

Independent Examination of the Thanet Local Plan

Inspectors' Matters, Issues and Questions for Examination

Environment Agency Comments

Matter 18 – The Environment and Climate Change (Policies SP35, CC01-CC07 and SE01-SE08)

Issue 2 – Flooding – Policies CC01-CC03

Q1. Is Policy CC01 consistent with paragraphs 100-102 of the Framework regarding when the Sequential and Exception tests should be required? Should the policy also take account of surface/groundwater flooding?

The Sequential Test (ST) is undertaken to identify the need for any development within FZ2&3. Only if the ST concludes that development in FZ2&3 is unavoidable should development proposals then proceed to the Exception Test. Whilst the Environment Agency does not get involved with the detail of the ST we would highlight the need for it to take account of surface/groundwater flooding, as well as the flood zones. This is to reflect the increased emphasis on all forms of flooding within the Framework. Given the small amount of land at flood risk within the Thanet district, this should not be a major issue for the LPA but it is important that all forms of flooding are taken into account when assessing both the principle of development and undertaking FRAs. Developers also need to be aware that they need to assess both present and future risk.

Q2. How does the Plan consider the multi-functional benefits of Sustainable Urban Drainage Systems ('SUDS'), such as the provision of amenity and biodiversity benefits?

The Plan has identified a role for SuDS i.e. Sustainable Drainage Systems not Sustainable Urban Drainage Systems (SUDS) in developments by suggesting that they, and other activities and structures, are an option available to developers (4.36). The use of the correct acronym would help but they are of benefit – to varying degrees – to wildlife and for flood risk.

One might argue that any drainage feature that receives run-off from hard-standing cannot provide significant biodiversity benefit as an absolute requirement for that to occur is for there to be a supply of clean water. There can, however, be amenity benefits from well-constructed and appropriately planted (native species of local provenance) SuDS wherever they are located.

Q3. What is the justification for the threshold distance of 40m in Policy CC03? Is it clear to decision-makers, developers and local communities when this policy applies? Will it be effective?

We support the requirement for an FRA within 40m of the coast regardless if the development is within FZ2 or 3 or not. This is to ensure development will not be affected by coastal erosion and/ or the impacts of wave overtopping. Developers should be made of this requirement when approaching the LPA and directed both to the Strategic Flood Risk Assessment and Shoreline Management Plans as well as identifying if sites lie within a Coastal Change Management Area, taking account of any policies that apply.

Q4. Does Policy CC03 ensure that new development proposals take account of natural habitats and how they might respond to coastal change?

It would appear that it doesn't.

Q5. Is it clear to decision-makers, developers and local communities when Flood Risk Assessments will be required? Should Policy CC01 also refer to sites over 1 hectare in size in Flood Zone 1?

Might be simpler to include link to gov.uk website as to when FRAs are required.

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-you-need-an-assessment>

Issue 4 – Contamination and Pollution – SE01-SE08

Q1. Are policies SE01-SE03 consistent with paragraph 109 of the Framework which, amongst other things, states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate?

Yes we believe so, provided amended according to our requested wording, (NB now para 170 and 178-180 of revised NPPF)

Q2. How will Policy SE04 ensure that development proposals involving piled foundations take account of the risks of ground disturbance that may cause turbidity in the water supply, potentially resulting in contamination reaching groundwater beneath any sites impacted by contamination and/or landfill?

The policy should ensure developer are aware of this issue and that it is a materials planning consideration, applications should be accompanied by relevant piling risk assessment in accordance with EA guidance for the same, or these may be provided as a requirement of a suitable planning condition.

Q3. Is it necessary for Policy SE04 to refer to the provision of water supply or foul drainage in a timely manner to ensure that it is effective, and that new development is not unduly delayed?

Yes. It is important that the provision of water supply or foul drainage is in a timely manner, otherwise development could progress as has happened in Ashford Borough Council and Dover District where development commenced without these essential utilities having been agreed with the utility provider resulting in the development stalling.

Q8. What is the justification for referring to the Institute of Lighting Professionals Standards in Policy SE08? Is it clear to decision-makers, developers and local communities what is required of proposals for new development? Is the policy effective?

The justification is that the ILP specifies lighting (types, intensities and regimes) that mean the pollution and adverse biodiversity impacts from external light can be minimised.

While the Environment Agency is keen to make such advice explicit and compulsory, if the plan does not make the general requirement clear and developers submit applications that do not take this advice into consideration, then the Authority should review its wording of the plan.