

Wiltshire Housing Site Allocations Plan Examination in Public

Statement of Common Ground

between

Wiltshire Council

and the

Environment Agency

April 2019

Introduction

1. Wiltshire Council ('the Council') and the Environment Agency have worked constructively, actively and on an on-going basis through the production of the Wiltshire Housing Site Allocations Plan ('the Plan') on matters relating to flood and surface water drainage considerations, and the level of phosphate in the River Avon and surrounding area and the monitoring of the Nutrient Management Plan. This has been through ongoing regular dialogue and formal consultations.
2. This statement is structured to provide a summary of the areas of agreement between the Council and the Environment Agency, and how that agreement was reached, in relation to the Plan. A separate statement involving both parties has also been prepared in relation to the management of nutrients in the Hampshire Avon Special Area of Conservation, as referred to below.

The Environment Agency

3. The Environment Agency is a Prescribed Body as defined in defined in part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. They are a public body that protects and improves the environment and has the following responsibilities:
 - a regulating major industry and waste
 - b treatment of contaminated land
 - c water quality and resources
 - d fisheries
 - e inland river, estuary and harbour navigations
 - f conservation and ecology
 - g managing risk of flooding from main rivers, reservoirs, estuaries and the sea.

Purpose of Wiltshire Housing Site Allocations Plan ('the Plan')

4. The Plan is being prepared to support the delivery of the Spatial Strategy set out within the Wiltshire Core Strategy (WCS) (adopted January 2015). The Plan will, once adopted, form part of the Development Plan for Wiltshire
5. The purpose of the Plan is twofold:
 - Allocate sites for housing to ensure the delivery of homes across the plan period in order to help maintain a five-year land supply in each of Wiltshire's three Housing Market Area's (HMAs) over the period to 2026; and
 - Review and, where necessary, revise settlement boundaries in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages.

Wiltshire Housing Site Allocations Plan Pre-submission consultation (Summer 2017)

6. The Council published the draft Plan, along with accompanying evidence, for a formal consultation from 14th July to the 22nd September 2017. In their response¹ to this formal consultation the Environment Agency considered the Plan to be unsound due to insufficient certainty and information provided in evidence documents and the plan relating to nutrient management issues – this matter is addressed in the Memorandum of Understanding - River Avon Special Area of Conservation Phosphate Neutral

¹ Representations ID numbers 2967-2999 (consultee ID 3995940).

Development (document library reference HRA.03²) and in a separate joint statement of common ground on achieving phosphate neutrality between all the relevant partners.

7. In relation to other environmental issues raised the Environment Agency stated that they are satisfied with the plan subject to the following two issues being addressed:
 - a Built development will only be in flood zone 1. If any sites have flood zone 2 or 3 within the boundary then a sequential approach must be taken to ensure development is in flood zone 1. This should take into account the effects of climate change.
 - b For sites in groundwater Source Protection Zone 1 areas there must be no discharges to ground other than clean surface water.
8. The following more detailed comments were further made in relation to flood risk and groundwater:
 - a It welcomes that flood risk is included as an 'exclusionary criteria in the site selection process methodology (document library reference (TOP.02)³.
 - b Natural Flood Management should be incorporated in any planning proposals to mitigate risk of flood in new and existing development.
 - c Consideration for climate change must be taken into account. Appropriate buffer strips, where there is no built development, should be placed adjacent to any flood zone 2 or 3 in sites.
 - d It is recommended a requirement for drainage strategies is stated for each allocation.
 - e A table of site specific comments related to flood risk was included
 - f Any planning application should be supported with appropriate contaminated land desk studies where sites are not greenfield.
9. In regard to biodiversity they state that development should be kept at least 8metres from the watercourse corridor to preserve its function as a wildlife route.

Schedule of Proposed Changes to support the submission draft Wiltshire Housing Site Allocation Plan (WHSAP)

10. In response to the Environment Agency representation on the pre-submission consultation the Council has proposed a number of changes to the draft Plan which can be found in the Schedule of Proposed Changes (EXAM.01.01)⁴.

Wiltshire Housing Site Allocations Plan – Focussed consultation on the Schedule of Proposed Changes and associated evidence documents

11. In July 2018, the Council submitted the Plan, along with a Schedule of Proposed Changes and supporting evidence, to the Secretary of State, for independent examination. Further rounds of focussed consultation on the Council's Schedule of Proposed Changes were then undertaken.
12. In responding to the consultation⁵ the Environment Agency note that their comments to the pre-submission consultation have been incorporated in the proposed changes to the Plan and that they now consider the Plan sound, provided plans relating to The Hampshire Avon Nutrient Management Plan are carried forward and implemented.

² [HRA.03](#) Memorandum of Understanding (MoU) River Avon Special Area of Conservation Phosphate Neutral Development

³ [TOP.02](#) Topic Paper 2 Site Selection Process Methodology

⁴ [EXAM.01.01](#) Schedule of Proposed Changes Sept 2018 Main Report

⁵ Representation ID numbers 430, 431, 432, 433 (consultee ID 555472).

13. Further to this, the Environment Agency made four additional comments on the proposed changes as follows, to which (where relevant) there is now an agreed position:

a *Issue raised:*

Proposed Change (PC) 13 and PC51

The Environment Agency notes that PC13 and PC51 increase the housing numbers for a number of allocations including H2.3 Elizabeth Way and H2.5 Upper Studley, Trowbridge and request that it is ensured that the amount of flood zone 1 on the sites can accommodate this increase in housing number.

Agreed position:

The Council has reassessed H2.3 and H2.5 in light of the Environment Agency comment to ensure that the proposed increase in numbers on the sites can be contained on flood zone 1 and confirm that the flood zone 1 area on each site can accommodate the increase in capacity and mitigation measures required for other constraints (as detailed below).

H2.3

The full site area of allocation H2.3 is 21.24 hectares (as amended by PC63). The area within the north west of the site covered by flood zones 2 and 3 is approximately 0.65 hectares. This leaves 20.59 hectares within flood zone 1. A simple application of a density of 30 dwellings per hectare to this flood zone 1 area would produce 619 dwellings. Mitigation will also be required on site in line with the Trowbridge Bat Mitigation Study and for landscaping between Elizabeth Way and the proposed development, buffers to protect the setting of adjacent heritage assets and buffers to protect against coalescence with Hilperton. A figure of 355 dwellings can be delivered on the site leaving ample room for the mitigation measures outlined.

H2.5

The full site area of allocation H2.5 is 2.27 hectares (as amended by PC70). The area within the south of the site covered by flood zones 2 and 3 is approximately 0.49 hectares. This leaves 1.78 hectares within flood zone 1. A simple application of a density of 30 dwellings per hectare to this flood zone 1 area would produce 53 dwellings. Mitigation will also be required on site in line with the Trowbridge Bat Mitigation Study. A figure of 45 dwellings can be delivered on the site leaving room for these mitigation measures, which can also be incorporated on the flood zone 2 and 3 land within the site.

b *Comment made:*

PC111

Proposed new housing allocations The Yard, Salisbury – the Environment Agency have no objection to the addition of this site.

c *Issue raised:*

Proposed Change 80: Bore Hill Farm, Warminster

The proposed allocation of this site has stimulated local public interest and the Environment Agency are involved as the regulator in charge of permitting the adjacent waste management facility. The Environment Agency have previously commented on potential odour from the plant and its impact on new residents and they reiterate this point. They state that odour is likely to remain an issue for future residents and state that Wiltshire Council should consider this issue. However, they do not object to the allocation.

Agreed position:

The impacts of the proximity of this site to the operational biodigester have been assessed by public protection, and paragraphs 5.94-5.96 of the Plan set out how residential uses will be brought forward in a manner which is compatible with the adjoining use.

This includes separation between the biodigester and proposed residential development through the delivery of commercial uses on the part of the site that benefits from extant permission (PH/0654), and through the additional landscape screening at the site boundaries to preserve and maintain the living conditions of adjoining residential dwellings. Local amenity effects of environmental conditions such as noise and odour are to be managed by the biodigester plant's Environmental Permit.

Site allocation H3.3 North of Netherhampton Road and Proposed Change 105

14. Proposed Change 105 in the Schedule of Proposed Changes incorrectly states that part of site allocation H3.3 lies within flood zone 2. The entirety of the site is within flood zone 1. The northern boundary of the site is the boundary between flood zones 1 and 2. This is confirmed by the Environment Agency in their response to the Pre-submission consultation (letter dated 22nd September 2017 reference 3959410-2998). The Environment Agency agree that a minor change is required to PC105 to reflect this. The text in PC105 will be changed from from "Part of the site lies within Flood Zone 2 and hence development proposals will need to be sequentially planned" to "**The entire site is within Flood Zone 1. The northern boundary of the site is also the boundary to the adjacent land that lies within Flood Zone 2 and due it its size will need to be ...**"

Conclusion

15. In conclusion the Environment Agency consider the Plan to be sound provided plans relating to The Hampshire Avon Nutrient Management Plan are carried forward and implemented and that the additional comments raised in response to the focussed consultation have been addressed.

Signed:

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Wiltshire Council

Date: 29th March 2019

Signed:

Katherine Burt
Planning Specialist
Wessex Area Environment Agency

Date: 1st April 2019