

Appendix M

EA & LLFA Consultation Responses

Wiltshire Council Planning Consultation Response

29 October 2021

Wiltshire Council Drainage Engineer
Technical Services Drainage Engineer
Wiltshire Council

Application No: PL/2021/09013

Erection of up to 205 no. dwellings, community hub, public open space, access, infrastructure and associated works, with all other matters reserved

Land West of Westbury Road, Land West of Westbury Road, Warminster

Please note the particulars in connection with the above planning application are available to view on the planning website <http://www.wiltshire.gov.uk/planninganddevelopment.htm>

Recommendations:

☐	No Comment
☐	Support
☒	Support subject to conditions (please set out below)
☐	Object (for reasons set out below)
☐	No objections

Matters Considered:

Documents Reviewed:

- Planning Statement (Dated September 2021)
- Flood Risk Assessment and Drainage Strategy (Dated April 2021)

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

The drainage team, in their capacity as LLFA, support the above application subject to the below conditions being met, as part of subsequent planning submissions:

Conditions:

1. It is noted that the applicant plans to restrict discharge rates from the site to the greenfield Qbar rate (corresponding to the 1 in 2.33year rainfall event) for all events up to the 1in 100year + climate change storm; it is acknowledged that for the higher return period rainfall events this will provide betterment, however this will not provide the required level of betterment for lower return period events (such as the 1 in 1 year rainfall event). Wiltshire Council's betterment policy for greenfield sites states:

"With regards the control of surface water discharges from greenfield sites, Wiltshire Council requires post development discharges to provide 20% betterment over pre-development (greenfield) discharges for both peak flow and volume. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year). This takes account of national policy, as outlined in the SuDS Technical Standards."

The applicant will be required to resubmit calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year

return period storm events. Based on the currently submitted greenfield runoff rates, this means that discharge in the 1 in 1 year rainfall event should be restricted to 19.52l/s.

REASON: To ensure that the development does not cause an increase in discharge rates during the 1 in 1 year return period event.

2. The applicant is required to submit detailed drainage calculations, restricting discharge rates in line with the Wiltshire Council Betterment Policy). These calculations shall demonstrate:
 - a. The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.
 - b. The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.
 - c. The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site.

It is noted that the applicant has applied an Urban Creep allowance on the 1 in 100yr + climate change storm only. The applicant is required to apply the Urban Creep allowance (to account for increased impermeability across the catchment) to all storm events as part of the detailed hydraulic modelling.

Due to the outfall to an ordinary watercourse, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

REASON: To ensure that the proposed drainage is appropriately sized to manage runoff from the catchment and prevent flood risk to people and property.

3. The applicant states that existing *"ditches will be cleaned out and links maintained to ensure that they flow freely. The site levels and drainage can be designed to manage flows from the ditches to ensure that the development is not at risk of flooding"*. Whilst this approach is acceptable in principle, the applicant will be required to:
 - a. Undertake hydraulic modelling to confirm that the existing ditches have sufficient capacity to safely convey surface water discharges from the proposed development without increasing flood risk.
 - b. Confirm details of remediation, vegetation clearance, and re-levelling works proposed within the ditches in order to improve the ditch capacity.

REASON: To ensure that the existing ditches on site have sufficient capacity to safely convey surface water flows from the development without increasing the flood risk to people or property.

4. The applicant is required to submit detailed drainage drawings which include the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

REASON: To ensure that the proposed drainage is appropriately sized to manage runoff from the catchment and prevent flood risk to people and property.

5. The applicant is required to submit plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.

REASON: To ensure that exceedance flows are managed to prevent flood risk to people and property.

- The applicant is required to submit a Development management and construction phasing plan to demonstrate how surface water will be managed throughout construction.

REASON: To ensure that there will not be an increase in flood risk & contamination of receiving watercourses during construction.

Informatives:

The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk.

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).

The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.

The table below stipulates the information typically required at each application stage. Provision of the correct information will expedite the processing of applications by the drainage team.

Pre-app	Outline	Full	Reserved matters	Discharge of conditions	Document to be submitted
✓	✓	✓			Flood Risk Assessment / Statement
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle/ consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood & drainage design drawings

Pre-app	Outline	Full	Reserved matters	Discharge of conditions	Document to be submitted
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Evidence of measures to prevent pollution of the receiving groundwater and/or surface waters
		✓	✓	✓	Drawings showing conveyance routes for flows exceeding the 1 in 100 year plus climate change
		✓	✓	✓	Detailed landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Ben Wilding (Atkins working on behalf of Wiltshire Council Drainage).

Mr. James Taylor
Wiltshire Council
Development Control West
165 Bradley Road
Trowbridge
Wiltshire
BA14 0RD

Our ref: WX/2021/135740/01-L01

Your ref:

Date: 04 November 2021

Dear Mr. Taylor

ERECTION OF UP TO 205 NO. DWELLINGS, COMMUNITY HUB, PUBLIC OPEN SPACE, ACCESS, INFRASTRUCTURE AND ASSOCIATED WORKS, WITH ALL OTHER MATTERS RESERVED LAND WEST OF WESTBURY ROAD, WARMINSTER, WILT

The Environment Agency has recently been consulted by the Local Authority regarding the above development proposal. Please find enclosed a copy of our comments for your information.

This response represents our advice as a statutory consultee on environmental issues associated with the proposed development. The reply should not be confused with the Council's decision notice, which will be issued by the Local Authority following determination of the application. Please contact the Local Authority if you wish to discuss the final decision to be made on this application.

If you have any queries about the Agency's response, please don't hesitate to contact me.

Yours sincerely

Mr Matthew Pearce
Planning Advisor

Direct dial
Direct fax

Environment Agency
Rivers House (Sunrise Business Park) Higher Shaftesbury Road, Blandford Forum, Dorset, DT11 8ST.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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Direct e-mail swx.sp@environment-agency.gov.uk

James Taylor
Wiltshire Council
Development Control West
County Hall Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Our ref: WX/2021/135740/01-L01
Your ref: PL/2021/09013

Date: 04 November 2021

Dear Mr. Taylor,

ERECTION OF UP TO 205 NO. DWELLINGS, COMMUNITY HUB, PUBLIC OPEN SPACE, ACCESS, INFRASTRUCTURE AND ASSOCIATED WORKS, WITH ALL OTHER MATTERS RESERVED

LAND WEST OF WESTBURY ROAD, WARMINSTER, WILT

Thank you for consulting us on the above application. In the absence of an acceptable flood risk assessment (FRA) we **object** to the proposal until additional information is submitted which addresses our concerns.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.

We acknowledge and welcome that the submitted FRA states all built development will be located in Flood Zone 1. However, the Flood Map for Planning (Rivers and Sea) used in the report is out of date. The updated Flood Map for Planning is based on more recent modelling of the nearby watercourse and the flood level information available from this model should be used in the FRA so that the development proposals are informed by the best available information.

The FRA includes an allowance for climate change when considering the proposed drainage strategy; however, there is no assessment of the impact of climate change on flood risk from rivers using appropriate climate change allowances. In accordance with ['Flood risk assessments: climate change allowances'](#) the central allowance should be used for 'more vulnerable' development. For the Avon Hampshire Management Catchment this is 38% for the 2080's epoch.

Environment Agency
Rivers House (Sunrise Business Park) Higher Shaftesbury Road, Blandford Forum, Dorset, DT11 8ST.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

The 1 in 100 annual probability flood level including 38% allowance for climate change (the 'design flood level') should be used to define the limit of built development (including the proposed attenuation pond) within the masterplan. Finished Flood Levels should be set a minimum of 300mm above the design flood level. Additionally, there should be no ground raising below the design flood level as this would reduce the available floodplain storage.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

The revised FRA should:

- make use of the available flood level information, which can be requested from our Customer and Engagement team.
- include an assessment of future flood risk using appropriate climate change allowances.

If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted.

Advice to LPA - Sequential Test

What is the sequential test and does it apply to this application?

In accordance with the National Planning Policy Framework (paragraph 162), development in flood risk areas should not be permitted if there are reasonably available alternative sites, appropriate for the proposed development, in areas with a lower risk of flooding. The sequential test establishes if this is the case.

Development is in a flood risk area if it is in Flood Zone 2 or 3, or it is within Flood Zone 1 and your strategic flood risk assessment shows it to be at future flood risk or at risk from other sources of flooding such as surface water or groundwater.

Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures such as flood defences, flood warnings and property level resilience.

Who undertakes the sequential test?

It is for you, as the local planning authority, to decide whether the sequential test has been satisfied, but the applicant should demonstrate to you, with evidence, what area of search has been used. Further guidance on the area of search can be found in the planning practice guidance [here](#).

What is our role in the sequential test?

We can advise on the relative flood risk between the proposed site and any alternative sites identified - although your strategic flood risk assessment should allow you to do this yourself in most cases. We won't advise on whether alternative sites are reasonably available or whether they would be suitable for the proposed development. We also won't advise on whether there are sustainable development objectives that mean steering the development to any alternative sites would be inappropriate. Further guidance on how to apply the sequential test to site specific applications can be found in the planning practice guidance [here](#).

Advice to applicant - FRA sources of information

We do not prepare or provide FRAs. However, our Customers and Engagement teams can provide any relevant flood risk information that we have available. Please email WessexEnquiries@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment (SFRA) which will also include local flood risk information to inform your FRA. Please contact your local planning authority to determine what information is available. Further advice on what to include in an FRA can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#site-specific-flood-risk-assessment-all>

Where flood risk data including climate change does not exist, it is the responsibility of developers to undertake this assessment using guidance in '[Flood risk assessments: climate change allowances](#)'. Assessment of future flood risk can be undertaken using:

- Freeboard allowances
- Interpolation based on current flood risk models
- New detailed modelling Deciding which approach applies depends on the size, vulnerability and location of the development. It is envisaged that large scale developments (e.g. sustainable urban extensions, retail parks, large commercial developments) will need to adopt the detailed approach.

Closing comments

If you are minded to approve the application contrary to our objection, we request you contact us prior to a decision being made to allow us to make further representations. Should our objection be removed, we may recommend the inclusion of conditions on any subsequent approval.

Please notify us by email within two weeks of a decision being made or application withdrawn.

Yours sincerely,

Matthew Pearce
Planning Advisor

Email – swx.sp@environment-agency.gov.uk