an Allocation within the Local Plan Allocations document.

³ Section 5.5 Urban Capacity Assessment October 2016. Lichfield District Council

⁴ Local Plan Allocations Focused Changes Sustainability Appraisal 2 of 3 January 2018. Appendix E Sustainability Appraisal Scoring Matrix: Settlement Alrewas 2017

⁵ Local Plan Allocations Focused Changes Sustainability Appraisal 3 of 3 January 2018. Appendix G Table 6-Reasons for Preferred Alternatives Housing. Page 2

9.6 Sites A4 and A5 are within the settlement boundary and are in conformity with the Local Plan Strategy, they therefore meet the criteria for site selection and have been included as Allocations within the Local Plan Allocations document.

9.7 Sites A2 and A3 are adjacent to the village boundary and the impacts arising from the development can be mitigated, the sites are located in a sustainable location and will contribute to the proportionate level of growth enabling the needs of this rural community to be met.

9.8 Site 842 is located away from the settlement boundary and access to the nearest key settlement is restricted through the location of the A38, which restricts access to local services and facilities such as shops and accessible open space. It was found in the SA⁶ that the location would not encourage the use of existing sustainable modes of transport. The site lies partly within Flood Zone 2 and Partly within Flood Zone 3. No planning permission exists for the site and as such there is no evidence on the ability of the site to mitigate for these impacts.

9.9 Sites A1, A2, A3, A4 and A5 provide 145 dwellings (net) towards the strategic requirement of between 90-180 dwellings for Alrewas and in addition to the number of dwellings already completed since the adoption of the Local Plan Strategy will contribute to the delivery of sustainable development in Lichfield District as set out in the Spatial Strategy and Vision for Alrewas within the adopted Local Plan Strategy.

9.10 Within the SA Appendix E the site at Dark Lane, Alrewas (Site A2) is identified as having a minor negative impact upon reducing and managing flood risk as the site is in Flood Zone 1. The eastern edge of site falls within Flood Zone 1. The SA states that the opportunity for flood risk reduction is unknown as it is difficult to assume the level of effect such design elements (if incorporated) will have at this stage. Concern was raised with regard to the impacts upon flooding from development of this site both by local residents and the Environment Agency, further evidence was thus commissioned.

9.11 The Level 2 SFRA undertaken to support the Local Plan (Focused changes) document shows that the site at Dark Lane, Alrewas has 92% of its site within Flood Zone 1 and 8% within Flood zone 2, with 1% of the site at risk from surface water flood in a 1000yr event and 0% of the site to be at risk from a 30yr or 100yr event and 0% of the site is shown on the Historic Flood Map.

9.12 The Level 2 SFRA identifies surface water risk on roads to the south of the site in small areas from a 30 year event with extents growing in the 100 year event and 1000 year event. Local evidence submitted with the planning application reports historical flooding in the village. Dry access and egress is available to the site during all events.

9.13 The planning appeal (13/01175/FULM) is dated 13th February, 2017, the original application was submitted for 140 dwellings but was reduced to 121 dwellings. The application was accompanied by a Flood Risk Assessment and the EA and the LLFA (SCC) through the Inquiry had no issue with the amended scheme. Conditions relating to floor levels, details of surface water and foul sewage/ drainage and the submitted plans for the flood risk assessment including mitigation measures are required by conditions imposed by the Inspector. The Secretary of State also came to the same conclusion (as it was a recovered Appeal).

9.14 The planning permission shows the layout of the proposed dwellings and the majority of the dwellings are within flood zone 1. The layout also includes a flood compensation area and area for

⁶ (See footnote (3))

drainage infiltration basin and an equipped play area. This shows that the site can accommodate the number of units proposed to be allocated within the site.

9.15 The SFRA Level 2 through the addition of climate change impacts does impact on a greater area of the site. This affects the egress/access as much of the adjacent existing properties are shown as affected by the 30yr surface water event however 80% of the proposed allocation is unaffected by the event.

9.16 The Planning permission was granted on 13th February 2017 and is valid for 3 years. It is therefore still valid and forms part of the deliverable housing supply for Lichfield District and will assist in meeting the requirements for Alrewas set out in the adopted Local Plan Strategy. It provides equipped play facilities to the area which will serve a wider need than just those arising from the development and provides a net gain in biodiversity. Evidence accompanying the planning permission has been agreed demonstrating that subject to adequate mitigation the proposal can make adequate provision to reduce and manage flood risk and the development will be safe for its lifetime. The evidence has shown that the sites passes the Sequential Test and is able to deliver mitigation and other sustainability benefits to pass the Exception Test. The site is in a location where it will contribute to the delivery of the strategic housing requirement for Alrewas and support the delivery of sustainable development in Lichfield as set out in the adopted spatial strategy. The site has therefore been included as a housing allocation within the draft Local Plan Allocations Document. Within the draft Local Plan Allocations Plan it is acknowledged that the site has the potential to impact upon flooding and as such the site is included within the Local Plan Allocations (Focused Changes) document with the following stated within the key development considerations:

‘The SFRA identifies that there are areas of high flood risk adjacent to /within the site, although a majority of the site is in Flood Zone 1. Consequently consideration and implementation of suitable measures to manage the potential impacts of flooding and to manage surface water runoff.’

10.0 Conclusion

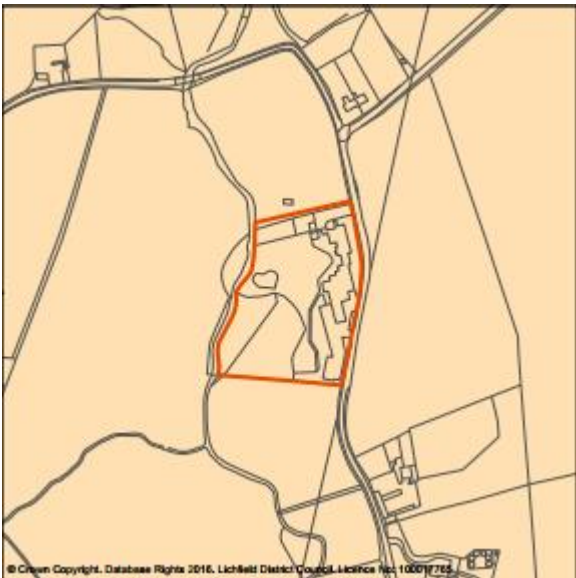
10.1 The sites proposed to be allocated within the Local Plan (Focused changes) document pass the Sequential and Exception Test where required. Through the redevelopment of brownfield sites they offer the opportunity for betterment of the existing surface water drainage and can assist in the delivery of green infrastructure. The Local Plan has identified where these challenges and opportunities exist within the key design considerations of the relevant allocations and has established that the necessary mitigation can be delivered at the detailed design stages of any future planning applications.

10.2 Should matters change the Local Plan Allocations (Focused Changes) document includes sufficient flexibility to reduce if necessary the yield of the sites as it proposes a net supply of dwellings 15% in excess of the minimum 10,030 dwelling requirement of the adopted Local Plan.

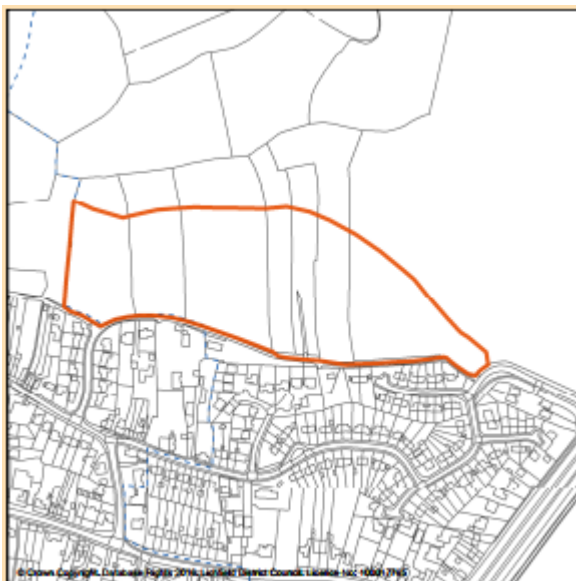
Sites included within the Exception Test



Site OR5: Station Works, Colton Road



Site OR3: Fotherley Hall, Fotherley Lane



Site A2: Dark Lane, Alrewas

Local Plan Allocations (Focused Changes) Exception Test Addendum – Explanatory note

This note has been prepared as an addendum to the Local plan Allocations (Focused Changes) Exception test produced in March 2018. It has been prepared in order to provide a factual account of why additional evidence relating to flooding has been prepared.

Local Plan Allocations Consultation (March – May 2017)

Following the consultation undertaken on the proposed Local Plan Allocations document held between March and May 2017 representations were received from the Environment Agency (EA) which identified potential flooding issues at a number of the proposed site allocations. This representation is appended at Annex A of this note and triggered the production of the [Strategic Flood Risk Assessment Level 2 \(2018\)](#) (SFRA) and the [Local Plan Allocations Exception Test \(2018\)](#) in order to support the proposed allocations.

It should be noted that the proposed allocations which were the subject of the representations made by the EA and subsequent SFRA Level 2 and Exception Test all benefited from extant planning permission, supported by site specific SFRA at the time of producing the Local Plan Allocations document.

Local Plan Allocations Consultation (Focused Changes January – February 2018)

Following the consultation undertaken on the Local Plan Allocations (Focused Changes) document between January and February 2018 additional representation was received from the EA which acknowledged the additional SFRA work which had been produced but queried whether the exception text had been undertaken (appended at Annex B to this note). The District Council was able to produce the [Exception Test \(2018\)](#) document which had been produced as part of the evidence base supporting the Local Plan Allocations document.

Annex A – Environment Agency Representations (March-May 2017)

Mr Ashley Baldwin
Lichfield District Council
Planning Policy
PO Box 66
Lichfield
Staffordshire
WS13 6QB

Our ref: UT/2007/101798/SL-02/PO1-
L01
Your ref:
Date: 12 May 2017

Dear Mr Baldwin

LICHFIELD LOCAL PLAN ALLOCATIONS 2008-2029

Thank you for referring the above consultation which was received on 16 March 2017.

The Environment Agency has the following observations to make on the plan and its supporting documents.

Flood Risk

Your Level 1 Strategic Flood Risk Assessment (SFRA) was updated in 2014 to take into account new model data. We have not undertaken any new modelling since then apart from some associated with the design of the ongoing Rugeley flood risk management scheme (not yet completed). However, your SFRA does not take account of the revised climate change guidance issued in 2016 <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> which requires a greater allowance to be made than the 20% used within your SFRA.

We would now expect SFRAs to consider for residential developments the potential impacts from climate change under the central (+20%), higher central (+30%) and upper end (+50%) allowances for the 2080s epoch. Although you will not need to necessarily update this to support your site allocations document (as the Sequential Test for allocated sites only uses mapped flood extents which do not take into account climate change) we would recommend you consider providing a brief addendum in order to clarify how applicants should consider flood risk issues when undertaking flood risk assessments. You should seek to address the implications of the increase in climate change allowances on your site allocations when carrying out a Level 2 SFRA.

The following seven sites fall within the mapped floodplain, and as such if they are to be taken forward as an adopted allocation need to be sequentially tested using the mapped outputs of your Level 1 SFRA. This is in line with paragraphs 100-102 of the NPPF, Local Policy CP3 and paragraph 3.1 of your SFRA. There is guidance on how to undertake the sequential test within Section your your SFRA and as part of the NPPG. This work will need to be undertaken prior to the next stage of the allocations process in order to demonstrate that decisions regarding which sites to take forward comply with overarching policies on flood risk and are sound.

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..

The Sequential Test can form a standalone evidence document which supports your final allocated sites, or form part of the Sustainability Appraisal, but however it is done the decision making process regarding flood risk sites should be transparent. Guidance on how to apply the sequential test in conjunction with sustainability appraisal is available at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#aim-of-Sequential-Test>.

Should any of these sites pass the Sequential Test and progress forwards towards submission, they will need to be supported by a Level 2 SFRA which will look in more detail at issues raised within the Level 1 SFRA, enable the application of the Exception Test, and advise on the developable land and therefore housing yield of the site.

- Rugeley 1: Former Rugeley Power Station: A significant part of the site (north of the railway line) is in Flood Zone 3b (functional floodplain) of the River Trent and is not considered to be suitable for housing. Part of the site area south of the railway line is in Flood Zone 2. It may be possible to manage the level of flood risk on this part of the site through appropriate site layout / design and the provision of mitigation measures. A level 2 SFRA would need to demonstrate that any mitigation measures were capable of protecting the site and would not increase flood risk elsewhere. This would include modelling of the flood zones, taking into account the revised climate change allowances for the whole site. An 8 metre easement will also be required from top of bank of the River Trent.
- Alrewas 2: The northern and eastern parts of the site are located in Flood Zone 2 and immediately adjacent to Flood Zone 3 of the River Trent. If this site goes forward unamended, a level 2 SFRA will be required in order to support the exception test. This will also need to take into account the revised climate change guidance issued in 2016. Dependent on the outcomes of the Level 2 SFRA, it may be possible to manage the level of flood risk through appropriate site layout / design and the provision of mitigation measures. *Incorrect statement in 'key development considerations' regarding flood risk - states that site is **adjacent** to FZ 2 & 3.*
- Shenstone 1: The Fotherley Brook (**main river**) crosses the site. The majority of the site is in Flood Zone 3 and potentially 3b functional floodplain. It is questionable as to whether this site is suitable for housing. A level 2 SFRA would need to demonstrate that any mitigation measures were capable of protecting the site and would not increase flood risk elsewhere taking account of the revised climate change guidance. An 8 metre easement would also be required from top of bank of the Fotherley Brook.
- Shenstone 2: The eastern part of the site is located in Flood Zones 3 and 2 of Fotherley Brook (**main river**). If this site goes forward unamended, a level 2 SFRA will be required in order to support the exception test. This will also need to take into account the revised climate change guidance issued in 2016. It may be possible to manage the level of flood risk through appropriate site layout / design and the provision of mitigation measures. A Level 2 SFRA would need to include modelling of the flood zones to determine this. An 8 metre easement will also be required from top of bank of the Fotherley Brook. *Note: Incorrect statement in 'key development considerations' regarding flood risk - states that site is **adjacent** to FZ 2 & 3.*
- Shenstone 3: A small part of the site in the north west corner is located in Flood Zones 3 and 2 of Fotherley Brook (**main river**). It may be possible to manage the level of flood risk on site through appropriate site layout / design and the provision of mitigation measures, but a Level 2 SFRA would need to demonstrate that any mitigation measures were capable of protecting the site and would not increase flood risk elsewhere. The Level 2 SFRA would need to include modelling of the flood zones to determine this. An 8 metre easement will also be required from top of bank of the Fotherley Brook. *Note: Incorrect statement in 'key development considerations' regarding flood risk - states that site is **adjacent** to FZ 2 & 3.*

- Other Rural 3: The site is immediately adjacent to the Fotherley Brook (**main river**). The western part of the site is in Flood Zone 3 and 2. It may be possible to manage the level of flood risk on site through appropriate site layout / design and the provision of mitigation measures, but a Level 2 SFRA would need to demonstrate that any mitigation measures were capable of protecting the site and would not increase flood risk elsewhere. The Level 2 SFRA would need to include modelling of the flood zones to determine this. An 8 metre easement will also be required from top of bank of the Fotherley Brook. *Note: Incorrect statement in 'key development considerations' regarding flood risk - states that site is **adjacent** to FZ 2 & 3.*
- Other Rural 5: The site is located near the confluence of the River Trent and Moreton Brook (**main rivers**) in Flood Zone 1 but surrounded by Flood Zones 3 and 2. Safe access and egress may be a fundamental issue and therefore this site would need to be considered as part of a Level 2 SFRA which should include modelling of the flood zones, taking account of the revised climate change allowances. As this site technically lies outside the floodplain policy does not require the application of the Sequential Test, but we recommend that given the potential flood risk implications that a sequential approach is taken to allocating this site.

Given the number of inaccuracies in the identification of where floodplain affects site boundaries within this plan, we recommend that all site locations are double-checked using the most up to date flood layers to ensure that all flood risk issues are picked up within the plan, and addressed appropriately.

The following sites may be affected by flooding from an Ordinary watercourse. They may or may not have a mapped floodplain associated with this watercourse. We recommend that Staffordshire County Council, as Lead Local Flood Authority, advise on how any risk should be managed and whether any development easements would be required from the river channel.

- L2
- L5
- L6
- L29 *Note: Incorrect statement in 'key development considerations' regarding flood risk – states that site is **adjacent** to FZ 2 & 3.*
- B14 *Note: Incorrect statement in 'key development considerations' regarding flood risk – states that site is **adjacent** to FZ 2 & 3.*
- NT1
- F2

Lichfield Canal

Policy IP2 of this plan states that '*New development shall recognise the advantages of supporting the delivery of the canal through a sensitively designed scheme and by including... sustainable drainage where appropriate.*'

Table 5.1 of your IDP states the following with respect to the 'Infrastructure Requirement South of Lichfield SDA' (page 60) '*A continuous open space network must be provided along the course of the Lichfield Canal route giving access to future waterside recreation uses... Opportunity for surface water management into the canal channel to discharge downstream.*'

The WFD status of the Groundwater Body (Tame Anker Mease – PT Sandstone Birmingham Lichfield) underlying the route of the canal is 'Poor' due to groundwater abstraction pressures, as identified in our Abstraction Licensing Strategy (CAMS) and the Humber River Basin Management Plan. In recognition of this, your adopted Policy CP3 states '*give priority to utilising ground infiltration drainage techniques and including sustainable drainage techniques and incorporate other sustainable techniques for managing surface water run-off such as green roofs in new development and in retro-fitting where historic flooding events have been identified.*'

We are concerned particularly with the wording with the IDP, as it appears to discourage infiltration based SuDS techniques in favour of discharging surface waters into the canal as a water source. We recommend that the wording of your draft Policy IP2 and the supporting IDP are amended to bring it in line with adopted CP3 with the aim of protecting groundwater resources by diverting surface water run-off to ground where possible to ensure that recharge of the threatened underlying aquifer is maintained.

- Policy IP2 should be amended to read ‘...infiltration-based sustainable drainage...’
- The reference to ‘Opportunities for surface water management into the canal channel to discharge downstream’ should be omitted from this section of the IDP

Paragraph 2.2 of this draft plan states ‘*Its connection to the wider canal network is subject to a detailed water study demonstrating an adequate water supply can be provided to support its use and the existing network.*’

As the canal is being restored in phases, isolated sections may be restored and need to be rewatered despite still being some distance for the wider canal network. These sections will need to find an alternative source of water other than the existing canal system as they will not be connected or near a canal. We are concerned that this will place undue pressure on abstraction from the natural water environment if alternative sources are not agreed. The wording as it stands implies that connection to the wider canal network is the only option that is subject to further assessment, whereas other options for watering will also need to be explored. We therefore recommend the wording in paragraph 2.2 is amended to read

‘The canal is being restored in phases. Rewatering of these sections and their connection to the wider canal network are subject to a detailed water study demonstrating an adequate water supply can be provided to support its use and the existing network.’

Groundwater Protection

The following sites are located within Source Protection Zones 1 and 2, which are areas immediately surrounding a groundwater abstraction point. Any development in these zones should take into account the very high sensitivity in relation to ‘Controlled Waters’ receptors and we recommend the allocation of such sites would include some reference to your adopted Policy CP3 which acknowledges the risks to groundwater in these areas. In order to protect groundwater quality and resource, some land uses would be considered inappropriate in this location, although residential allocations would be acceptable. It should be ensured that as part of these residential allocations, mixed-use proposals are not allowed which would pose a risk to the underlying groundwater. Of particular concern are petrol stations. If the allocations plan could in some way encourage early developer consultation with the Environment Agency at these sites, this would help mitigate the risk associated with contaminated surface water infiltration.

- L10: Land off Burton Road (West), Streethay (SPZ1)
- L24: Trent Valley Buffer Depot, Burton Road, Streethay (SPZ2)
- B4: Land at Mount Road/New Road (SPZ1 & 2)
- S1: Land at Lynn Lane, Shenstone (SPZ1 & 2)
- S2: Land adjacent Shenstone Pumping Station, Lynn Lane, Shenstone (SPZ1 & 2)

Government Policy, as detailed in the NPPF paragraph 120, states that ‘*where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner*’. Consequently should a development site currently or formerly have been subject to land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater then any development proposal must be supported by a Preliminary Risk Assessment. This should demonstrate that the risks posed to ‘Controlled Waters’ by any contamination are understood by the applicant and can be safely managed.

Given the sensitive locations of the following development sites with respect to 'Controlled Waters' receptors, investigation into the presence and significance of contamination will be required. We have no information that would indicate these sites cannot be remediated to a level that would allow development, however it is for your Authority to determine whether you require this assessment upfront, prior to allocation in order to have confidence in the deliverability of these sites. This constraint applies to the following sites:

- L24: Trent Valley Buffer Depot, Burton Road, Streethay (SPZ2)
- B4: Land at Mount Road/New Road (SPZ1 & 2)
- R1: Former Rugeley Power Station (adjacent to River Trent)
- S1: Land at Lynn Lane, Shenstone (SPZ1 & 2)

Infrastructure Delivery Plan

For clarity and accuracy, we recommend that the table of page 22 headed *Water Resource Infrastructure Needs* is amended to read as follows:

'Water abstraction and impoundment

Any developments requiring the abstraction or impoundment of water should consider the information contained within the Abstraction Licensing Strategies (CAMS) and should apply to the Environment Agency for the relevant licence (although there is no guarantee it would be granted).

Limited water availability from the surface waters and groundwater management units, especially within the currently Over Abstracted Bourne / Black Brook catchment and the Lichfield and Shenstone Ground Water Management Units (GWMU) may impact current and future ~~agricultural practices and small commercial development.~~

On page 22, paragraph 4.41 we request that the reference to Lock 26 be removed. The licensing requirements for the Lichfield Canal (which will be wider than just Lock 26) is covered by the generic text in the table on this page (as amended). Any licence application by the Lichfield and Hatherton Canal Restoration Trust (LHCRT) would not be treated any differently to that of any other applicant.

Last year LHCRT employed consultants to produce a water supply study. This study identifies potential sources of water for filling and operating the canal as it is progressively restored but recommends that further work is carried out to confirm whether these are viable.

We request that on page 33 (Water Resources, supply and flood risk) the water abstraction entry be amended to: Water abstraction and impoundment.

Water Cycle Study (WCS)

Since your WCS was carried out, South Staffs Water (SSW) have published their 2014 Water Resources Management Plan (WRAP). They are now in the process of drafting the next version. Discussions should be undertaken with SSW to determine whether there any implications for the recommendations of the WCS. Please note, as the WCS covers several council areas, it also mentions Severn Trent Water. Although Severn Trent Water have also revised their WRMP this is not of relevant to your Authority area.

In addition to this, the CAMS documents referenced in the WCS were updated in 2013. The updated strategies can be accessed here <https://www.gov.uk/government/collections/water-abstraction-licensing-strategies-cams-process>

With regards to the treatment of waste water, it now appears imperative that the council discuss the impact of the proposed growth on the permitted flow situation at Alrewas and Armitage sewage treatment works with Severn Trent Water. Our most recent data suggests that the proposed growth would require an increase in permitted DWF (Dry Weather Flow) and would have a subsequent impact on the current permit limits.

This should not be too onerous but would trigger a first-time ammonia limit on the permit and a possible increased requirement to treat more flow (flow to full treatment – FFT).

Your Authority should also discuss the impact of the proposed growth on the permitted flow situation at Lichfield. Our most recent data suggests that the proposed growth would require an increase in permitted DWF (Dry Weather Flow) and would have a subsequent impact on the current permit limits. Lichfield STW is due for major investment in the next 8 years and it is imperative that these growth forecasts are factored in to the design criteria. This has most likely already been done as part of the Local Plan Strategy, but this should be checked with Severn Trent Water. If the DWF is increased there will almost certainly be a requirement to treat more flow (flow to full treatment – FFT).

It is also very important that discussions are held with the Severn Trent Water to ascertain the impact upon Combined Sewer Overflows (CSOs) and other storm related discharges (pumping stations, inlet CSOs at sewage works, FFT) within the sewer network and at the receiving sewage works to determine whether a significant increase in spills to the environment could occur.

This was referenced previously in the WCS with the caveat that it was too early to tell where to focus hydraulic modelling efforts. Now is probably the time to re-visit this. We would not want to see any increase in storm related spills to the environment from any part of the sewage catchment or the receiving watercourse. Ideally, we would like to see the outcome of this modelling.

Sustainability Appraisal

We have reviewed the Sustainability Appraisal for the local Plan Allocation 2017. The Sustainability Appraisal does not address the issues of the flood risk Sequential Test, and we refer to our comments on sites in the floodplain, and the requirement for the Sequential Test earlier in this response.

There are six sites currently located within the mapped floodplain, and one site significantly constrained by floodplain. These are sites with SA refs:

- Alrewas 28
- Other Rural 935
- Other Rural 1022 (surrounded by floodplain but located within FZ1)
- Rugeley 1031
- Shenstone 30
- Shenstone 480
- Shenstone 785

For the Alrewas example, Appendix E acknowledges the flood risk and scores a double negative in Q10(1) which we agree with. Q10(2) considers whether flood risk can be reduced by the site. We would assert that unless specific large scale flood reductions are achieved through the development process, the residual risk associated with developing in an area at flood risk would always result in a negative score. Currently there is no evidence to suggest otherwise as the sites are not supported by a Level 2 SFRA that looks at flood risk issues and opportunities at each individual location.

For the Rugeley site, we query why Q10(1) has been assessed as having a neutral impact despite site being located in both Flood Zone 2 and 3. This should show as a negative, especially with the location of FZ3b on the site. Q10(2) applies above.

We recommend all the above sites affected by flooding are checked within the SA to ensure they reflect the correct flood zones as detailed in our letter above, and are scored appropriately within Q10 to reflect this negative impact.

For all of the above, there should be a further question (as recommended in our response to the SA Scoping in 2016) that clarifies whether or not the site at risk of flooding passes the

Sequential Test. In order to ensure this plan is sound for Submission, your Authority will need to provide clear evidence of how the Sequential Test has been applied to these sites, and accordingly how the findings of this are reflected within the SA i.e. if the site does not pass the test, it should be withdrawn from the allocations document, if it does pass the test the SA should weigh up the residual risk and opportunities associated with developing that site as informed by a Level 2 SFRA.

Finally, as a matter of administration, we request that our contact details for future consultations are updated. All planning related consultations, strategic or relating to planning applications should be directed to our team inbox swmplanning@environment-agency.gov.uk

If you have any queries relating to the above, please contact me on these details.

Yours sincerely

Miss Jane Field
Planning Specialist

Direct dial 020 3025 3006

Direct fax 01543 444161

Direct e-mail jane.field@environment-agency.gov.uk

Annex B - Environment Agency Representations (March-May 2017)

Mr Ashley Baldwin
Lichfield District Council
Planning Policy
PO Box 66
Lichfield
Staffordshire
WS13 6QB

Date: 19 February 2018

Dear Mr Baldwin

LICHFIELD DISTRICT LOCAL PLAN ALLOCATIONS 2008 - 2029

FOCUSED CHANGES CONSULTATION, FEBRUARY 2018

Thank you for referring the above Focussed Changes consultation, which was received on 08 January 2018. We have reviewed the focussed changes in the context of the Level 2 Strategic Flood Risk Assessment undertaken by JBA (January 2018).

We note a number of sites have been withdrawn from the Local Plan process, and welcome in particular the removal of S2 and S3 in Shenstone. These sites were partially affected by flooding, and as such steering development away from such areas is in line with NPPF's sequential approach to flood risk management.

A number of additional sites have been added in to the document, however we have no comments to make regarding these as their constraints fall outside those of the Environment Agency. We note in particular the addition of OR7: Watery Lane Curborough, as permitted under appeal.

We acknowledge that the principle of development has already been accepted for Shenstone 1 (Lynn Lane) through the adoption of the Shenstone Neighbourhood Plan in 2016. We have also accepted that Rugeley Power Station can be taken forward with detailed flood risk requirements specified within your SPD.

Of the sites that we originally flagged as having flood risk concerns, only three remain within this plan:

A2 Dark Lane, Alrewas

The site boundary has been amended so that the northern part is no longer located in Flood Zone 2. The majority of the site is now in Flood Zone 1 with the exception of an area in the south-east corner (approx. 8%) which is still in Flood Zone 2. This area is currently covered by the Environment Agency's flood warning service.

The level 2 SFRA advises that climate change will increase flood risk to parts of the site and could impact on safe access/egress. Unfortunately the interactive maps cited in the

Cont/d..

Level 2 SFRA do not work and so we have been unable to determine the significance of this increase in risk and are therefore unable to provide detailed advice on how this could affect the site. Given the scale of the site this is likely this could be managed through raising floor levels or site layout, therefore we no longer hold an objection to the inclusion of this site allocation within the plan.

As advised in the level 2 SFRA, a site-specific flood risk assessment will be required to support any new development proposals detailing the potential risk across the site from climate change and how this will be managed through appropriate site layout / design and the provision of mitigation measures. Safe access and egress routes for this site during flood events should be considered and demonstrated.

OR3 Footherly Hall

The site is immediately adjacent to the Footherly Brook (main river). The western part of the site is in Flood Zone 3 and 2 (13% in FZ3, 2% in FZ2 as indicated in SFRA).

The level 2 SFRA states that fluvial extents do not increase significantly with climate change due to the nature of the ground. Unfortunately the interactive maps cited in the Level 2 SFRA do not work and so we have been unable to determine the level of increased risk in terms of depth and velocity. We request that these maps are made available in order for us to verify this.

As the SFRA does not contain detailed modelling of flood risk affecting the site, we have reviewed this SFRA in the context of the modelling undertaken and mitigation measures proposed as part of the Flood Risk Assessment undertaken by JMP in support of planning permission 14/00218/FULM.

If this statement is correct, it should be possible to manage the level of risk through appropriate site layout / design and the provision of mitigation measures such as floodplain compensation and raising finished floor levels at the western edge of the proposed development. In such case we would have no objection the site being carried forward through the Local Plan process.

As recommended in the level 2 SFRA, detailed modelling should be carried out as part of any site-specific FRA including current climate change allowances to verify flood depth, velocity and hazard. The current planning permission has been designed under outdated climate change allowances therefore any new application on this site would be subject to more stringent requirements. An 8 metre easement will also be required from top of bank of the Footherly Brook.

OR5 Colton Road

This site does not lie within the floodplain, but is constrained by flooding on the surrounding roads. We recommend that a flood warning and evacuation plan is submitted with any future planning application to consider this further.

Sequential Test

It is not immediately apparent that your Authority has undertaken a Sequential Test with regards to sites at flood risk, either as a standalone document or within your Sustainability Appraisal. We understand that your Authority are planning to undertake a Sequential Test process to support the allocation of these sites and this is welcomed. We recommend that process of this is thoroughly documented to provide transparency in your decision-making process in terms of the examination. You will note in the appendices of your Level 1 SFRA there are pro-formas for the Sequential and Exception Tests which you may find useful, although there is also guidance available

within the NPPG.

The Sequential Test needs to be undertaken as part of the evidence base supporting allocations in the floodplain in line with paragraphs 100-102 of the NPPF, Local Policy CP3 and paragraph 3.1 of your SFRA. It is also noted as a requirement within your Level 2 SFRA. This work needs to be taken forward prior to the next stage of the allocations process in order to demonstrate that decisions regarding which sites to take forward comply with overarching policies and are sound.

Sustainability Appraisal

We have reviewed the Sustainability Appraisal for the Focussed Changes 2018. We consider the assessment provides a fair representation of constraints affecting the proposed allocations.

Policy IP2: Lichfield Canal

We welcome the revised wording for this policy and supporting text as previous agreed with your Authority.

Should you have any queries with regards to the above comments, please contact me on the details below.

Yours sincerely

Miss Jane Field
Planning Specialist