

Newcastle-Under-Lyme District Council
Planning Policy
2nd Floor
Castle House
Barracks Road
Newcastle-Under-Lyme
ST5 1BL

Our ref:

Your ref:

Reg 16 Audley NDP

Date:

16th December 2024

FAO:

Dear

Audley Rural Neighbourhood Plan Regulation 16 Consultation: 4th November to 16th December 2024.

Thank you for your email of 4th November, consulting us on Regulation 16: Final Submission of the Audley Rural Neighbourhood Plan.

We do not offer bespoke advice on policy but advise you to ensure conformity with the Local Plan and refer you to guidance within our local Neighbourhood Plan proforma (attached).

Yours sincerely,

[Redacted signature block]

Environment Agency

[Redacted contact information]

Neighbourhood Planning

Environment Agency consultation guide/pro-forma

Version 9, Dec 2024

This document has been provided to assist with your neighbourhood plan preparation.

Detailed guidance on the neighbourhood planning system is available at: [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/neighbourhood-planning)

You may also wish to refer to the information on writing a low carbon neighbourhood plan, available at: [How to write a neighbourhood plan in a climate emergency](https://www.gov.uk/guidance/how-to-write-a-neighbourhood-plan-in-a-climate-emergency)

As the Environment Agency, we want to see places that are planned sustainably and are resilient to anticipated climate change impact. We seek to reduce and protect against flood risk, whilst protecting and enhancing the water environment, land, and biodiversity.

We encourage you to consider environmental issues impacting your plan area, early on in your plan preparation.

Together with Natural England, English Heritage and the Forestry Commission we have published guidance to help ensure environmental issues are considered within Neighbourhood Plans. The guidance is available at: [How to consider the environment in Neighbourhood plans](https://www.gov.uk/guidance/how-to-consider-the-environment-in-neighbourhood-plans).

To compliment this, we highlight below some of the key environmental issues your community should consider when producing a neighbourhood plan, with some local context.

If your plan seeks to allocate specific sites for development, we recommend you complete the pro-forma template below to identify any environmental constraints impacting each site. This will help inform the appropriateness of the site for development and inform policy, ensuring you have a robust plan.

Flood Risk

Your Plan should conform to national and local policies on flood risk. National Planning Policy Framework (NPPF) – Paragraph 170 states that ‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere’.

It is important that your plan is in accordance with the current local plan (Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026), specifically Policy CSP3 – Sustainability and Climate Change (and the associated text) and has regard to the emerging Newcastle-Under-Lyme Local Plan 2020-2040.

To inform the Local Plan for Newcastle Under Lyme, the Council has undertaken a **Strategic Flood Risk Assessment (SFRA)**. This may help you assess flood risk within your plan area, including that from surface water, groundwater, sewers (and historic flooding). We would encourage you to have sight of this and discuss issues specific to your plan area with the Council's Planning Policy Team or the Lead Local Flood Authority.

New development should be steered to areas at lowest risk of flooding. This can be achieved by applying a sequential, risk based approach to site selection ([Flood risk and coastal change - GOV.UK](#) Paragraph 23, 24, 25).

Our Flood Map for Planning can help you identify whether any of your proposed sites are at risk of river or tidal flooding. Our Flood Map can be accessed via the following link:
[Check the long term flood risk for an area in England - GOV.UK \(www.gov.uk\)](#)

Areas within Flood Zones 3 & 2 are considered High and Medium Risk. You should therefore aim to locate development within flood zone 1 (low risk).

Please note that our Flood Map primarily indicates flooding from main rivers, not ordinary watercourses. Also, any watercourse with a catchment of less than 3km² will be unmodelled.

Where a watercourse is present in proximity to a proposed site, but the flood map provides no indication of flood extent, **you should not assume flood risk is low and will need to consider other methods of assessing fluvial flood risk to confirm that the site is developable, and development will not increase flood risk elsewhere.**

Responsibility for local flood risk management, including ordinary watercourses, lies with the Lead Local Flood Authority (LLFA), in this case **Staffordshire County Council**. They may hold information on local flooding that is not identified on our Flood Map.

Climate Change: Your assessment of flood risk should also consider the potential impacts of climate change.

The National Planning Practice Guidance (NPPG) advises that an allowance should be added to peak river flows to account for climate change, specific to a River Management Catchment and development vulnerability.

The NPPG refers to Environment Agency guidance on considering climate change in planning decisions which is available online: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

In the West Midlands we have area specific guidance to assist (attached). This sets out the percentage allowances to be added to peak river flows for Management Catchments within the Severn River Basin District and Humber River Basin District.

In conjunction with this, you may also wish to refer to the following: [Climate change allowances for peak river flow in England \(data.gov.uk\)](#)

Your Local Authority's SFRA should indicate the extent of flood zones with likely climate change predictions.

In the absence of up-to-date modelled flood risk information, or a site-specific FRA, to confirm an appropriate allowance, you may wish to utilise the current Flood Zone 2 extent (where available) to indicate the likely, nominal, Flood Zone 3 with climate change extent.

Note, however that all 'major development' sites with flood risk issues, especially those with ordinary watercourses or un-modelled rivers within/adjacent or near to sites, are likely to need

detailed modelling at the planning application stage to verify the design flood extents, developable areas and that the development will be sustainable.

Surface water (peak rainfall intensity) climate change allowances should be discussed with the Lead Local Flood Authority (LLFA).

Flood Defences: Flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise flood.

There may be locations within your plan area that are protected by flood defences. Your plan should acknowledge this, and the level of protection provided.

Where sites are proposed behind existing flood defences, the assessment of flood risk should consider the impact of overtopping or a breach of the defence.

If new development is to benefit from the protection of existing flood defences (EA assets), we may seek financial contributions towards their maintenance or improvement.

Waste Water Infrastructure

When allocating sites for housing or employment, you should consider where waste water will be treated and whether the receiving water treatment works has capacity to accommodate the proposed growth. You should look at physical capacity issues (e.g. network pipes) and environmental capacity (quality of treated effluent) issues.

The Environment Agency has offered advice to Newcastle-Under-Lyme Borough Council, as part of their Local Plan review, to help ensure that their 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 can be found in the Water Cycle Study (WCS).

Where there is an identified constraint, you should demonstrate that there is a solution to help improve the capacity issue and enable development to go ahead. It may be that upgrades to local infrastructure are already programmed.

We recommend you contact the relevant Utility Company for further advice. The following questions may assist with these discussions:

- 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 any 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 the Nutrient Management Plans, and Phosphate 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?

Depending on the outcomes of this, it may be appropriate to include a 'phasing policy' within your plan, which limits development until the necessary infrastructure is in place. It may also be necessary to produce an 'Infrastructure Delivery Plan' to set out any key milestones for wastewater infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable, and importantly ensure that your plan is 'sound'.

Note: Government Guidance states that sufficient detail should be provided to give clarity to all parties on when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

Water Management and Groundwater Protection

In February 2011, the Government signalled its belief that more locally focussed decision making, and action, should sit at the heart of improvements to the water environment. This is widely known as the catchment-based approach and has been adopted to deliver requirements under the Water Framework Directive (WFD). It seeks to:

- deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and
- encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking new development to enhancements to the water environment.

Local WFD catchment data can be obtained from: [River Basin Catchment Data Explorer](#).

Newcastle-Under-Lyme Borough (Lyme Brook catchment) falls within the Humber, River Basin Management Plan (HRBMP) area. The document highlights key issues and actions for the catchment that should be of use in developing your Neighbourhood Plan. The management plan was last updated in September 2024 (available at [Humber river basin district river management plan: updated 2022 - GOV.UK](#)). The Severn and North West River Basin District management plans also partially cover the borough.

Aquifers and Source Protection Zones: Some of your local area may be located upon or within aquifers and Source Protection Zones. SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites.

Our Groundwater Protection Statements explain the relevance of the designation and the potential implications for development proposals.

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Development and surface water drainage will need to be carefully located and designed to avoid pollution risks to waters and address potential environmental impact associated with low flows. For example, SuDS may need to provide multiple levels of treatment. To address any quantitative issues with the waterbodies, SuDS should be designed so to maximise recharge to the aquifer and support water levels in receiving rivers.

Water Efficiency at Neighbourhood Plan Level: The West Midlands has been classified as an area under serious water stress. [Water stressed areas – 2021 classification - GOV.UK](#)
As such, new development should be encouraged to meet tighter water efficiency standards, beyond those set out by Building Regulations (part G). However, there is no direct responsibility for Neighbourhood Plans to incorporate such measures. Please refer to the Water Cycle Study and Local Plan review for further information.

Cemetery Allocations: Allocations for cemeteries brought forwards within Neighbourhood Plans must consider their location in relation to Flood Zones, Source Protection Zones (Any Borehole – including private – for potable supply should be considered) and Type of Aquifer. Our focus is to ensure the protection of controlled waters. Matters relating to human health should be directed to the Local Authority. If steps are not taken to reduce the risks, burials can present a risk to the water environment. The proposed burial ground will need to meet our minimum groundwater protection requirements as set out in the following document: [Protecting groundwater from human burials - GOV.UK \(www.gov.uk\)](#).

Biodiversity Net Gain

In England, under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021) it is now mandatory for planning applications to deliver a 10% uplift in biodiversity.

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

Development of allocated sites offers the opportunity for Biodiversity Net Gain (BNG) as referenced in Paragraphs 187, 192 and 193 of the National Planning Policy Framework (NPPF) 'Conserving and enhancing the natural environment'. [National Planning Policy Framework - 15. Conserving and enhancing the natural environment - Guidance - GOV.UK](#)

While we are not a statutory consultee on BNG, we have an interest in improving the biodiversity / ecology of the water environment and may comment in this respect on any future planning applications and in relation to priority species within our remit (Water Voles, Otters, Cray fish etc).

We encourage you to seek biodiversity improvements within your policies, which include the water environment, to develop priority habitats and enhance local ecological networks that benefit wildlife and provide climate change resilience measures.

Please see [Biodiversity net gain - GOV.UK \(www.gov.uk\)](#) and [Biodiversity Net Gain for local authorities | Local Government Association](#) for further information.

Neighbourhood Plan Environment Agency Pro-Forma

Site Allocation Description e.g. name, type and number of units.	Flood Zone (3/2/1) *	Unmodelled river or ordinary watercourse in or adjacent to site	Other sources of flooding (e.g. SW, GW, SF)	Flood Defence	Aquifer/Source Protection Zone 1 (Description)	Environmental Capacity at Treatment Works (Red – potential showstopper, Amber – possible problem; or Green – likely to be no issues)
Example	2	Y	SW	N	N	Amber
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	
		Y/N		Y/N	Y/N	

***Note to above:** Flood Zone 3 is the high-risk zone and is defined for mapping purposes by the Environment Agency's Flood Zone Map. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year). Flood Zone 2 is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years. Flood Zone 1 is the low-risk Zone with a flood risk in excess of 1 in 1000 years.

When considering 'other sources of flooding' you should refer to the SFRA and contact **Newcastle-Under-Lyme Borough Council** to ascertain whether the Parish, or specific allocated site, is impacted by surface water, groundwater, or sewer flooding etc. The team and/or the LLFA may also have historic flooding information to help inform your plan. More information on sewer flooding, or plans to remedy such, may be available from the Water Company.

Produced by: West Midlands Sustainable Places Team.

Please contact us at: westmidsplanning@environment-agency.gov.uk