

# Cannock Chase Council: Cannock Chase Local Plan Representation Form



Making a representation: We cannot accept anonymous representations. You must provide your contact details but only your name and comments will be published on the website. Your personal data will be held securely and processed in line with our privacy notice [www.cannockchasedc.gov.uk/privacynotices](http://www.cannockchasedc.gov.uk/privacynotices). Once the plan is submitted your comments will be shared with the Planning Inspectorate and an independent inspector will review representations. You have the right to withdraw your representation and your data will be destroyed. Data will only be held until adoption of the Cannock Chase Local Plan.

## Part B: Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**. We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

### Part B: Representation

Name and Organisation:	<b>Graeme Irwin – Environment Agency</b>
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**Q1. To which document does this representation relate?** (Please tick one box)

- Cannock Chase Local Plan 2018-2040
- Sustainability Appraisal of the Cannock Chase Local Plan 2018-2040
- Habitats Regulations Assessment of the Cannock Chase Local Plan 2018-2040

**Q2. To which part of the document does this representation relate?**

Para-graph:		Policy:	<b>SO9.4</b>	Site:		Policies Map:	
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**Q3. Do you consider the Cannock Chase Local Plan is:**

- A. Legally compliant Yes:  No:
- B. Sound Yes:  No:
- C. Compliant with the Duty to Co-operate Yes:  No:   
(Please tick as appropriate).

For office use	Part B reference	B0107A
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For Office Use	Part A Reference	
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**Q4. Please give details of why you consider the Cannock Chase Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.**

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*(Please continue on a separate sheet if necessary)*

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While we believe Policy SO8.4 is sound there is scope for additional improvement to be delivered and you may wish to update the Policy, as Minor Modifications, to consider the points below.

**Easement:** In accordance with recommendation within the SFRA (JBA, October 2019), any sites located near main rivers require a minimum of 8m development easement from the top of the bank to allow for essential maintenance access. This is required regardless of the extent and location of the floodplain and should be considered when considering the developable area. An Environmental Permit from the Environment Agency will be required for any development within this 8m strip. Where the development site is situated above a culverted main river watercourse, we will require a minimum of 8m easement and the area above the culvert should be regarded as a no build zone.

Ordinary watercourse easements are outside of our remit and you should seek the comments of your LLFA.

**Culverts:** In accordance with the SFRA, developments should seek to naturalise urban watercourses (by reinstating a natural, sinuous river channel and restoring the functional floodplain) and open up underground culverts to provide biodiversity net gain and amenity improvements and in respect of flood risk help reduce channel blockage and subsequent flood risk. The River Basin Management Plans for your district provide additional detail on the de-culverting and the creation of naturalised watercourses and should be referenced in this section.

**Modelling:** While detailed modelling is a preferred option we would only normally seek that on major development proposals (for both Main and Ordinary watercourses).

**Climate Change:** Policy text could reference the need for FRA's to incorporate an up to date allowance for climate change. Reference should be made to the Gov.uk peak river flow map and climate change allowances. Peak river flow climate change allowances by management catchment - GOV.UK ([www.gov.uk](http://www.gov.uk))

Your surface water section could also link to climate change peak rainfall allowances.

**Finished Floor Levels:** The SFRA advises that as a minimum finished floor levels should be set 600mm above the 1 in 100 year plus climate change (design flood). These could be incorporated into policy.

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**Unmodelled Watercourses:** We draw your attention to the presence of unmodelled watercourses within the plan area. These are unmodelled due to the smaller scale of their catchment, however they may still present a flood risk to potential development. Further assessment /modelling may be required to determine the design and functional floodplain extents of such sites and a sequential approach to development within such sites should be applied. Opportunities for flood risk and ecological betterment/ water quality enhancement should be fully investigated and implemented.

**Sustainable Drainage** We would look for a commitment for clean roof runoff to be directed away from the sewer system and into infiltration drainage or other SuDS system to reduce pressure on the sewer system and reduce instances of combined sewer overflows and associated pollution problems.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our approach to managing and protecting groundwater: Groundwater protection position statements - GOV.UK ([www.gov.uk](http://www.gov.uk)). In addition, they must not be constructed in ground affected by contamination.

SuDS attenuation basins should normally be located outside of the 1% annual probability fluvial, with climate change, floodplain to avoid operational issues. (e.g. from the system flooding out during a flood event).

You may wish to also consider rural SuDS and sedimentation control - For guidance on Water Storage Reservoirs and Rural SuDS to help meet Water Framework Directive objectives please see Rural Sustainable Drainage Systems.

You should consider including the SFRA recommendations into your policy. In consideration of the above it should be noted that there have been changes since the production of the 2019 SFRA, specifically in relation to climate change guidance. Cannock Chase predominantly falls within the Trent Valley Staffordshire Management Catchment where climate change allowances relating to development in areas of flood risk are more stringent than at the time the SFRA was produced. You may therefore seek the SFRA be updated, or a brief addendum be submitted, to reflect the changes and to consider/confirm that the latest allowances would not represent an increased impact on flood risk on those sites allocated within the Plan. It is noted that the Strategic Residential Site Allocations are located within Flood Zone 1, the low risk Zone.

With regard to Climate Change and the consideration of flood risk over the lifetime of developments, we have produced a local area climate change guide (copy attached) which sets out how we would expect climate change to be considered in applications. As such, it would be helpful to include reference to this within the policy wording.



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- No, I do not wish to participate in hearing session(s)
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Signature:		Date:	19/03/2024
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#### Q2. To which part of the document does this representation relate?

Para- graph:		Policy:	<b>SO8.5</b>	Site:		Policies Map:	
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*(Please tick as appropriate).*

For office use	Part B reference	B0107B
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For Office Use	Part A Reference	
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**POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL**

**CONTAMINATION** - We would emphasise the equal importance of protecting groundwater (controlled waters) and improving water quality for the benefit of human health and the ecological environment, linked to Water Framework Directive (WFD).

The Cannock Chase area is partly located on Triassic Sherwood Sandstone which is designated a 'Principal Aquifer' by the Environment Agency. This is the most sensitive aquifer designation as such strata are capable of supporting regionally important groundwater abstractions and support to watercourses.

There are groundwater abstraction licences within the area and the area is also partially located within groundwater Source Protection Zones (SPZ). Within SPZ's certain activities may be restricted, for example underground storage of hazardous substances (e.g. petrol or diesel) in Zone 1. Further details of policies relating to Source Protection Zones can be found in 'The Environment Agency's Approach to Groundwater Protection' [Groundwater protection position statements - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Due to pressures on groundwater resources, there is interest in developing the remaining available groundwater resource within the area covered by the study for Public Water Supply, therefore, it is important to protect groundwater quality. Additionally, the need for significant residential and commercial development to provide accommodation and jobs identified in the plan will necessitate building on brown field sites.

Land contamination can be a significant source of water pollution in the environment. In the worst cases pollution plumes can extend many kilometres and can also cause pollution that impacts on boreholes used for Public Water Supply or impact the quality of ecology in linked surface waters.

The plan should seek to protect water quality through the various regulatory and advisory mechanisms with respect to land contamination. The aim should strongly encourage voluntary remediation or remediation of land contamination through the planning regime.

It should be noted that within Chapter 3 – Legislative and Policy Framework, the references to the NPPF are out of date (for those paragraphs we reference for land contamination issues). Paragraph 170 is now 180. There is also reference to the out-of-date version of the NPPF, which was updated in December 2023.

The plan should encourage the use of sustainable and effective remedial measures to prevent or address water pollution from sites affected by contamination and so provide a better environment and amenity value. This includes the sustainable recycling of water and soils

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where appropriate. However, these operations must not result in an unacceptable release to groundwater and must where necessary have appropriate permits and controls.

Sustainable remediation should seek to manage unacceptable risks to human health and the environment (including groundwater), while optimising the environmental, economic and social impacts. Sustainable remediation appraisal requires consideration of a wide range of environmental, social and economic factors, including, for example, climate change impacts such as greenhouse gas emission from the remedial works or the site itself, worker safety and cost.

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 Planning Application must be supported by a Preliminary Risk Assessment, as a minimum. This should demonstrate that the risks posed to 'Controlled Waters' by any contamination are understood by the applicant and can be safely managed.

Whilst covered in the two abovementioned Policies we note no specific Policy relating to Water Quality and Water Resource.

As the Staffs County Council Climate Change Adaptation and Mitigation report acknowledges, climate change could result in an increase in water scarcity, which is why measures to reduce demand (and by doing so, reduce the detrimental impact on the water environment of abstracting that water) are so important. Reducing water consumption also has the knock-on effect of reducing carbon emissions - water companies use energy to collect, treat and supply water and to subsequently treat waste water.

When the Water Cycle Study (WCS) was written (2020), the water companies were classed as being in areas of 'moderate' water stress. As of July 2021, Severn Trent Water and South Staffs Water are now classed as operating in areas of serious water stress.

Both South Staffs Water and Severn Trent Water have water efficiency proposals in their latest draft Water Resource Management Plans to help meet future demand for water. Council policies that require the efficient use of water will therefore support the water companies' programmes.

Since production of the WCS the Staffordshire – Trent Valley Catchment Abstraction Management Strategy (CAMS) has been updated (in 2021). The availability of water for licensing should be updated from 'water available for further licensing' (green) to 'restricted water available for licensing' (yellow) within table 4.2.

We support the inclusion of water efficiency and welcome reference to the tighter requirement where development should be designed to achieve a maximum usage of 110 litres per person per day. However, this may be better placed within a specific water conservation and efficiency policy. You could still go beyond that water efficiency standard.

The tighter water efficiency standards can be justified with reference to the following guidance: (<https://www.gov.uk/guidance/housing-optional-technical-standards>)

We encourage you to also consider grey water recycling and rainwater harvesting for new developments (designed at an appropriate scale). This would help create places resilient to

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climate change, contribute toward achieving net zero emissions and reduce the demand for water.

**Waste water infrastructure:** Your WCS should also ensure that your strategic growth can be accommodated in consideration of waste water infrastructure. Information on local treatment works and their ability to accommodate housing and employment growth is set out in the WCS. This looks at physical capacity issues (e.g. network pipes) and environmental capacity (water quality of treated effluent) issues.

Where there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed, or could be a possible future infrastructure upgrade) to help improve the capacity issue and enable the development to go ahead. This will require consultation with the Water Company and we have developed some general questions to assist this process (below). The outcome of this may inform a 'phasing' policy within your plan where appropriate. It may also be necessary to produce an 'Infrastructure Delivery Plan' to set out any key milestones for waste water infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable.

The WCS highlights that as a result of planned growth increased discharges at the wastewater treatment works may lead to a deterioration in water quality in the receiving waterbodies. As such, the WCS recommends that *'more detailed water quality modelling is carried out in a Phase 2 Outline study to assess the cumulative impact of growth across the whole study area on the Water Framework Directive classification of the receiving waterbodies in order to ensure that the environmental capacity of the catchment is not a constraint to growth. Further study of the wastewater network is also recommended once greater certainty over which sites will be brought forward for development'*. Section 13 of the WCS also states that *'additional infrastructure will need to be provided by STW and early engagement between the Southern Staffordshire Councils, STW and developers is required to ensure the correct infrastructure is in place prior to occupation, and that it is provided in a cost-effective manner'*

This does not yet appear to form part of the evidence base to support the local plan and you may seek this further information, in consultation with Severn Trent, to inform the deliverability of sites within the plan.

In consideration of the above we would recommend a conversation with the Severn Trent to ascertain how you can progress site proposals within your Plan without impact on the works. The below may assist:

- What solutions are programmed within Asset Management Plans (AMP)? When will these solutions be delivered? Are there any options for accelerating these schemes via developer contributions?
  - In the absence of an improvement schemes what could alternative solutions be (type and location of) for short/medium/long term growth. Are these solutions cost prohibitive?
  - Are there any short term options to facilitate growth? Some options to consider could be SUDS retrofitting or removing surface water from sewer systems.
  - Utility companies could be asked about what WFD work they already have programmed in to their AMP Schemes for Phosphate stripping or other sanitarities (e.g. ammonia/Biological Oxygen Demand).

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- With reference to Phosphate or Ammonia specific issues, are there any stringent measures factored in to ensure no environmental deterioration? What improvement scheme is, or could be, in place to bring forward development?

**Water Framework Directive:** The Water Framework Directive (WFD) requires that waters (including rivers, lakes, groundwater, estuaries and coastal waters) are managed sustainably. The objective being to attain “Good” status for each type of water body, which is defined by a set of biological, chemical and physical standards.

The WFD requires a management plan to be drawn up for each river basin district. The plans need to be reviewed and updated every six years. River basin management plans were first published in 2009 and will be updated in 2015.

This catchment based approach focuses on improving the water environment at a local level. Many of the problems facing our water environments are best understood and tackled at a catchment level. This catchment approach provides a clear understanding of the issues in the catchment, involve local communities in decision-making by sharing evidence, listening to their ideas, working out priorities for action and seeking to deliver integrated actions that address local issues in a cost effective way and protect local resources.

The catchment approach will deliver the following high level objectives;

- Deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level
- Encourage a more transparent form of decision making, in support of local collaboration or partnership working, for both planning and delivery.

We recommend that the high level principles for catchment based approach to achieving water quality objectives are incorporated in to the plan and in particular aim to encourage stake holder engagement.

We recommend your plan includes a section on where to find information on specific areas / catchments. Details of the WFD catchment can be found be obtained from our Catchment Explorer Data tool at: <http://environment.data.gov.uk/catchment-planning/>

**Non-mains foul drainage:** Water quality impacts of installing non-mains foul drainage should be assessed during the planning process, along with other considerations as outlined on our non mains foul drainage assessment form (copy attached) for your consideration. The order of preference for foul waste water, including non mains drainage, should be included. The following wording is offered as an example:

“Development should follow the hierarchy (order of preference for foul drainage connection), as set out in the National Planning Practice Guidance. The Council requires non mains drainage proposals to assess the potential impacts upon water quality to ensure no detrimental impact on the water environment”. (Wyre Forest adopted local plan)

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(Please continue on a separate sheet if necessary)

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- No, I do not wish to participate in hearing session(s)  
 Yes, I wish to participate in hearing session(s)

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*(Please tick one box)*



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**Q2. To which part of the document does this representation relate?**

Para- graph:		Policy:	<b>SO7.2</b>	Site:		Policies Map:	
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- (Please tick as appropriate).

For office use	Part B reference	B0107C
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**POLICY SO7.2: BIODIVERSITY NET GAIN** - BNG offers considerable scope to help create resilient places, through maximising opportunities to improve the water environment, manage flood risk and tackle the climate emergency.

We note the inclusion of a minimum 10% increase in BNG and use of the most up to date metric. Our focus would be on blue infrastructure elements such as watercourses, riverside ecology, water-based habitat/relevant protected species.

We encourage the use of a natural capital approach to prioritise the use of nature-based solutions within all planning applications. A natural capital approach underpins the delivery of both biodiversity and environmental net gain. By creating bigger, better and more connected natural assets, we improve the resilience and flow of ecosystem services and the benefits society receives from them. Ecosystem services are functions and products that flow from natural assets and provide benefits to people. For example, ponds, reed beds and woodlands absorb carbon and help mitigate the effects of climate change by slowing flood-water and cooling the air.

We reiterate the importance of integrating green and blue infrastructure, including SuDS, to address climate impacts. Benefits from this infrastructure include reducing the need for both cooling and heating of buildings, and in turn associated GHG emissions. Tree planting, green walls and roofs should be encouraged. These provide multi-functional benefits including carbon sequestration, reducing exposure to poor air quality, wellbeing and biodiversity gains, flood resilience, and shading and cooling of buildings.

The policy or text could reference the Local Nature Recovery Strategy as a key part of the evidence base, which can be used to inform opportunities, multiple benefits and to tackle climate change e.g., through reduced flood risk, or carbon sequestration.

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Para- graph:		Policy:	<b>SH1</b>	Site:	<b>Land Sth of Lichfield Rd.</b>	Policies Map:	
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Representation Form



**Q5. Please set out the modification(s) you consider necessary to make the Cannock Chase Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.**

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

**POLICY SH1: Land south of Lichfield Road, Cannock** - We have not reviewed all the site allocations in detail although we note that the Strategic Residential Site Allocations are predominantly located within Flood Zone 1, the low risk Zone. The list of proposed sites should fully identify site vulnerabilities in terms of land contamination, ground water vulnerability, proximity to regulated industrial processes / landfill and flood risk from unmodelled watercourses and we recommend these be clearly identified for transparency.

In reference to Policy SH1, and the allocation on Land south of Lichfield Road, it is noted that *'The site is in proximity to an operational landfill site located to the west of the site, although this is close to capacity and once this use has ceased the land will be subject to remediation and restoration'*.

For clarity, we are not currently a 'statutory consultee' on development adjacent to a waste deposit site or similar regulated site which may be causing, or may give rise to, emission issues due to its proximity.

Paragraph 193 of the NPPF states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'. It states that where new land uses (the Agent of Change) could have a significant adverse effect on an existing land use suitable mitigation should be provided before the development has been completed.

The Environment Agency do not review/amend permits every time there is any new development to require that emissions are reduced further to protect the new development, or if necessary require the site to closed down.

Paragraph 193 establishes a principle that whoever was there first should be protected from whoever comes along subsequently. This means that the new residential developments are impacting on the existing regulated activity, and are now the "Agent of Change", therefore are responsible for assessing the impacts of the existing operations and propose suitable mitigation measures.

We recommend your planning policies ensure that appropriate assessment and mitigation can be carried out by the agent of change (ie residential allocations) and consideration of this at a later stage is not hamstrung but indicative layouts or housing numbers fixed with the plan for example.

Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form



*(Please continue on a separate sheet if necessary)*

***Please note:*** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

***After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.***

**Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Cannock Chase Local Plan, do you consider it necessary to participate in examination hearing session(s)?**

**Cannock Chase Council:  
Cannock Chase Local Plan  
Representation Form**



*Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.*

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

*(Please tick one box)*

**Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

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*(Please continue on a separate sheet if necessary)*

***Please note:*** *The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature:	
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Date:	19/03/2024
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Cannock Chase Council  
Planning Policy  
PO Box 28  
Cannock  
Staffordshire  
WS11 1BG

**Our ref:** SV/2023/111809/CS-  
01/SB1-L02

**Your ref:**

**Date:** 18 March 2024

Dear Sir/Madam

## **CANNOCK CHASE REG 19 PUBLICATION CONSULTATION**

I write in response to the above consultation which was received on the 5<sup>th</sup> February 2024. We have reviewed the Reg 19 publication consultation, and the supporting evidence base, and make the following comments for your consideration in respect on matters within our remit:

We understand that the current publication is the final draft of the Plan and that you are seeking comment on whether the plan is 'Sound', 'Justified', 'Effective' and 'Consistent with National Policy'. Whilst we have previously responded at the Issues and Options stage it is understood that no comments were provided by the Environment Agency on the subsequent Preferred Options consultation. With these points in mind we are not raising soundness concerns but offer the following comments for your consideration and to assist you moving forward.

**STRATEGIC OBJECTIVES** - We welcome Strategic Objectives 7 (to protect and enhance the natural environment) and 8 (Support a Greener Future). We note that Cannock Chase Council has declared a Climate Change Emergency with a target for achieving Net Zero and we recognise that Climate Change is a key consideration within the Local Plan to help 'deliver resilient communities and developments to mitigate climate change and minimise flood risk'.

**POLICY SO8.4: MANAGING FLOOD RISK** - While we believe Policy SO8.4 is sound there is scope for additional improvement to be delivered and you may wish to update the Policy, as Minor Modifications, to consider the points below.

**Easement:** In accordance with recommendation within the SFRA (JBA, October 2019), any sites located near main rivers require a minimum of 8m development easement from the top of the bank to allow for essential maintenance access. This is required regardless of the extent and location of the floodplain and should be

Environment Agency  
Hafren House, Welshpool Road, Shelton, Shropshire, Shrewsbury, SY3 8BB.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

considered when considering the developable area. An Environmental Permit from the Environment Agency will be required for any development within this 8m strip. Where the development site is situated above a culverted main river watercourse, we will require a minimum of 8m easement and the area above the culvert should be regarded as a no build zone.

Ordinary watercourse easements are outside of our remit and you should seek the comments of your LLFA.

**Culverts:** In accordance with the SFRA, developments should seek to naturalise urban watercourses (by reinstating a natural, sinuous river channel and restoring the functional floodplain) and open up underground culverts to provide biodiversity net gain and amenity improvements and in respect of flood risk help reduce channel blockage and subsequent flood risk. The River Basin Management Plans for your district provide additional detail on the de-culverting and the creation of naturalised watercourses and should be referenced in this section.

**Modelling:** While detailed modelling is a preferred option we would only normally seek that on major development proposals (for both Main and Ordinary watercourses).

**Climate Change:** Policy text could reference the need for FRA's to incorporate an up to date allowance for climate change. Reference should be made to the Gov.uk peak river flow map and climate change allowances. Peak river flow climate change allowances by management catchment - GOV.UK ([www.gov.uk](http://www.gov.uk))

Your surface water section could also link to climate change peak rainfall allowances.

**Finished Floor Levels:** The SFRA advises that as a minimum finished floor levels should be set 600mm above the 1 in 100 year plus climate change (design flood). These could be incorporated into policy.

**Unmodelled Watercourses:** We draw your attention to the presence of unmodelled watercourses within the plan area. These are unmodelled due to the smaller scale of their catchment, however they may still present a flood risk to potential development. Further assessment /modelling may be required to determine the design and functional floodplain extents of such sites and a sequential approach to development within such sites should be applied. Opportunities for flood risk and ecological betterment/ water quality enhancement should be fully investigated and implemented.

**Sustainable Drainage** We would look for a commitment for clean roof runoff to be directed away from the sewer system and into infiltration drainage or other SuDS system to reduce pressure on the sewer system and reduce instances of combined sewer overflows and associated pollution problems.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our approach to managing and protecting groundwater: Groundwater protection position statements - GOV.UK ([www.gov.uk](http://www.gov.uk)). In addition, they must not be constructed in ground affected by contamination.

SuDS attenuation basins should normally be located outside of the 1% annual probability fluvial, with climate change, floodplain to avoid operational issues. (e.g. from the system flooding out during a flood event).

You may wish to also consider rural SuDS and sedimentation control - For guidance on Water Storage Reservoirs and Rural SuDS to help meet Water Framework Directive objectives please see Rural Sustainable Drainage Systems.

You should consider including the SFRA recommendations into your policy. In consideration of the above it should be noted that there have been changes since the production of the 2019 SFRA, specifically in relation to climate change guidance. Cannock Chase predominantly falls within the Trent Valley Staffordshire Management Catchment where climate change allowances relating to development in areas of flood risk are more stringent than at the time the SFRA was produced. You may therefore seek the SFRA be updated, or a brief addendum be submitted, to reflect the changes and to consider/confirm that the latest allowances would not represent an increased impact on flood risk on those sites allocated within the Plan. It is noted that the Strategic Residential Site Allocations are located within Flood Zone 1, the low risk Zone.

With regard to Climate Change and the consideration of flood risk over the lifetime of developments, we have produced a local area climate change guide (copy attached) which sets out how we would expect climate change to be considered in applications. As such, it would be helpful to include reference to this within the policy wording.

**POLICY SO8.5: AVOIDING AIR, WATER, NOISE OR LIGHT POLLUTION AND SOIL CONTAMINATION** - We would emphasise the equal importance of protecting groundwater (controlled waters) and improving water quality for the benefit of human health and the ecological environment, linked to Water Framework Directive (WFD). The Cannock Chase area is partly located on Triassic Sherwood Sandstone which is designated a 'Principal Aquifer' by the Environment Agency. This is the most sensitive aquifer designation as such strata are capable of supporting regionally important groundwater abstractions and support to watercourses.

There are groundwater abstraction licences within the area and the area is also partially located within groundwater Source Protection Zones (SPZ). Within SPZ's certain activities may be restricted, for example underground storage of hazardous substances (e.g. petrol or diesel) in Zone 1. Further details of policies relating to Source Protection Zones can be found in 'The Environment Agency's Approach to Groundwater Protection' [Groundwater protection position statements - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Due to pressures on groundwater resources, there is interest in developing the remaining available groundwater resource within the area covered by the study for Public Water Supply, therefore, it is important to protect groundwater quality. Additionally, the need for significant residential and commercial development to provide accommodation and jobs identified in the plan will necessitate building on brown field sites.

Land contamination can be a significant source of water pollution in the environment. In the worst cases pollution plumes can extend many kilometres and can also cause

pollution that impacts on boreholes used for Public Water Supply or impact the quality of ecology in linked surface waters.

The plan should seek to protect water quality through the various regulatory and advisory mechanisms with respect to land contamination. The aim should strongly encourage voluntary remediation or remediation of land contamination through the planning regime.

It should be noted that within Chapter 3 – Legislative and Policy Framework, the references to the NPPF are out of date (for those paragraphs we reference for land contamination issues). Paragraph 170 is now 180. There is also reference to the out-of-date version of the NPPF, which was updated in December 2023.

The plan should encourage the use of sustainable and effective remedial measures to prevent or address water pollution from sites affected by contamination and so provide a better environment and amenity value. This includes the sustainable recycling of water and soils where appropriate. However, these operations must not result in an unacceptable release to groundwater and must where necessary have appropriate permits and controls.

Sustainable remediation should seek to manage unacceptable risks to human health and the environment (including groundwater), while optimising the environmental, economic and social impacts. Sustainable remediation appraisal requires consideration of a wide range of environmental, social and economic factors, including, for example, climate change impacts such as greenhouse gas emission from the remedial works or the site itself, worker safety and cost.

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 Planning Application must be supported by a Preliminary Risk Assessment, as a minimum. This should demonstrate that the risks posed to 'Controlled Waters' by any contamination are understood by the applicant and can be safely managed.

Whilst covered in the two abovementioned Policies we note no specific Policy relating to Water Quality and Water Resource.

As the Staffs County Council Climate Change Adaptation and Mitigation report acknowledges, climate change could result in an increase in water scarcity, which is why measures to reduce demand (and by doing so, reduce the detrimental impact on the water environment of abstracting that water) are so important. Reducing water consumption also has the knock-on effect of reducing carbon emissions - water companies use energy to collect, treat and supply water and to subsequently treat waste water.

When the Water Cycle Study (WCS) was written (2020), the water companies were classed as being in areas of 'moderate' water stress. As of July 2021, Severn Trent Water and South Staffs Water are now classed as operating in areas of serious water stress.

Both South Staffs Water and Severn Trent Water have water efficiency proposals in their latest draft Water Resource Management Plans to help meet future demand for water. Council policies that require the efficient use of water will therefore support the water companies' programmes.

Since production of the WCS the Staffordshire – Trent Valley Catchment Abstraction Management Strategy (CAMS) has been updated (in 2021). The availability of water for licensing should be updated from ‘water available for further licensing’ (green) to ‘restricted water available for licensing’ (yellow) within table 4.2.

We support the inclusion of water efficiency and welcome reference to the tighter requirement where development should be designed to achieve a maximum usage of 110 litres per person per day. However, this may be better placed within a specific water conservation and efficiency policy. You could still go beyond that water efficiency standard.

The tighter water efficiency standards can be justified with reference to the following guidance: (<https://www.gov.uk/guidance/housing-optional-technical-standards>)

We encourage you to also consider grey water recycling and rainwater harvesting for new developments (designed at an appropriate scale). This would help create places resilient to climate change, contribute toward achieving net zero emissions and reduce the demand for water.

**Waste water infrastructure:** Your WCS should also ensure that your strategic growth can be accommodated in consideration of waste water infrastructure. Information on local treatment works and their ability to accommodate housing and employment growth is set out in the WCS. This looks at physical capacity issues (e.g. network pipes) and environmental capacity (water quality of treated effluent) issues.

Where there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed, or could be a possible future infrastructure upgrade) to help improve the capacity issue and enable the development to go ahead. This will require consultation with the Water Company and we have developed some general questions to assist this process (below). The outcome of this may inform a ‘phasing’ policy within your plan where appropriate. It may also be necessary to produce an ‘Infrastructure Delivery Plan’ to set out any key milestones for waste water infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable.

The WCS highlights that as a result of planned growth increased discharges at the wastewater treatment works may lead to a deterioration in water quality in the receiving waterbodies. As such, the WCS recommends that *‘more detailed water quality modelling is carried out in a Phase 2 Outline study to assess the cumulative impact of growth across the whole study area on the Water Framework Directive classification of the receiving waterbodies in order to ensure that the environmental capacity of the catchment is not a constraint to growth. Further study of the wastewater network is also recommended once greater certainty over which sites will be brought forward for development’*. Section 13 of the WCS also states that *‘additional infrastructure will need to be provided by STW and early engagement between the Southern Staffordshire Councils, STW and developers is required to ensure the correct infrastructure is in place prior to occupation, and that it is provided in a cost-effective manner’*

This does not yet appear to form part of the evidence base to support the local plan and you may seek this further information, in consultation with Severn Trent, to inform the deliverability of sites within the plan.

In consideration of the above we would recommend a conversation with the Severn Trent to ascertain how you can progress site proposals within your Plan without impact on the works. The below may assist:

- What solutions are programmed within Asset Management Plans (AMP)? When will these solutions be delivered? Are there any options for accelerating these schemes via developer contributions?
  - In the absence of an improvement schemes what could alternative solutions be (type and location of) for short/medium/long term growth. Are these solutions cost prohibitive?
  - Are there any short term options to facilitate growth? Some options to consider could be SUDS retrofitting or removing surface water from sewer systems.
  - Utility companies could be asked about what WFD work they already have programmed in to their AMP Schemes for Phosphate stripping or other sanitarities (e.g. ammonia/Biological Oxygen Demand).
  - With reference to Phosphate or Ammonia specific issues, are there any stringent measures factored in to ensure no environmental deterioration? What improvement scheme is, or could be, in place to bring forward development?

**Water Framework Directive:** The Water Framework Directive (WFD) requires that waters (including rivers, lakes, groundwater, estuaries and coastal waters) are managed sustainably. The objective being to attain “Good” status for each type of water body, which is defined by a set of biological, chemical and physical standards. The WFD requires a management plan to be drawn up for each river basin district. The plans need to be reviewed and updated every six years. River basin management plans were first published in 2009 and will be updated in 2015. This catchment based approach focuses on improving the water environment at a local level. Many of the problems facing our water environments are best understood and tackled at a catchment level. This catchment approach provides a clear understanding of the issues in the catchment, involve local communities in decision-making by sharing evidence, listening to their ideas, working out priorities for action and seeking to deliver integrated actions that address local issues in a cost effective way and protect local resources.

The catchment approach will deliver the following high level objectives;

- Deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level
- Encourage a more transparent form of decision making, in support of local collaboration or partnership working, for both planning and delivery.

We recommend that the high level principles for catchment based approach to achieving water quality objectives are incorporated in to the plan and in particular aim to encourage stake holder engagement.

We recommend your plan includes a section on where to find information on specific areas / catchments. Details of the WFD catchment can be found be obtained from our Catchment Explorer Data tool at: <http://environment.data.gov.uk/catchment-planning/>

**Non-mains foul drainage:** Water quality impacts of installing non-mains foul drainage should be assessed during the planning process, along with other considerations as outlined on our non mains foul drainage assessment form (copy

attached) for your consideration. The order of preference for foul waste water, including non mains drainage, should be included. The following wording is offered as an example:

“Development should follow the hierarchy (order of preference for foul drainage connection), as set out in the National Planning Practice Guidance. The Council requires non mains drainage proposals to assess the potential impacts upon water quality to ensure no detrimental impact on the water environment”. (Wyre Forest adopted local plan)

**POLICY SO7.2: BIODIVERSITY NET GAIN** - BNG offers considerable scope to help create resilient places, through maximising opportunities to improve the water environment, manage flood risk and tackle the climate emergency.

We note the inclusion of a minimum 10% increase in BNG and use of the most up to date metric. Our focus would be on blue infrastructure elements such as watercourses, riverside ecology, water-based habitat/relevant protected species. We encourage the use of a natural capital approach to prioritise the use of nature-based solutions within all planning applications. A natural capital approach underpins the delivery of both biodiversity and environmental net gain. By creating bigger, better and more connected natural assets, we improve the resilience and flow of ecosystem services and the benefits society receives from them. Ecosystem services are functions and products that flow from natural assets and provide benefits to people. For example, ponds, reed beds and woodlands absorb carbon and help mitigate the effects of climate change by slowing floodwater and cooling the air.

We reiterate the importance of integrating green and blue infrastructure, including SuDS, to address climate impacts. Benefits from this infrastructure include reducing the need for both cooling and heating of buildings, and in turn associated GHG emissions. Tree planting, green walls and roofs should be encouraged. These provide multi-functional benefits including carbon sequestration, reducing exposure to poor air quality, wellbeing and biodiversity gains, flood resilience, and shading and cooling of buildings.

The policy or text could reference the Local Nature Recovery Strategy as a key part of the evidence base, which can be used to inform opportunities, multiple benefits and to tackle climate change e.g., through reduced flood risk, or carbon sequestration.

**POLICY SH1: Land south of Lichfield Road, Cannock** - We have not reviewed all the site allocations in detail although we note that the Strategic Residential Site Allocations are predominantly located within Flood Zone 1, the low risk Zone. The list of proposed sites should fully identify site vulnerabilities in terms of land contamination, ground water vulnerability, proximity to regulated industrial processes / landfill and flood risk from unmodelled watercourses and we recommend these be clearly identified for transparency.

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We recommend your planning policies ensure that appropriate assessment and mitigation can be carried out by the agent of change (ie residential allocations) and consideration of this at a later stage is not hamstrung but indicative layouts or housing numbers fixed with the plan for example.

Yours faithfully

**Mr. Graeme Irwin**  
**Planning Specialist**

A thick black horizontal bar redacting the signature area, with a small vertical bar extending downwards from the left end.