

Mr Gary Palmer
Solihull Metropolitan Borough Council
Forward Planning
Council House Manor Square
SOLIHULL
West Midlands
B91 3QB

Our ref: UT/2006/000335/CS-
07/PO1-L01
Your ref:
Date: 12 December 2020

Dear Mr Palmer

SOLIHULL LOCAL PLAN – DRAFT SUBMISSION PLAN (REGULATION 19)

Thank you for referring the above consultation which was received on 30 October 2020. Having reviewed this draft plan we are of the opinion it is sound, however have the following advice to make to improve its effectiveness.

Challenge L – Improving water quality and flood risk. We recommend this is amended to reflect the groundwater environment as we note there is no specific Challenge relating to brownfield land and/or legacy waste / landfill sites (of which there are a couple in your site allocations).

Policy P9 climate change

We welcome part 4 of policy regarding adaption methods, with particular note to flood prevention and mitigation measures (i).

We are also pleased to see green infrastructure included, as alongside climate change benefits, these measures bring about a wealth of positives to people and the environment, including water quality improvements in built up areas. We suggest that where evidence may support it, specific elements of this policy are made more prescriptive i.e. green roofs would be required on a particular type or size of building. This would help make the policy more effective. This section should link with the SuDS requirements 7 and 8 of Policy P11.

We note at a strategic level it is proposed to reduce emissions partly by (ii) making more efficient use of natural resources. Eliminating waste and related emissions (including from waste transport) as far as possible will help this transition, and moving to a Circular Economy will also improve economic resilience by creating “Green” job opportunities to support the wider recovery, and also as above reduce dependence on imported raw materials.

Policy P10 natural environment

Environment Agency
9, Sentinel House Wellington Crescent, Fradley Park, Lichfield, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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The Government's 25 Year Environment Plan (25 YEP) aims to improve the environment within a generation. Increasing population and economic growth will lead to greater levels of housing and infrastructure, and the 25 YEP aims to put environmental enhancement at the heart of that development. We are supportive of Defra's proposals to mandate biodiversity net gain as an important first step, but we are equally keen to collaborate on developing and testing a wider approach to environmental net gain. We are supportive of this policy's inclusion of net gain, with a specific requirement of 10%.

Delivery of net gain should follow the sequential steps of the mitigation hierarchy: avoid impacts to biodiversity, mitigate impacts and finally compensate impacts. In addition, delivery of net gain should follow the spatial preference: deliver within the footprint of a development first and where this is not possible delivered at a suitable alternative site. Where net gain cannot be delivered on site or at a suitable alternative site the last option would be to compensate through a tariff system.

Consideration should be given to including issues relating to contaminated land and the chance to clean it up plus also need to consider the 'underground environment' i.e. groundwater resources, as water supply to rivers and wetlands and as a drinking or process water supply. This is currently included within P14 Amenity and also some consideration within P11 Water and Flood Risk Management (with reference to the River Basin Management Plan). As it stands this policy seems to focus on landscapes and biodiversity.

Policy P11 Water and Flood Risk

We recommend that the more specific flood risk management requirements identified within paragraphs 347 and 348 are added into the body of this policy. In addition, it should be made clear that single-storey dwellings and habitable basements are not acceptable in Flood Zone 3 which links to section 7.3.3 of your level 1 SFRA.

Please note that the Environment Agency is in the process of finalising its updated guidance on changes to peak river flow and peak rainfall allowances which is expected to be published in 2021. As such any planning application should consider the most up to date climate change allowance guidance and approach the Environment Agency for the most appropriate climate change levels to use when assessing flood risk on a site. Any hydraulic modelling required as part of a planning application will need to be updated to the relevant climate change allowance for the vulnerability classification of the development and all major developments. A web application is being developed to provide more accurate site specific climate change allowances which will be available in 2021. This also links to Policy P9.

We support the water quality policies in P11, particularly with ensuring that there is no deterioration of water quality. Package treatment plants provide a lower quality of sewage treatment than water company assets and are more difficult to regulate if issues arise. As a result we recommend that connections are made to the foul or combined sewer opposed to package treatment plants.

SUDS schemes help to remediate the impact of urban diffuse pollution such as historic misconnections which are often an issue for surface waterbodies, and are a particular issue for the River Blythe.

Although we welcome the addition of text that acknowledges '*On previously developed land where there is contamination known or suspected, any infiltration proposals must be agreed with the Environment Agency*, protection of groundwater resources should be given greater weight within this policy. Paragraph 334 recognises the importance of the Water Framework Directive, and the associated status of the rivers Cole and Blythe, but

does not include any acknowledgement of the importance of groundwater bodies also covered under this legislation. This should be rectified. Paragraph 336 advises that *'Developers will be expected to demonstrate that they have thoroughly assessed the impact of their proposals on surface and ground water systems, and incorporated any necessary sewerage and drainage mitigation measures.'* Acknowledgement of the vulnerability of groundwaters to drainage proposals is welcomed, however this should go further with a commitment to protect groundwater quality and quantity more holistically.

Policy P12 (Resource Management)

Further to our comments in relation to climate change and the Circular Economy, it is considered that the plan as it stands does not really seem to recognise the need to transition to a Circular Economy where waste is utilised as far as possible as an economic resource, rather than treated as a separate issue to be “managed”, and the potential opportunities and interventions that may be required. The Hendecca Waste Needs Assessment references the Circular Economy but there seems to be no further reference to the concept in the Plan. Waste will need to be embedded far more as an integrated part of the economic landscape, and less treated as a separate activity which continues the traditional “Linear economy” approach, of an endless flow of raw materials in and a lot of waste generated. Future planning will need to look at how far more secondary and recovered materials can be consumed by businesses and industry to create products to sustain jobs, preferably as higher-value materials wherever possible. Conversely relying on traditional waste “disposal” requires constant funding to run dedicated logistics and infrastructure, with the associated emissions.

Part 1 of the policy appears to be rather difficult to measure easily, consideration should be given to the metrics that can be applied to this. It may be possible to quantify carbon reduction as well as waste reduction (link to climate change policy). As above, we recommend consideration is given to Circular Economy thinking, where necessary, appropriate low carbon development also supports the demand for recovered and sustainable waste materials as far as possible. We are also advocating the requirement for a “Whole Life” plan for any new buildings, -covering the design, construction, maintenance, refurbishment and end-of-life, to minimise waste production at each stage. As such, consideration should be given to extending the obligation to refurbishment activities on existing buildings, rather than just on new development, although we acknowledge the loosening of controls over changes of use through permitted development regulations reduces the scope of controls over this.

As with part 1, we query how the obligations in Part 2 will be monitored and if necessary enforced. The first sentence does not specifically mention a circular economy, but this is implied. It may be necessary to start to differentiate between potentially recoverable, reusable waste that could still offer economic value, and residual or other contaminated wastes (e.g. hazardous or clinical wastes) that will still require “disposal” arrangements. It also seems to be inferred that the reprocessing facilities will need to be located nearby, to reduce transport emissions, however the “direction of travel” has been for waste to travel longer distances. Hence the need for the provision of local reprocessing and remanufacturing capacity for both useful materials and for any necessary “disposal” as far as possible. This should be covered in Part 3, again differentiating between Circular Economy recovery/remanufacturing capacity and traditional residual “waste management” facilities.

We recommend that the general issue of safeguarding regulated activity (such as AD plants, landfill, composting and other waste processing facilities) from proposed new sensitive receptors is considered within this policy as it is becoming an increasing concern. This is partly touched on in sections 8(x) 8(xiv) and 9. Issues can involve both

housing development increasingly close to an operating waste facility, with inevitable complaints over amenity, with pressure on the Environment Agency (as the regulatory body) to act. This can result in pressure to demand that a facility closes and relocates, however a facility may be providing local or even national waste management capacity, identified in adopted waste plans.

'Safeguarding' can also refer specifically to providing for appropriate future expansion of existing infrastructure, by preventing conflicting developments. We are seeing increasing pressure on waste facilities especially in urban areas, largely due to housing developments which result in an increase in complaints to ourselves as the regulator of those facilities. Changes to planning system now allow commercial properties to be converted to residential use, such as offices on industrial estates.

It should be made clear that the Environmental Permitting Regulations do not demand 'zero impact', so conflict situations become inevitable.

The NPPF now makes reference to placing obligations onto the "Agent of Change" (i.e. the developers/applicants,) requiring them to ensure appropriate mitigations are put in place to protect neighbouring users from impacts in paragraph 182.

Policy P13 – Minerals

When consulted on your Local Plan Review in 2017 we recommended that point 8(viii) is amended to specifically provide guidance on how buffers between mineral extraction and rivers should be managed. We note this has not been incorporated into the revised text in this consultation, and continue to recommend that this specific issue is addressed within the policy itself. We therefore recommend the policy is revised to read: *Measures for mitigating any environmental, transport or other impacts or for compensation for loss or damage where appropriate, including the provision of buffers between extraction and environmental or other assets, **and in respect of river buffers whether these are wide enough to accommodate natural changes to the river's location***'.

As acknowledged within our 2017 response given your proposed minerals allocations and areas of search, this is most likely applicable to the River Blythe. We welcome the addition of text in supporting paragraph 368 to specifically relate to a 30m buffer. We recommend this is incorporated into the policy itself.

Policy P14 Amenity

Please see above comments in relation to Policy P12, regarding safeguarding of existing permitted waste sites, and the resulting impacts on amenity of sensitive land uses. This issue should also be considered within this policy, in particular the context that the Environmental Permitting Regulations do not demand 'zero impact' on surrounding land uses.

As discussed elsewhere within this response, the text this policy in relation to Contaminated Land appears somewhat out of place. The protection and remediation of Controlled Waters is more of a water quality issue, so we would suggest that it is included within P10 or P12.

We also recommend the following is added in relation to contamination (under either P10 or P12) explaining where developers should look for information to support their application, as there appears to be very little in the way of supporting text in terms of this subject.

'The Environment Agency have set out a framework for our regulation and management of groundwater resource in the ['The Environment Agency's approach to groundwater protection'](#) document In this they describe their aims

and objectives for groundwater, their technical approach to its management and protection, the tools they use and the policies and approach to the application of legislation. [Land Contamination Risk Management](#) (LCRM) guidance also provides guidance on how to manage these risks.

Policy P15 Design Quality

We recommend that it is added into this policy that sites are laid out so that properties face onto rivers, streams and other waterbodies in order to prevent littering, pollution and to foster a sense of community ownership of the water environment.

Allocated sites

We previously identified 3 sites which were located within the indicative floodplain, and recommended that they were assessed as part of a level 2 SFRA in order to inform them as site allocations. The three sites are:

- BL1: West of Dickens Heath
- BL2: Land South of Dog Kennel Lane
- UK2 - Land at Damson Parkway

We are pleased to have been able to review your Level 2 SFRA (October 2020) which considers in greater details these three sites, in addition to others that may also be affected by other sources of flooding. We consider that the Level 2 SFRA adequately considers the risk posed to and from these sites, and that the recommendations from this assessment have been carried forward into the plan, namely to provide flood risk reduction wherever possible and not locate any built development within Flood Zone 2 and 3.

We defer any other flood risk comments on the other sites within the Level 2 SFRA to your internal drainage team as the Lead Local Flood Authority with a remit including surface water flooding and that flood risk from Ordinary Watercourses. We are pleased to see that the LLFA has already been engaged in the drafting of this assessment.

We welcome that a flood risk sequential test report has been submitted in support of the proposed allocations, as recommended. We are satisfied that the test has been carried out using an appropriate evidence base, in that the Level 1 SFRA used for this assessment includes up to date assessments of climate change.

UK1 - HS2 Interchange

The Environment Agency are already closely engaged with the elements of the HS2 proposals controlled via specific Government Bills and associated legislation, and as such are satisfied that matters in relation to the tracks and the river diversion will have satisfactory controls via this route. In terms of the development in the immediate vicinity which is to be guided by this plan, we welcome the policy proposals namely avoidance of any development within the floodplain, renaturalisation of culverted watercourses, flood risk reduction and protection of the River Blythe SSSI from water pollution from surface runoff.

It is proposed that the station itself will meet BREEAM Excellent rating, and as such we urge the Local Plan to carry through these aspirations and extend it into the wider area covered by this policy. A key part of the station's BREEAM measures is sustainable transport, with non-car travel solutions such as a cycle route over the M42 being integral to the success of the station. Although we note and welcome the policy commitment to promote '*sustainable movement patterns to enable site wide and beyond connectivity*'

we are aware that such a link has not been explicitly referenced within the plan and therefore must be included within The Hub Framework Plan and Arden Cross Masterplan in order to effectively support and work in conjunction with the interchange proposals.

Environmental Permitting

Finally, a number of proposed allocations are likely to be affected by land currently or previously subject to permit controls under the environmental permitting regulations. As such, there may be issues which will need to be considered as part of the redevelopment:

BC6: Lavender Hall Farm, Balsall Common – the land is currently used as a permitted landfill site, and as such, redevelopment of the land will need to ensure effective surrender of their operational permit prior to redevelopment. Site design and redevelopment will need to consider the underlying landfill.

HA2: Oak Farm, Catherine-de-Barnes – has a historic landfill directly adjacent therefore prior to be redeveloped a risk assessment will need to be carried out to ascertain whether redevelopment will pose a risk to controlled waters through mobilising contaminants. .

SO2: Moat Lane Depot is a currently licensed site and therefore the permit will need to be surrendered prior to redevelopment.

Sustainability Appraisal

We have reviewed the Sustainability Appraisal undertaken by aecom (October 2020) and have no concerns we wish to raise.

Yours sincerely

Ms Jane Field
Planning Specialist

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