



East Cambridgeshire
District Council

East Cambridgeshire Local Plan
Local Plan Examination Stage

Statement of Common Ground between:

East Cambridgeshire District Council &
Environment Agency

*In relation to Matter 8, Q27
& Matter 14, Q60*

31 August 2018

1 Introduction

- 1.1 This is a Statement of Common Ground (SoCG) between the following parties:
- East Cambridgeshire District Council ('the Council'); and
 - Environment Agency ('the EA')
- 1.2 The SoCG has been prepared following engagement between the Council and the EA to address issues raised by the EA in their representations on the Proposed Submission Local Plan (PSLP), namely in respect of policy LP25: Managing Water Resources and Flood Risk.
- 1.3 Additionally, this SoCG addresses flood risk at site SOH.H1 (policy Soham 3), Land off Brook Street, and accompanying site-specific policy Soham 4.
- 1.4 The Statement sets out the confirmed points of agreement or disagreement between the above parties on matters relating to the extent to which Local Plan policy LP25 provides a justified, effective and consistent approach to managing water resources and flood risk.
- 1.5 This SoCG has been prepared with the intention of assisting the Inspector during examination of the Plan.

2 The Areas of Agreement - Policy LP25: Managing Water Resources and Flood Risk

- 2.1 The Council published the Local Plan in November and December 2017 and was of the view that its policies, including LP25, Soham 3 and Soham 4, are sound.
- 2.2 In its response to the PSLP, the EA provides the following assessment of the soundness of policy LP25:
- "...we consider the flood risk and water quality elements of this policy to be unsound on the grounds of tests 2 and 4 as it is not 'Justified' and not 'Consistent with national policy'.*
- 2.3 In its representations, the EA proposed a number of suggested amendments to the policy and supporting text, for the purpose of making the policy effective and compliant.
- 2.4 Following consideration of the EA's comments, and further engagement, both parties agree that the policy requires modification in order for the soundness tests to be satisfied, and to ensure the policy provides an effective framework for managing flood risk.
- Supporting text***
- 2.5 The following paragraphs discuss amendments to the supporting text which precede policy LP25. Additional text is shown in underlined bold, with deleted text struck out. A composite version of the amended supporting text and amended policy LP25 is provided in Appendix 1.
- 2.6 Both parties agree that paragraph 6.5.1 should be amended to 'signpost' clearly the relevant evidence, namely the Environment Agency's Flood Map for Planning (Rivers and Sea) and East Cambridgeshire's Strategic Flood Risk Assessment Hybrid Report (Level 1 & Level 2)

“Flood risk is an important issue for the district due to the flat and low-lying topography of the area and impact of climate change, with related sea-level rises and increased incidents of heavy rainfall. On its ~~flood zone maps~~ **Flood Map for Planning (Rivers and Sea)**, the Environment Agency identifies specific zones of flood risk in East Cambridgeshire. **The Flood Map has been further refined through the East Cambridgeshire Strategic Flood Risk Assessment (SFRA) (2017). Policies in this Local Plan are informed by the findings of the SFRA.**”

- 2.7 In its representations, the Environment Agency requested a clear position on how ‘residual risk’ should be considered in taking planning decisions.
- 2.8 However, it has subsequently been agreed by both parties that at present it would not be appropriate to undertake additional assessment to determine levels of residual risk. New climate change allowances are expected to be published in late 2018, therefore any work undertaken at present would likely be quickly rendered out of date through the publication of this new data. Residual risk (and other matters including climate change allowances and other design standards) will likely be considered through the preparation of the emerging county-wide SFRA, and, subsequently, a likely review of the Cambridgeshire Flood and Water SPD.
- 2.9 Reflecting the advice in the SFRA, it is agreed that the following additional new paragraph should be inserted after 6.5.1 (as 6.5.2, with subsequent paragraphs re-numbered) to describe residual risk in the context of East Cambridgeshire:

“Although a high proportion of the district is within flood zone 3, East Cambridgeshire is afforded a high standard of protection by the Ouse Washes and other formal flood defences. There remains, however, a high residual risk of flooding in the district due to either the overtopping or breaching of defences. Developers should, therefore, include an assessment of the residual risk where developments are located in areas benefitting from defences. They should consider both the impact of breach, including the effect on safe access and egress, as well as potential for flood risk to increase in the future due to overtopping. Any improvements to defences should ensure they are in keeping with wider catchment policy.”

- 2.10 EA requested paragraph 6.5.3 be updated to provide a more specific description of how flooding affects East Cambridgeshire. This is agreed and the following revised text is proposed:

~~“Areas close to the major rivers (the Great Ouse, the Cam and the New and Old Bedford rivers) have been subject to periodic flooding in the past, as have several of the smaller river valleys in the south of the district.~~ **East Cambridgeshire has a history of documented flood events with the main source being from ‘fluvial’ sources (river/watercourse networks).** Flooding can cause significant damage to property, infrastructure and agricultural land. Flooding increases the risk from pollution and, in serious cases, is a threat to human life. ~~It is therefore essential that development does not add to these dangers.~~ **New development can increase the impact (or consequences) of flooding if, for example, it places more receptors (such as homes) within the floodplain. Development can also increase**

the probability of flooding by increasing the surface water run off rates or impacting on the standard of protection of the defences.

2.11 Paragraph 6.5.5 also, it is agreed, requires amendment to ensure consistency with national policy:

“In accordance with national policy, new development should:

- Be ~~generally~~ located away from those areas most at risk of flooding, and designed to be resilient to flooding;
- ~~Not increase the risk of flooding to other areas and where possible reduce the overall flood risk;~~
- **Using opportunities offered by new development to reduce the causes and impacts of flooding both on the development site and on adjacent flood risk areas**
- Provide a sustainable drainage solution to manage flood risk and support the environment; and
- Where there is an identified need, contribute to the delivery of strategic flood defence infrastructure.”

2.12 The following proposed amendments to paragraphs 6.5.7 and 6.5.8, and the addition of new paragraph 6.5.9 (with subsequent paragraphs renumbered), provides greater clarity on the role of the SFRA and SPD, states a commitment for the Council to participate in a county-wide SFRA to inform a review of the Cambridgeshire Flood and Water SPD.

~~“The Council has prepared an updated Strategic Flood Risk Assessment (2016) (SFRA). The SFRA refines **In addition to refining** the Environment Agency's flood map, **the SFRA** enables the application of the sequential test and has informed the selection of site allocations. This evidence, along with relevant Surface Water Management Plans will be used to inform decisions on planning applications. In certain circumstances, **as set out in policy LP25,** applicants will be required to submit site-specific Flood Risk Assessments (FRAs) to ensure that flood risk and surface water run-off issues are comprehensively considered and addressed.~~

East Cambridgeshire District Council has worked with Cambridgeshire County Council (the Lead Local Flood Authority) and other local authorities and relevant organisations to develop a **the Cambridgeshire** Flood and Water Supplementary Planning Document (2016). Proposals for new development should have regard to the SPD, **SFRA** and other strategies as appropriate. Applicants should also engage with the Environment Agency, the Lead Local Flood Authority and Internal Drainage Boards at an early stage to obtain further information relating to potential flood risk of their sites.

The Council is committed to keeping its evidence base up to date and to working with its partners across Cambridgeshire to provide an appropriate and consistent response to managing flood risk. The Council will also participate in the preparation of any county-wide SFRA and/or review of the Cambridgeshire Flood and Water SPD.

- 2.13 It is further agreed that proposed modifications to paragraph 6.5.9 and 6.5.10 are necessary to express the Council's support for sustainable approaches to managing flood risk and drainage, which also do not compromise water resources:

“As illustrated in the **Cambridgeshire** Flood and Water Management SPD, SuDS can provide the best method of minimising flood risk whilst also benefiting biodiversity and the water environment. Design and layout measures and the effective use of features such as permeable surfaces, soakaways and water storage areas should be incorporated in all new developments where technically possible. Systems that mimic natural drainage processes such as retention ponds, swales and wetlands/reed beds will be particularly encouraged.

To demonstrate that a development can be drained in a sustainable manner and will not result in adverse impacts on neighbouring properties or sites, water resources and the environment **(and where opportunities offered by new development are available, will result in overall reduction in flood risk)**, proposals should be supported by a drainage strategy. **The Council supports the use of well-designed SuDS in line with the SFRA and Cambridgeshire Flood and Water SPD, which provide further guidance on the design and application of SuDS.**”

Policy LP25

- 2.14 The first paragraph of policy LP25 requires, it is agreed, amendment to make reference to the Anglian River Basin Management Plan (RBMP). The purpose of the river basin management plan is to provide a framework for protecting and enhancing the benefits provided by the water environment. To ensure the water environment is afforded appropriate protection, all development proposals must comply with the objectives of the RBMP. The paragraph should be amended as follows:

“All development proposals will be considered against the NPPF (including application of the sequential test and, if necessary, the exception test), **the objectives of the Anglian River Basin Plan (RBMP)**, and against the European Water Framework Directive (or any subsequent post EU-exit equivalent).”

- 2.15 The second paragraph of policy LP25 sets out policy requirements which development proposals must satisfy. Bullet points 'a' to 'f' require, it is agreed, amendment to place greater emphasis on the need to consider the impacts of climate change and residual risk, and to provide greater clarity and consistency in its aspirations.

“Flood Risk

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk, including **the impacts of climate change and** residual flood risk in defended areas, and by site specific flood risk assessments where appropriate;
- b. that **reasonable opportunities offered by new development are taken to reduce the causes and impacts of flooding, both on-site and off-site** ~~there is no unacceptable increased risk of flooding to the development site or to existing properties;~~
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d. that the adoption, ongoing maintenance and management of any mitigation measures (including access to any mitigation measures, for maintenance purposes) have been considered and any necessary agreements are in place;
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and
- f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless ~~they can be shown to be impractical~~ **there is clear evidence that they would be inappropriate.**”

[Note: criterion k is agreed should have similar amendments, to avoid any ambiguity over the word ‘impractical’]

- 2.16 Policy LP25 sets out the circumstances where a site-specific Flood Risk Assessment (FRA) will be required. This, it is agreed, requires amendment to ensure residual risk is assessed:

“A site-specific Flood Risk Assessment appropriate to the scale and nature of the development and risks involved, taking into account future climate change, will be required for development proposals:

- in Flood Zones 2 and 3; and
- in Flood Zone 1 where there are critical drainage problems; and
- on sites of 1 hectare or greater in Flood Zone 1; and
- sites where development or change of use to more vulnerable use may be subject to other sources of flooding, **and residual risk;**
- and sites of less than 1 hectare in Flood Zone 1 where they could be affected by **the breach of the defences or** sources of flooding other than from rivers and the sea.”

- 2.17 The EA Flood Map for Planning (Rivers and Sea) does not cover all watercourses. Small watercourses or the upstream reaches of large watercourse often don’t have flood zones associated with them. This does not represent a lack of risk but a lack of assessment. The policy requires, it is agreed, amendment to include a policy requirement for assessment of unmodelled watercourses related to the site. A new paragraph is therefore considered necessary within Policy LP25:

“Where a non-modelled ordinary watercourse runs through or adjacent to a site, proposals should be accompanied by an assessment of the watercourse to identify flood risk.”

3 The Areas of Agreement - Site SOH.H1 and Soham 4

- 3.1 Site SOH.H1 is currently allocated by the adopted Local Plan 2015. The site is presently undeveloped and does not have planning permission.
- 3.2 The submitted Local Plan proposes the allocation be retained. The site was subject to level 1 and level 2 Strategic Flood Risk Assessment, which identified potential flood risk affecting *parts* of the site.
- 3.3 As a precautionary measure, the submitted Local Plan has applied a conservative estimate to the number of dwellings the site could potentially accommodate, in response to the identified flood risk. In addition, policy Soham 4 includes a site-specific policy requirement relating to the potential flood risk of some areas of the site.
- 3.4 In its representations, the EA requested expansion of the policy requirements for site-specific flood risk assessment. It is agreed that policy Soham 4 should be amended, for the purposes of assessing and mitigating flood risk, as follows:

Soham4: Site SOH.H1 - Land off Brook Street

The following special considerations/requirements apply to proposals for site SOH.H1

- a) Site to be delivered in a comprehensive manner, in accordance with a masterplan for the whole site to be submitted to and agreed by the Council;
- b) Pay particular regard to, and enhance where possible, the adjacent Commons area and County Wildlife Site, especially the section west of the Lode;
- c) Provide high quality pedestrian and cycle linkages to, from and through the site, including:
 - to the town centre, via a new bridge link over the drain close to Brook Dam Lane;
 - to the adjacent Commons to the north, via a new bridge link over the Lode at a suitable point to the rear of 10-22 East Fen Common;
 - across the site, including (a) along the length of the Lode frontage and (b) to Greenhills.
- d) ~~Around 65% of the site is likely to remain without built development reflecting the flood risk nature of large parts of the site unless mitigation can be agreed with the appropriate bodies;~~ **The areas of the site within the functional floodplain should remain generally free of built development reflecting the constraints flood risk poses to the site. Built development within the remainder of the site will be limited to areas of low flood risk unless mitigation measures can be agreed with the appropriate bodies. A site specific Flood Risk Assessment should be prepared which considers:**
 - **The risk of flooding from all sources, now and in the future;**
 - **A sequential approach has been taken in the layout of the development;**

- **Safe routes of access and egress;**
- **Feasible opportunities to reduce the overall flood risk to Soham, specifically Greenhills to the south of the site;**
- **A drainage scheme, based on sustainable drainage principles; and**
- **Site-specific recommendations identified by the East Cambridgeshire Strategic Flood Risk Assessment (2017).**

- e) Provide approximately 8ha of public open space on-site, including land for provision of at least 2 play areas. This open space can include, in part, land necessary to mitigate the flood risk issues which are present on this site;
- f) Ensure there is no visual or other intrusive harm to the adjacent Commons area, and ensure appropriate views of St. Andrews Church are provided.

4 The Areas of Disagreement

- 4.1 Provided all of the above measures are actioned, there are no outstanding areas of disagreement between the two parties in relation to matters raised under question 27 of Matter 8, and question 60 of Matter 14.

5 Conclusion / Any Suggested Modification

- 5.1 To ensure policy LP25 meets the tests of soundness in its approach to managing water resources and flood risk, the supporting text and policy should be amended as per the amendments discussed in section 2 and as drafted in Appendix 1.
- 5.2 To manage flood risk at site SOH.H1, policy Soham 4 should be amended as per the amendments set out in section 3.

6 Agreement

Agreement on behalf of East Cambridgeshire District Council	
Name and position	Date
<i>Richard Kay – Strategic Planning Manager</i>	<i>31/08/18</i>
Agreement on behalf of the Environment Agency	
Name and position	Date
<i>Adam Ireland - Sustainable Places Team Leader</i>	<i>31/08/2018</i>

Appendix 1 – Amended policy LP25: Managing Water Resources and Flood Risk with amended supporting text

[Supporting text]

6.5.1 Flood risk is an important issue for the district due to the flat and low-lying topography of the area and impact of climate change, with related sea-level rises and increased incidents of heavy rainfall. On its ~~flood zone maps~~ **Flood Map for Planning (Rivers and Sea)**, the Environment Agency identifies specific zones of flood risk in East Cambridgeshire. **The Flood Map has been further refined through the East Cambridgeshire Strategic Flood Risk Assessment (SFRA) (2017). Policies in this Local Plan are informed by the findings of the SFRA.**

6.5.2 Although a high proportion of the district is within flood zone 3, East Cambridgeshire is afforded a high standard of protection by the Ouse Washes and other formal flood defences. There remains, however, a high residual risk of flooding in the district due to either the overtopping or breaching of defences. Developers should, therefore, include an assessment of the residual risk where developments are located in areas benefitting from defences. They should consider both the impact of breach, including the effect on safe access and egress, as well as potential for flood risk to increase in the future due to overtopping. Any improvements to defences should ensure they are in keeping with wider catchment policy.

~~6.5.2-3~~ Areas close to the major rivers (the Great Ouse, the Cam and the New and Old Bedford rivers) have been subject to periodic flooding in the past, as have several of the smaller river valleys in the south of the district. **East Cambridgeshire has a history of documented flood events with the main source being from ‘fluvial’ sources (river/watercourse networks).** Flooding can cause significant damage to property, infrastructure and agricultural land. Flooding increases the risk from pollution and, in serious cases, is a threat to human life. ~~It is therefore essential that development does not add to these dangers.~~ **New development can increase the impact (or consequences) of flooding if, for example, it places more receptors (such as homes) within the floodplain. Development can also increase the probability of flooding by increasing the surface water run off rates or impacting on the standard of protection of the defences.**

~~6.5.3-4~~ As part of the district is at or below sea level there is the potential for it to be highly influenced by marine processes especially those relating to coastal flooding. Due to the tidal reaches of the New Bedford River, the Council collaborates with the Marine Management Organisation and the Environment Agency to ensure that policies across the land/sea boundary are integrated.

~~6.5.4-5~~ In accordance with national policy, new development should:

- Be generally located away from those areas most at risk of flooding, and designed to be resilient to flooding;
- Not increase the risk of flooding to other areas and where possible reduce the overall flood risk;

- **Using opportunities offered by new development to reduce the causes and impacts of flooding both on the development site and on adjacent flood risk areas**
- Provide a sustainable drainage solution to manage flood risk and support the environment; and
- Where there is an identified need, contribute to the delivery of strategic flood defence infrastructure.

6.5.5 6 The NPPF requires Local Planning Authorities to apply a sequential, risk-based approach to the location of development to avoid, wherever possible, flood risk to people and property and manage any residual risk. Where appropriate, the Exception Test will be applied in accordance with national policy.

6.5.6 7 ~~The Council has prepared an updated Strategic Flood Risk Assessment (2016) (SFRA). The SFRA refines~~ **In addition to refining** the Environment Agency's flood map, **the SFRA** enables the application of the sequential test and has informed the selection of site allocations. This evidence, along with relevant Surface Water Management Plans will be used to inform decisions on planning applications. In certain circumstances, **as set out in policy LP25**, applicants will be required to submit site-specific Flood Risk Assessments (FRAs) to ensure that flood risk and surface water run-off issues are comprehensively considered and addressed.

6.5.7 8 East Cambridgeshire District Council has worked with Cambridgeshire County Council (the Lead Local Flood Authority) and other local authorities and relevant organisations to develop a **the Cambridgeshire** Flood and Water Supplementary Planning Document (2016). Proposals for new development should have regard to the SPD, **SFRA** and other strategies as appropriate. Applicants should also engage with the Environment Agency, the Lead Local Flood Authority and Internal Drainage Boards at an early stage to obtain further information relating to potential flood risk of their sites.

6.5.9 The Council is committed to keeping its evidence base up to date and to working with its partners across Cambridgeshire to provide an appropriate and consistent response to managing flood risk. The Council will also participate in the preparation of any county-wide SFRA and/or review of the Cambridgeshire Flood and Water SPD.

6.5.8-10 Proposals for new development should give early consideration of climate change in scheme design, such as flood management measures, providing evacuation routes and ensuring new infrastructure is built to withstand projected impacts of climate change. The use of new technologies and designs e.g. permeable paving, Sustainable Drainage Systems (SuDS), etc. are encouraged to alleviate risks associated with climate change.

6.5.911 As illustrated in the **Cambridgeshire** Flood and Water Management SPD, SuDS can provide the best method of minimising flood risk whilst also benefiting biodiversity and the water environment. Design and layout measures and the effective use of features such as permeable surfaces, soakaways and water storage areas should be incorporated in all new developments where technically possible.

Systems that mimic natural drainage processes such as retention ponds, swales and wetlands/reed beds will be particularly encouraged.

6.5.1012 To demonstrate that a development can be drained in a sustainable manner and will not result in adverse impacts on neighbouring properties or sites, water resources and the environment **(and where opportunities offered by new development are available, will result in overall reduction in flood risk)**, proposals should be supported by a drainage strategy. **The Council supports the use of well-designed SuDS in line with the SFRA and Cambridgeshire Flood and Water SPD, which provide further guidance on the design and application of SuDS.**

6.5.1413 Policy LP25 seeks to ensure proposals for new development appropriately manage flood risk and protect the water environment. The Council has prepared an updated Water Cycle Study (2017) (WCS) in collaboration with water companies, the Environment Agency and other relevant bodies. The WCS aims to ensure infrastructure improvements to manage increased waste water and sewage effluent produced by new development are delivered in a timely manner, and ensure there is no deterioration to water quality and the environment as required by the Water Framework Directive.

[Policy]

Policy LP25: Managing Water Resources and Flood Risk

All development proposals will be considered against the NPPF (including application of the sequential test and, if necessary, the exception test), **the objectives of the Anglian River Basin Plan (RBMP)**, and against the European Water Framework Directive (or any subsequent post EU-exit equivalent).

Flood Risk

Through appropriate consultation and option appraisal, development proposals should demonstrate:

- a. that they are informed by and take account of the best available information from all sources of flood risk, including **the impacts of climate change and** residual flood risk in defended areas, and by site specific flood risk assessments where appropriate;
- b. that **reasonable opportunities offered by new development are taken to reduce the causes and impacts of flooding, both on-site and off-site** ~~there is no unacceptable increased risk of flooding to the development site or to existing properties;~~
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;
- d. that the adoption, ongoing maintenance and management of any mitigation measures (including access to any mitigation measures, for maintenance purposes) have been considered and any necessary agreements are in place;

- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and
- f. they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless ~~they can be shown to be impractical~~ **there is clear evidence that they would be inappropriate.**

A site-specific Flood Risk Assessment appropriate to the scale and nature of the development and risks involved, taking into account future climate change, will be required for development proposals:

- in Flood Zones 2 and 3; and
- in Flood Zone 1 where there are critical drainage problems; and
- on sites of 1 hectare or greater in Flood Zone 1; and
- sites where development or change of use to more vulnerable use may be subject to other sources of flooding, **and residual risk;**
- and sites of less than 1 hectare in Flood Zone 1 where they could be affected by **the breach of the defences or** sources of flooding other than from rivers and the sea.

Where a non-modelled ordinary watercourse runs through or adjacent to a site, proposals should be accompanied by an assessment of the watercourse to identify flood risk.

New development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site and that issues of ownership and maintenance are addressed.

Protecting the Water Environment

Development proposals should demonstrate:

- g. that water is available to support the development proposed;
- h. that development contributes positively to the water environment and its ecology and will not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;
- j. how efforts have been made to maximise the efficient use of water, including water storage and harvesting wherever practical;
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and, where possible, amenity and biodiversity, have been incorporated into the proposal unless ~~they can be shown to be impractical~~ **there is clear evidence that they would be inappropriate;**
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;

- n. that no surface water connections are made to combined or foul systems unless in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments);
- o. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated where possible;
- p. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and
- q. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an appropriate authority (e.g. Environment Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).

In addition to the requirements set out in this Policy, all development should take account of the guidance set out in the Cambridgeshire Flood and Water Management SPD.