

STATEMENT OF COMMON GROUND

BETWEEN

NORTH HERTFORDSHIRE DISTRICT COUNCIL (NHDC)

AND

THE ENVIRONMENT AGENCY

IN RESPECT OF

**THE NORTH HERTFORDSHIRE LOCAL PLAN, PROPOSED SUBMISSION VERSION,
NOVEMBER 2016**

1 Introduction

- 1.1 This Statement of Common Ground has been prepared jointly by North Hertfordshire District Council (NHDC) and the Environment Agency
- 1.2 The Statement sets out the confirmed points of agreement between NHDC and the Environment Agency with regard to the North Hertfordshire Local Plan and supporting evidence base, which will assist the Inspector during the Examination of the Local Plan.
- 1.3 Local Authorities are required through the Duty to Co-operate (the Duty) to engage constructively and actively on an on-going basis on planning matters that impact on more than one local planning area.
- 1.4 The National Planning Policy Framework (NPPF) sets out the requirement that public bodies should cooperate on planning issues that cross administrative boundaries and, at Paragraph 156, identifies a series of strategic priorities:
 - The homes and jobs needed in the area.
 - The provision of retail, leisure, and other commercial development.
 - The provision of infrastructure for transport telecommunications, waste management, water supply, wastewater, flood risk and coastal change management.
 - The provision of minerals and energy (including heat).
 - The provision of health, security, community and cultural infrastructure and other local facilities.
 - Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment including landscape.
- 1.5 The NPPF requires Local Planning Authorities to work collaboratively with other bodies to make sure that these strategic priorities are properly co-ordinated across local boundaries and clearly reflected in individual Local Plans.
- 1.6 Local Planning authorities are expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination.

2 Background

- 2.1 This Statement of Common Ground relates to the representations made by the Environment Agency to the District Council's Proposed Submission Local Plan (2016) regarding a number of matters.

3 Duty to Cooperate

- 3.1 As set out in the Council's Duty to Cooperate statement the District Council has continuously engaged with the Environment Agency over the duration of the plan's production.
- 3.2 The Environment Agency has continuously responded to public consultations and liaised with Officers as the Local Plan process has developed which has helped inform both the strategy and policy framework within the plan.
- 3.3 Comments received from the Environment Agency have been used to draft the different iterations of the plan so that it delivers the infrastructure and framework required to support sustainable development for water and wastewater infrastructure.

4 Agreed Matters

- 4.1 NHDC and the Environment Agency **agree** that the draft North Hertfordshire Local Plan, November 2016 is sound insofar as it relates to matters covered by the Duty to Co-operate.
- 4.2 The Environment Agency representation to the Proposed Submission Local Plan identified support for a number of policies in the plan, but also additional wording for inclusion within Policies NE7, NE10 and NE11 and the associated supporting text. There were also some additions to site specific mitigation criteria associated with some of the allocations in the Plan, both strategic and non-strategic. The majority of these changes were taken forward following further clarification / negotiation. These are listed for information in Appendix 1 to this document.
- 4.3 Subject to the changes detailed in Appendix 1 and the information available at this time, it is **agreed** that the strategy, sites and policies within the NHDC Local Plan provide a sound basis for the protection and enhancement of the environment up to 2031 in accordance with national and European legislation. It is also **agreed** that the plan provides appropriate framework for water and wastewater infrastructure in the district up to 2031.
- 4.4 It is **agreed** that the supporting evidence including water cycle studies and Infrastructure Delivery Plan provide an adequate assessment of the extent and requirement of water infrastructure to support the planned growth up to 2031.

- 4.5 It is **agreed** that sites identified in the plan are located appropriately in line with the Sequential Test and sequential approach as identified in National Guidance.
- 4.6 It is **agreed** that the Council's Sustainability Appraisal provides a sound assessment of the plan and accords with the SEA Directive.
- 4.7 It is **agreed** that there are no outstanding issues in relation to the environment, flood risk and water and wastewater infrastructure in the area of North Hertfordshire (in addition to the changes set out in the schedule of minor modifications). It can therefore be agreed that the plan constitutes sustainable development in accordance with paragraph 180 of the National Planning Policy Framework, March 2012.



Georgina Howell
Planning Advisor

Signed on behalf of
The Environment Agency
13 April 2017



Cllr David Levett
Executive Member for Planning and
Enterprise
Signed on behalf of
North Hertfordshire District Council
12 April 2017

Appendix 1: Proposed Modifications to the Proposed Submission Local Plan

Para / page	Page	Change	Reason
Policy SP17 [New criteria h]	67	Undertake Contaminated Land Preliminary Risk Assessment particularly relating to current and historic agricultural use.	Representations by Environment Agency [852]
Policy SP19, [New criteria m]	71	Undertake Contaminated Land Preliminary Risk Assessment, particularly relating to historic landfill	Representations by Environment Agency [852]
Policy NE7 criteria changes	119	<p>Planning permission for development proposals will be granted where (as applicable):</p> <p>a) Development is located outside of medium and high risk flood areas (flood zone 2 and 3) and other areas affected by other sources of flooding where possible;</p> <p>b) Where a) is not possible, application of the sequential test and exception test is demonstrated where development is proposed in areas of flood risk using the Strategic Flood Risk Assessment (SFRA) and Environment Agency flood maps and;</p> <p>c) An FRA has been prepared in accordance with national guidance that considers the lifetime of the development, climate change impacts and safe access and egress;</p> <p>d) It will be located, designed and laid out to ensure the risk of flooding is reduced whilst not increasing flood risk elsewhere;</p> <p>e) The impact of any residual flood risk will be minimised through flood resistant, resilient design and construction;</p> <p>f) Flood protection and mitigation measures which may be necessary will have a positive impact on nature conservation, heritage assets, landscape and recreation and;</p> <p>g) Overland flow routes and functional floodplain are protected from all development other than that which is "water compatible" and this must be designed and constructed to remain operational and safe for users during flood events, resulting in no net loss of flood plain storage and not impeding water flows or increasing flood risk elsewhere</p>	Representations by Environment Agency comments [852]

Policy NE10	123	Change order of criteria, so b. comes before a. Amend Part c. to It helps achieve the objectives set out in the Anglian and Thames River Basin Management Plans	Representations by Environment Agency comments [852
Additional paragraph after 11.67	123	At present only the River Ivel is at a “good” status while the rest of the water bodies in North Hertfordshire are failing. Further information in relation to the water bodies in North Hertfordshire is available on the Environment Agency’s Catchment Data Explorer¹ including measures that will help achieve their objectives. Developers will be expected to contribute towards measures and objectives through their development proposals.	Representations by Environment Agency comments [852
Policy NE11, Changes to criterion b and c)	124	b) Appropriate mechanisms are in place to investigate, characterise the risks and where necessary remediate the contamination c) The site is suitable for the new use taking account ground conditions, groundwater vulnerability and pollution arising from previous land use and land remediation in reference to GP3² and CR11³ (and any subsequent updates)	Representations by Environment Agency comments [852]

¹ Footnote to be added

² Footnote to be added

³ Footnote to be added

<p>New Paragraphs inserted after 11.71.</p> <p>Delete paragraphs 11.72 and 11.73</p>	<p>124</p>	<p>Decisions should ensure that the site is suitable for its new use taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation.</p> <p>Much of the area covered by this plan overlies Secondary and Principal Aquifers. Abstractions are located throughout the plan area, with WFD aquifers and rivers present. Source Protection Zones (1 to 3) and landfills are present within the plan area, and mostly in the areas around Hitchin, Letchworth, Baldock, Royston, Ashwell and Stevenage. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They may support water supply and/or river base flow on a strategic scale. Secondary aquifers are often capable of supporting water supplies at a local scale and normally provide an important source of flow to some rivers. The use of groundwater for local drinking water supplies in the area makes it particularly vulnerable to pollution.</p> <p>Certain new activities need to be deterred in sensitive areas based on their intrinsic hazard to sensitive receptors (e.g. groundwater, Principal Aquifers, Source Protection Zones). Close to sensitive receptors a precautionary approach is likely to be taken even where the risk of failure is low as the consequences may be serious or irreversible.</p> <p>Where risks from landfill gas are likely to arise, where land contamination may be reasonably suspected, or particularly environmentally sensitive developments (e.g. petrol filling stations) are proposed for sensitive sites, developers are encouraged to hold pre-application discussions. A Preliminary Risk Assessment (PRA) should be undertaken as the first stage in assessing these risks and is a requirement for validating relevant planning applications.</p>	<p>Representations by Environment Agency comments [852]</p>
<p>Allocation BA10 [new bullet point]</p>	<p>141</p>	<p>Undertake Contaminated Land Preliminary Risk Assessment, particularly in relation to current and historic agricultural use.</p>	<p>Representations by Environment Agency comments [852]</p>
<p>Allocation WY1</p>	<p>213</p>	<p>Undertake site specific Flood Risk Assessment to address surface water and river flood risk issues, particularly along Stevenage Road through. and help inform SuDs or other appropriate solutions as well as the site's access;</p>	<p>Representations by Environment Agency [852]</p>

Allocation WY1 [new bullet point]	214	Undertake Contaminated Land Preliminary Risk Assessment, particularly in relation to historic landfill.	Representations by Environment Agency [852]
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Proposed Changes to the Infrastructure Delivery Plan

Para / page	Change	Reason	
Chapter 12	Inclusion of specific issues:	<p>There are some very old clay surface water pipes causing rainwater inundation into the surface water sewers in several areas of North Herts catchment, notably Reed that will require improvement.</p> <p>potential need for improvement for some of the smaller water company sewage treatment works as there are already WFD failures partially as a result of the smaller sewage treatment plants (eg Therfield) that may require upgrading if development occurs.</p> <p>Thames Water Utilities would need to be consulted as soon as possible and any development would need to be subject to the approval of Thames Water Utilities Ltd if drainage is proposed to their sewers, both foul and surface.</p>	Environment Agency comment, not really appropriate for inclusion within policy / supporting text