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Dear Ms Chase

## **LOCAL PLAN ISSUES AND OPTIONS CONSULTATION.**

Thank you for your consultation on the Issues and Options Consultation for your new Local Plan, received on 21 January 2015. We have provided our comments under the same format as the draft Plan, with additional advice provided at the end on those topics we consider need further consideration.

### **Introduction**

*What information is used to inform the Plan?*

We are pleased to note that the evidence base includes a Strategic Flood Risk Assessment (SFRA) update and Colchester Surface Water Management Plan (SWMP), so that the flood risk evidence base is properly considered in the drawing up of the Local Plan. We would be pleased to help the Council with scoping any additional inclusions to support or supplement the existing SFRA. The North Essex Catchment Management Plan, draft Anglian River Basin Management Plan and Essex, Combined Essex Catchment Abstraction Management Strategy (CAMS, 2013) and Suffolk Shoreline Management Plan (SMP) should also be included.

### **Local Plan Themes – Housing**

We would support policies that advocate the allocation of housing to the most sustainable locations.

From the consideration of flood risk we would suggest that the robust application of the National Planning Policy Framework's Sequential Test by the Council should help to ensure that development is sited in the most sustainable areas (taking flood risk into account). We would also suggest that in allocating land for development, the

Council should refer to our Surface Water flooding maps (available on our website) or the Council's own SWMP modelling maps, which show areas potentially at risk from surface water flooding.

### **Local Plan Themes – Promoting Healthy Communities**

Advice on flooding issues relative to Health is provided on these two factsheets :-

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348925/Flooding\\_questions\\_and\\_answers\\_February\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348925/Flooding_questions_and_answers_February_2014.pdf) - Flooding and Health

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348910/Health\\_advice\\_about\\_mental\\_health\\_following\\_floods.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348910/Health_advice_about_mental_health_following_floods.pdf) - Mental Health Flooding

Information on the benefits of including Sustainable Drainage Systems in development layout and design to assist social cohesion and quality of life improvements are available at [http://www.local.gov.uk/suds-and-sabs-/journal\\_content/56/10180/3578748/ARTICLE](http://www.local.gov.uk/suds-and-sabs-/journal_content/56/10180/3578748/ARTICLE) and at <http://www.susdrain.org/delivering-suds/using-suds/benefits-of-suds/community.html>

### **Local Plan Themes – Natural Environment**

We welcome the reference to the importance of the European protected sites in the Borough.

We note that the Council is proposing to review the boundary of their designated Coastal Protection Belt. As previously mentioned, we recommend that the Essex & Suffolk SMP is referred to, particularly in relation to this.

We welcome the paragraph on Green Infrastructure and recommend that it is extended to include Blue Infrastructure. It is important to stress that these not only provide habitats and environmental benefits, but also contribute the economic and social health of an area. A reference to the protection of natural floodplains from development would be beneficial, and a robust application of the NPPF's Sequential Test would help to protect natural undeveloped floodplains.

This section generally focuses on the importance of protecting habitats in the Borough from the direct and indirect impacts of new development. This should be expanded to include other aspects of the natural environment and seek to consider how multifunctional spaces can contribute to flood risk, habitat and species protection, green infrastructure and open space for the public, better water quality etc all at once. This is supported by the Sustainability Appraisal (SA), on page 16. Water quality needs further consideration, as well as water resources. These are both identified in the SA as being an environmental issue faced by Colchester Borough. There is currently no reference in the Plan to the importance of water efficiency measures in the Borough to protect resources for the future.

All new developments should utilise sustainable drainage systems to mitigate their potential impacts on changes to off-site run-off volumes and to support the Water Framework Directive aims for improving the quality and biodiversity of water bodies.

## **Growth Options/Development Strategy**

In terms of flood risk, options 1A, 1B or 2A and 2B would probably be preferable. Surface water from options 3A and 3B (in north Colchester) would have to drain through existing urbanised areas to discharge to the River Colne and would potentially increase the vulnerability of adjacent areas to surface water flooding or flooding from minor watercourses that receive the flows from the developments. We believe that the development areas west of Colchester would largely discharge to the rural catchment of the Roman River, and the area to the east of Colchester would drain to tidal waters via the Salary Brook.

With any of these options, the utilisation of SuDs drainage is vitally important. We would agree with those principles for Garden City type settlements, provided that SuDs were part of the concept and blended with the green space elements.

### *Water and sewerage infrastructure*

This paragraph notes that the Anglian Water Services catchment area is under 'serious water stress'. As highlighted above, it will therefore be important to continue to consider how water resources can be managed over the Plan's period. Whilst currently the majority of the Colchester area currently has capacity, areas to the west around Stanway and north east around Dedham do not have capacity and we would object to more development feeding into these networks unless suitable upgrades were made. We would recommend that thought is given to phasing of development to allow upgrades to take place.

We recommend that major housing developments should be steered towards sewered areas where possible. Significant development in rural areas should also be approached carefully and sensitively as many of these small local treatment works do not have the capacity to take larger flows without causing deterioration to water quality.

Early liaison with the water company is recommended to discuss whether new sewage infrastructure is needed once site allocation becomes more detailed.

### *Drainage/Flood Infrastructure*

We are pleased to note that the Council intends to continue working in partnership with us to ensure that new development remains protected from all types of flooding. We would like to see plans for new housing developments to be situated in areas that are not at known risk of flooding as this supports the NPPF in the consideration of a Sequential Approach to the location of development, using a hierarchy of avoid-substitute-control-mitigate. Where development has to be sited in flood risk areas due to a lack of lower risk land options or through overriding regeneration requirements, we would prefer that this occurs on land that has suitable flood defences and that measures are taken to support the future enhancement or replacement of flood defence infrastructure (CIL or S106 funding support). Any new development within such areas should be well designed and be safe for users taking account of residual inundation risks within defended flood plains.

## **Overarching Local plan Issues and Options**

Reference to climate change in the context of environmental challenges is an issue that could have been given more consideration, particularly linked to increasing fluvial, tidal and surface water flood risks which exist within the borough's boundaries and the need for new developments and Strategic Plans to identify and to adapt to these challenges.

We have provided further advice on important issues affecting the Borough below, which should be considered further as the Plan progresses.

In relation to question 5, infrastructure needs over the Plan period for Flood Defence infrastructure (both new and replacement infrastructure), should be discussed with us.

## **Flood Risk and Coastal Change**

While development is able to be mainly confined to areas at the lowest risk of flooding (Flood Zone 1), there are some smaller areas which are at greater risk of flooding, such as around Wivenhoe and Mersea. The SA correctly states that these areas will need to be avoided, and on larger sites, a sequential approach should be taken, locating higher risk development in lower risk areas of the site. In allocating sites, Colchester Borough Council should ensure that the Sequential Test is used as evidence to ensure development is located in areas of the Borough at the lowest risk of flooding where possible.

As mentioned above, planning for flooding can provide multiple benefits such as increasing the resilience of communities, improving water quality, enhancing biodiversity and recreation opportunities and promoting economic growth by unlocking land for development.

The new Local Plan will need to be based on sound evidence and we are therefore pleased that the Strategic Flood Risk Assessment will be updated. The conclusions of this update will need to be reflected in the Local Plan, for example, where functional floodplain (Flood Zone 3b) is designated, policy should ensure this land is safeguarded to store water in times of flood.

The proposed Coastal Protection Belt could be used to ensure that the future impacts of coastal processes such as landslip are considered, as well as seeking to ensure the open and rural character of the coast is maintained.

Flood risk is not confined to singular authority boundaries and should be managed through a catchment-scale approach, which makes cross-boundary working extremely important under the Duty to Co-operate.

We are pleased that the Surface Water Management is cited as evidence for the new Local Plan. We would expect to see a policy included on the management of surface water run-off and the use of SuDS to manage flood risk and protect water quality. It is important to note that we are no longer providing advice to developers or

local councils on surface water management proposals in Essex. As the Lead Local Flood Authority, Essex County Council have now taken on this role, and we are currently working with them to ensure that local councils continue to receive advice on proposed surface water schemes. We would encourage you to liaise with Essex County Council, as Lead Local Flood Authority, on potential opportunities to reduce and manage surface water flooding.

### **Water Quality**

The Natural Environment section of the consultation document discusses the fact that increases in wastewater and decreases in water quality can have an impact on designated nature conservation sites and important habitats. However, with appropriate planning, development can provide opportunities to protect and enhance water quality. A high water quality environment can support local economies through increasing land and property values, agriculture, tourism and recreation. It can also help in support our resilience to climate change as areas of water storage, and associated green space, help reduce flood risk and provide urban cooling.

The Combined Essex CAMS sets out how the EA will manage the water resources of a catchment and contribute to implementing the Water Framework Directive (WFD), while the Anglian River Basin Management Plan (RBMP) sets out the objectives that will need to be met in order to comply with the WFD requirements. These will therefore be an important focus, as they can be used to identify opportunities within new development that can contribute to RBMP/WFD objectives. [Planning Advice for Integrated Water Management](#) is new guidance that provides useful advice on how planning can help to meet WFD objectives. We would also recommend that water quality and RBMP objectives are included in the Sustainability Appraisal.

We would like to see the inclusion of policies that help reduce the risk of pollution from diffuse sources and that promote SuDS as a the first method of surface water management to be considered, as well as the integration of green infrastructure into new developments.

Essex County Council has produced [SuDs Design Guidance](#), which is a useful visioning document for the inclusion of SuDs within development layouts and designs. We would also advocate the use of the RIBA "[Designing for Flood Risk](#)" Guidance as a useful document for conceptual visioning purposes at the early stages of masterplanning or evolving design concepts for a development site where flood risk is a material consideration. Other useful documents include the "[Planning Advice for Integrated Water Management](#)" by the Cambridge University Natural Capital Leaders Platform and the following webpage: [http://www.ciwem.org/media/1282528/Natural\\_Capital\\_Leaders\\_Platform\\_Water\\_Planning\\_Supplementary\\_Case\\_Studies\\_June\\_2014.pdf](http://www.ciwem.org/media/1282528/Natural_Capital_Leaders_Platform_Water_Planning_Supplementary_Case_Studies_June_2014.pdf)

Water Quality is also not confined to singular authority boundaries and would benefit from being managed through a catchment-scale approach, which makes cross-boundary working and discussions with water companies, sewerage undertakers, and the Environment Agency, extremely important under the Duty to Co-operate.

## Water Framework Directive

The Water Framework Directive, Article 4 *Environmental objectives*, requires that all surface waterbodies should achieve good ecological and chemical status unless they are artificial (AWB) or heavily modified (HMWB) in which case they should achieve good ecological potential. Groundwater bodies must achieve good quality and quantity. All water bodies must achieve the appropriate objective in accordance with the RBMP and before the end of 2027.

We are the competent authority for implementing the Directive, although a wide range of other organisations, including local authorities, have obligations to co-deliver its objectives. Public bodies have obligations under the Directive and have a responsibility not to compromise the achievement of UK compliance with EU Directives when determining planning applications. Non-compliance could lead to the European Commission bringing legal proceedings and fines against the UK. The Localism Act 2011 introduced powers that the UK Government could use to make Local Authorities pay for EU financial sanctions where they have caused or contributed to infractions of EU law. The WFD Regulations 2003 also require public bodies to have regard to the relevant RBMP when exercising their functions (regulation 17(a) and (b)).

WFD objectives are to prevent deterioration of water bodies and to improve them to meet WFD requirements. WFD requires water bodies (surface water and groundwater) to achieve 'good status'. Water bodies altered by human activity may be classified as Heavily Modified (HMWB) or Artificial (AWB) and have an objective to achieve 'good potential'.

The Anglian RBMP (2009) is referenced on Page 76. The most recent plan is currently in consultation and this will reset the baseline to 2015 based on updated waterbody boundaries. Waterbodies that fall within Colchester District Council boundary include:

<b>Waterbody ID*</b>	<b>Waterbody Name</b>	<b>Overall Status</b>
GB105036040942	Stour (Lamarsh - R. Brett)	Moderate
GB105036041000	Stour (d/s R. Brett)	Moderate
GB105037033800	Virley Brook	Moderate
GB105037033870	Domsey Brook	Moderate
GB105037034150	Roman River	Moderate
GB105037034200	Sixpenny Brook	Bad
GB105037041160	Blackwater	Moderate
GB105037041320	Salary Brook	Moderate
GB105037041330	Colne (d/s Doe's Corner)	Moderate
GB105037034130	Layer Brook	Poor

\*Cycle 2, 2014 classification

More detailed information regarding the reasons for these statuses can be obtained from us.

### Preventing deterioration of water bodies

Pressures from development that could cause deterioration include:

- Alteration of river banks and river beds
- Barriers that restrict movement of, for example, fish
- Cumulative impacts in a particular catchment
- Diffuse pollution from surface water
- Reduced flow in rivers

Temporary deterioration of a water body because of unforeseen or exceptional circumstances is allowed under the Directive provided that action is taken to limit and reverse that deterioration.

### Improving water bodies

Opportunities for improving the status of water bodies should be identified as part of development proposals and associated environmental appraisals. Typical water body improvements might be creating 'natural' river banks, overcoming barriers to fish movement or providing sustainable drainage systems.

### **Water Resources**

The Anglian Water Services catchment area has been identified as being under 'serious water stress' and, over time, pressures from changing weather and population growth are likely to increase. As well as supporting the natural environment, water resources are critical to sustainable economic growth and housing development. Colchester's Local Plan should consider the capacity and quality of water supply systems and any impact development may have on the environment including understand the supply and demand patterns now and in the future across the authority.

Local Plans can be used to protect water resources and ensure that water efficiency measures are adopted in new developments, where justifiable. Policies must be consistent with the government's Housing Standards Review. Policies requiring the use of infiltration SuDS and the provision of green infrastructure in new development can help to contribute to groundwater recharge.

It is noted that Page 74 of the Sustainability Appraisal, within the 'SEA theme table - Regional, water subheading', that reference is made to Anglian Water's (AW) Water Resource Management Plan (WRMP). Whilst we commend the reference of this strategic document, there have been discrepancies noted within this, regarding the sharing supply from Ardleigh reservoir (referred to as SE4 within the table). It is possible that in the future Affinity Water will be utilising their headroom for the increased development around Clacton and therefore negotiations may be difficult for AW to take a larger quantity. We are still assessing how 'No Deterioration' measures under WFD and the Anglian RBMP will impact upon water companies using headroom on licenses and increasing uptake on previously under-used licences may not be viable option (SE6). New treatment facilities will also be subject

to an appropriate permit, and WFD along with our permitting standards may also impact this.

We strongly recommend that the Plan takes a holistic approach to the water environment and the Plan should ensure that impacts on water resources and water efficiency are considered. Less water due to climate change/ drought could result in less water being treated but could have a negative impact on the estuarine protected areas within Colchester District as well.

We trust this advice is useful.

Yours sincerely

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