

**From:** [nwx.sp@environment-agency.gov.uk](mailto:nwx.sp@environment-agency.gov.uk)  
**To:** [Strategy](#)  
**Subject:** Environment Agency Response to: WX/2019/133266/PO-01/IS1-L01  
**Date:** 16 March 2020 16:36:33

---

The Local Development Document has been reviewed and I enclose the Environment Agency's comments on:  
Policy Document

Somerset West & Taunton - Taunton

Policy Document

This message has been sent using TLS 1.2

Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Ms G Littlewood  
Strategic Case Manager  
Somerset West & Taunton - Taunton  
Planning Policy  
The Deane House  
Belvedere Road  
Taunton  
Somerset  
TA1 1HE

**Our ref:** WX/2019/133266/PO-  
01/IS1-L01

**Your ref:**

**Date:** 16 March 2020

Dear Ms Littlewood

## **SOMERSET WEST AND TAUNTON COUNCIL (SW&T) LOCAL PLAN ISSUES AND OPTIONS**

Thank you for referring the above Local Plan, which was received on 13 January 2020.

The Environment Agency can now make the following comments:

### **FLOOD RISK**

We are currently working on the following projects which will have an impact on decision making during the period of this Local Plan and therefore should be referenced:

- Strategic flood defence scheme for Taunton that will provide increased protection against future flood risk to existing residential/commercial areas and enable town center redevelopment.
- Modeling the impact of climate change throughout Somerset.

We would like to provide a more detailed approach to integrated catchment management, spatial planning, planning policy and future projects in time for the next phase of this consultation. For all allocated and windfall sites within SW&T, we would like developers to adopt a different approach when working with us. We would like the opportunity to develop with SW&T a set of rules developers would have to follow for their applications to be considered. Please find below examples. These rules would enhance the quality of the proposal and would drive the development to be more environmentally friendly:

No urban extension should take place in Flood zone 2 and 3.

If an urban extension site includes a small area of flood zone 2 and 3, all development should be:

- Limited to flood zone 1 areas.

Environment Agency  
Rivers House, East Quay, Bridgwater, Somerset, TA6 4YS.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

- Have a wildlife corridor enhancing biodiversity and the environment alongside main rivers and flood zone 2, to be provided for 8m from the edge of flood zone 2 into flood zone 1 where no development is allowed except for surface water attenuation and play areas.
- Minimum Finished Floor Levels (FFL) for dwellings should be raised 300mm above 1 in 100 year flood level, with appropriate allowance for climate change.
- De-culverting of watercourses should be encouraged.
- No culverting of watercourses unless required for access.
- Safe access to the site should be provided for all flood events.

#### Town centre sites in flood zone 2 and 3:

- Only brownfield sites should be allowed.
- All development in Taunton should contribute to the Taunton flood risk strategy.
- Enhance the river corridor.
- Compensate for the loss of floodplain and climate change impact.
- Minimum FFL for dwellings should be raised 300mm above 1 in 100 year flood level with appropriate allowance for climate change.
- De-culverting of watercourses should be encouraged.
- No culverting of watercourses unless required for access.
- Safe access to the site should be provided for all flood event.

#### Coastal area

- No new development within the 1 in 100 year erosion line.

We would recommend and welcome the opportunity to discuss the above suggestions in a meeting between the Local Planning Authority and the Agency in the near future.

The Environment Agency, Coast Protection Authorities and other Risk management Authorities plan for flood and coastal erosion risk into the future. We create strategies to help us manage current and future risks and these strategies will take account of climate change implications. The coming years (up to 2040) will see the potential need to consider flood and coastal erosion risk issues along the Coastline between Minehead and Steart. We welcome the opportunity to work in a more integrated way with the council on future flood risk projects and strategies relating to risk reduction and the growth agenda.

The beach management plan (BMP) between Minehead and Blue Anchor identifies areas at risk and sets out actions that will need to be taken into consideration within the plan period for both the Agency and the council to make sure existing properties benefit from the appropriate standard of protection, now and in the future. The Environment Agency has started the first actions of the BMP by improving the coastal model for that stretch of the coast and coastal villages such as Watchet. The new model re-enforces the findings of the BMP. The Agency and the council need to work together to formulate a plan to protect existing communities' and enable future growth for the area. We would welcome the opportunity to discuss the inclusion of policies and strategies that enables flood defence upgrades within the plan period for certain areas. This would also apply to many areas along the coast/tidal areas, where we know future improvements are required due to climate change and ageing assets.

Notwithstanding the above, we would like to make the following flood risk comments on the Local Plan:

In the Objectives section, page 12 should refer to climate change and flood risk and the need to build houses that are protected for now and in the future.

In the sustainable location section, the document mentions that new dwellings should be located away from areas at flood risk where possible. The policy should be stricter. Flood risk areas should be turned into green spaces enhancing biodiversity in line with the Garden Town strategy.

We would like to suggest that reference is made to working with the Environment Agency as we have a Strategic Overview of Flooding under the Flood and Water Management Act.

## GROUNDWATER

Local Authority should be mindful of the Environment Agency's approach to groundwater protection in their "Issues and Options Local Plan, Habitat Regulations Assessment and Sustainability Appraisal".

The linked document –The Environment Agency's approach to groundwater protection - contains our position regarding discharges to ground, types of development in different sites and should be used to ensure development over a large area appropriately protects groundwater.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf)

We would recommend that any land uses with planned or potential discharge of pollutants to ground are located away from sensitive areas.

There are a number of groundwater abstractions in the area covered by the Local Plan and these should be protected, along with the wider groundwater resource. Specific areas around public water supply sources are delineated for special protection and designated as Source Protection Zones. The extent of these are shown on the DEFRA Magic mapping website: <https://magic.defra.gov.uk>.

More information, advice and guidance on groundwater protection, including consideration of Source Protection Zones and the types of development that may or may not be appropriate in certain areas can be obtained from our website: <https://www.gov.uk/government/collections/groundwater-protection>.

We support the redevelopment of brownfield land and the opportunity this provides for managing historic contamination, to minimise risks to controlled waters. Where there is the potential for land to be affected by contamination we recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site.
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

4. Refer to the contaminated land pages on GOV.UK for more information.

## BIODIVERSITY

It is important that all new road schemes and improvements to existing roads take the needs of otters into account in their design and construction, which should help reduce the number of otter road casualties. Mitigation may involve construction of an open span bridge, otter underpass, otter ledge or fencing, etc. For further guidance please view the Highways Agency's "Design Manual for Roads and Bridges, Volume 10 Environmental Design and Management Section 4 Nature Conservation, Part 4 Ha 81/99 Nature Conservation Advice In Relation To Otters" see: <http://www.standardsforhighways.co.uk/dmrb/vol10/section4/ha8199.pdf>

Somerset Otter Group have mapped where dead otters have been found in Somerset (<http://www.somersetottergroup.org.uk/archives/2725>),

RAMs (reasonable avoidance measures) and mitigation measures are required for amphibians, reptiles and nesting birds when infilling wet areas/channels, carrying out earthworks or any vegetation clearance. This includes tall herbaceous riparian growth favoured by species such as Sedge Warblers, and overhanging/floating vegetation favoured by water birds. Measures may include survey, avoiding sensitive times, displacement, pre-works search & site clearance. This is to protect species of principal importance under S41 of the NERC Act (2006).

Non-native invasive plant species - It is an offence to cause plant species listed in Schedule 9 of the WCA (1981) to grow or spread in the wild. The presence of these species within any working area may require an INNS management plan. Timescales for control/eradication depend on the scale of the problem and the method used. Herbicide treatment and small scale physical treatment may be required over 3 or more years.

Consultation on designated sites, which may be affected by the proposals, should be undertaken with the relevant statutory bodies.

Lighting has been shown to have an impact on wildlife including birds, bats and other mammals. Increased infrastructure should be designed with these potential impacts in mind. Riparian corridors should retain appropriate buffer zones and avoid increased light spill.

## WATER QUALITY

We would also expect Sustainable Drainage measures (SUDs) to further address existing and future drainage and development pressures in the area.

All foul drainage should be directed to mains sewers in the first instance. Only if mains sewerage is unavailable should other methods of foul disposal be considered.

## ENVIRONMENT NET GAIN (ENG)

The first action in the 25 Year Environment Plan is to embed an 'environmental net gain' principle for development including housing:

*"We want to establish strategic, flexible and locally tailored approaches that recognise the relationship between the quality of the environment and development. That will*

*enable us to achieve measurable improvements for the environment – ‘environmental net gains’ – while ensuring economic growth and reducing costs, complexity and delays for developers”*

This Local Plan includes the 25 year plan within its evidence base and therefore an appropriate mechanism should identify and ensure delivery of an ENG approach.

## SUSTAINABILITY APPRAISAL SCOPING REPORT

The following comments relate to the submitted Sustainability Appraisal Scoping Report.

The Scoping Report should provide wider coverage in respect of the water environment.

Groundwater and surface water provide important sources of water in the area for people and the environment and the Sustainability Appraisal must consider potential impacts on the quality and quantity of these resources.

The objectives of the Water Framework Directive must be considered during the planning process and decisions made by the Local Planning Authority should help to achieve these goals.

Areas sensitive to water pollution should be identified and accounted for in the plans. Information available via DEFRA’s mapping website, Magic, (<https://magic.defra.gov.uk>) may assist in identifying sensitive areas, e.g. Source Protection Zones, Drinking Water Protection Areas.

The water resource requirements of the proposed further development should be considered and early dialogue with water providers should be sought to ensure the demand can be met sustainably in line with NPPF Paragraphs 156 and 162. Policies should ensure that water resources are used efficiently. Adequate provision for treatment and disposal of waste water through environmentally acceptable methods should also be ensured.

Developers should also deliver Net Environmental Gain as per the Defra 25 Year Environment Plan.

It is recommended that the Evidence base includes a reference to the recently published UK CP 18 report on Climate Change.

In addition, the emerging updated Strategic Flood Risk Assessment should be included in the future.

If you wish to discuss any of the above I can be contacted on 020302 50287.

Please quote the Agency's reference on any future correspondence regarding this matter.

Yours sincerely

**Richard Bull**  
**Sustainable Places - Planning Advisor**  
Direct dial 02030 250287  
Direct e-mail [nwx.sp@environment-agency.gov.uk](mailto:nwx.sp@environment-agency.gov.uk)

End