

Hertfordshire and North London Neighbourhood Plan Advice Note

Updated: June 2021

Neighbourhood Plans provide a unique opportunity to deliver enhancements to the natural environment at the local level. This document sets out the key environmental issues, within our remit, which should be considered.

We have had to prioritise our limited resource and focus on strategic plans where the environmental risks and opportunities are highest. This advice note sets out our substantive response to Neighbourhood Plan consultations including Strategic Environmental Assessment screening and scoping.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/toolkits-and-guidance/consider-environment-neighbourhood-plans/>

Drawing up a neighbourhood plan is a fantastic opportunity to build community resilience to climate change and make the local natural environment better. Opportunities include:

- New green spaces and improvements to public space through new development. This could include planting trees, creating rainwater gardens or enhancing local waterways for water quality and biodiversity.
- Recognising the value of certain environmental features within a plan area, e.g. a floodplain, wetland habitat or rivers. Identify these features and outline how you intend to protect them and improve them.
- Helping a community to manage and adapt to the risk of flooding and climate change by incorporating natural features and green space to manage and store water, and supporting the use of sustainable drainage systems (SuDS).
- Promoting energy and water efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for future occupiers. This will also help reduce unsustainable water consumption and carbon emissions.

We also recommend your Plan takes account of relevant Local Planning Authority's policies, plans and strategies including Local Planning Authority's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-risk-management-current-schemes-and-strategies>), and the Thames River Basin Management Plan (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/289937/geth0910bswa-e-e.pdf) as appropriate.

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The information below explains the key issues we would consider in reviewing your Plan. We aim to reduce flood risk, while protecting and enhancing the water environment.

Infrastructure Delivery

We recommend that environmental infrastructure, including habitat enhancements, water storage areas, and green space, is taken into account if the Plan looks to fund local infrastructure.

Flood risk

Development must be safe and should not increase the risk of flooding.

Neighbourhood Plans should conform to national and local policies on flood risk:

If a Neighbourhood Plan is proposing sites for development please check whether there are any areas of Flood Zones 2 or 3 within the proposed site allocations. You can view a site's flood zone on the Flood Map for Planning on our website: <https://flood-map-for-planning.service.gov.uk/>

If the proposed allocation is located within Flood Zone 2 or 3 you should consult the Flood Risk and Coastal Change pages of the National Planning Policy Guidance (NPPG):

<http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>.

Here you can determine whether the flood risk vulnerability of the proposed development and the flood zone are compatible. In accordance with national planning policy the Sequential Test should be undertaken to ensure development is directed to the areas of lowest flood risk taking into account climate change. This should be informed by the Environment Agency's Flood Map for Planning and the Local Planning Authority's Strategic Flood Risk Assessment (SFRA), if they have one. We recommend you contact the Local Planning Authority to discuss this requirement further.

If the Neighbourhood Plan proposes development in flood risk areas, the Strategic Environmental Assessment should include baseline information about the flood risks, and include it as a key sustainability issue and as an objective.

We would have concerns if development is allocated in this high risk flood zone without the Sequential Test being undertaken. It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward.

We can provide any flooding information which we have available – such as predicted flood levels and historical flood data. Please note that there may be a charge for this information. Please contact our Customers and Engagement Team at HNLenquiries@environment-agency.gov.uk for further details. In addition to the above you should also check with the Local Planning Authority's Neighbourhood Planning team with regards to other sources of flooding (such as surface water, groundwater, sewers and historic flooding) as detailed in their Strategic Flood Risk Assessment (SFRA). The Lead Local Flood Authority (LLFA), now has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map.

Climate Change Allowances

The Local Authority's Strategic Flood Risk Assessment should indicate the extent of flood zones with likely climate change. On 19 February 2016, we published new guidance for planners and developers on how to use climate change allowances: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

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Flood Defences

Areas of your Neighbourhood Plan area, or proposed sites, may be given protection by a flood defence/alleviation scheme. Where this is the case the Plan should acknowledge this and identify the level of protection provided (including any climate change allowance). It should be noted that flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise be impacted by flooding. Any assessment of development behind flood defences should consider the impacts of a breach or overtopping. Where it is determined that new development should be behind a flood defence financial contributions may be sought to maintain or improve the structure.

Thames Estuary 2100 (Tidal Defences)

In line with requirements set out in the Thames Estuary 2100 (TE2100) plan, developments in this location will need to demonstrate how the flood defence could be raised in the future to meet the demands of climate change.

No activities on site should preclude access to the flood defence from maintenance or prevent the future raising of flood defences. In some cases we hold technical drawings of flood defence structures which may be of use. To request these you should contact our Customers and Engagement Team at hnlquiries@environment-agency.gov.uk.

Ecology and Water Management

Proximity to watercourse/ Ecology

Main rivers can be viewed on the Environment Agency's map:

<https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

The neighbourhood plan should draw upon evidence of designated or non-designated sites of nature conservation sites of international, national or local importance, and seek to ensure these sites are safeguarded and there is no degradation to these sites. The mitigation hierarchy of avoid mitigate and compensate should be followed to ensure this.

In accordance with national policy, any development proposal should avoid significant harm to biodiversity and seek to protect and enhance it; delivering **biodiversity net gain**. The forthcoming Environment Bill will mandate when enacted the demonstration of a minimum 10% biodiversity net gain using the Defra Biodiversity Metric 2.0 (or subsequent version), even where development proposals do not result in biodiversity loss. The Neighbourhood Plan could identify opportunities to incorporate requirements for achieving biodiversity and wider environmental net gains.

The provision of green infrastructure, particularly along rivers, can bring about benefits for people and wildlife. Creating networks of green space and habitats can also ensure wildlife are able to migrate and move across sites more easily enabling recovery and resilience of different wildlife species. The Neighbourhood Plan could play a role in helping to preserve, safeguard and establish green buffer zones along rivers by including policies or design guidance for their area. Even where buffer zones do not currently exist it is becoming more vital that we create them not just for the benefit of biodiversity but to reduce flood risk and increase our resilience to climate change.

This is a key way in which we can carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have often been degraded by past development, and we expect that any new development should go some way to redress the balance.

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Neighbourhood Plans provide an opportunity to promote river restoration and enhancements helping us all to achieve the targets to improve waterbodies as part of the Water Framework Directive (WFD). There should be no deterioration in water quality and development should bring about improvements to the ecological status of any water body. Local WFD catchment data for the rivers in your area can be obtained from: <http://environment.data.gov.uk/catchment-planning/RiverBasinDistrict/>. We have identified WFD action measures for specific locations or whole reaches of watercourse (e.g. river bank restoration, improving fish passage, etc) and can be obtained from hnlenquiries@environment-agency.gov.uk on request.

Objectives to achieve WFD improvements across all sectors are outlined in the Thames River Basin Management Plan (RBMP) (<https://www.gov.uk/search?q=River+Basin+Management+Plans>).

An assessment of the potential impacts of the Neighbourhood Plan on watercourses under WFD should be included within the SEA/SA appraisal, making use of the datasets available above.

Groundwater Quality

Development must not cause pollution to the water environment.

Aquifers and Source Protection Zones

Some of your local area, and specific potential site allocations, may be located upon or within aquifers and Source Protection Zones (link below). SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites. The relevance of the designation and the potential implication upon development proposals should be seen with reference to our Groundwater Protection guidance:

<https://www.gov.uk/government/collections/groundwater-protection>

To see if a proposed development is located within a Source Protection Zone, please use our online map:

<https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>

Land Contamination

You must consider land contamination when preparing your plan. Managing it during development is key to addressing past contamination and preventing further impacts during development.

You can establish if a site may be contaminated in several ways. Your Local Authority may hold a register of sites it knows to be contaminated. A list of potentially contaminated sites can be accessed on the following link:

<https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>

We recommend you contact your Local Authority's Environmental Health team who may hold records on known/potential land contamination. Please note our primary concern is with regards to water quality. Your Local Authority's Environmental Health team will advise you on issues related to human health.

Your plan may include areas which are located on aquifers and Source Protection Zones. These areas represent the most sensitive and highest risk in terms of potential pollution to protected groundwater supplies, some of which are used for drinking water. These should be considered within your plan if growth or development is proposed here. Further information can be accessed on the following links:

Guiding principles for the Land Contamination

<https://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/192-guiding-principles-for-land-contamination-gplc>

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Approach to Groundwater Protection:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Water supply and foul drainage

When allocating sites in your Plan, you will need to consider if the water supply and foul drainage infrastructure can accommodate the development. Your local water company can provide further information about water supply and sewerage capacity. Our '[Water Stressed Areas – final classification](#)' 2013 explains that our area is seriously water stressed. This is particularly significant as population numbers rise and there are increased impacts from climate change on water resource availability and reliability. The Neighbourhood Plan should consider what further measures could help the local area achieve water sustainability that are not already in the Local Plan, water efficiency standards and measures including the retrofitting of existing buildings.

Surface water drainage

The inclusion of Sustainable Drainage Systems (SUDS) should always be a consideration within any development to reduce the risk of surface water flooding on and off site. The Lead Local Flood Authority, is the main contact for SUDS issues. However, we have interest in SUDS from a groundwater protection perspective and improving water quality.

The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways or other infiltration systems requires a site-specific investigation and risk assessment. Generally, we would accept roof drainage going to soakaway (or other systems), but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. Infiltrating water has the potential to cause mobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of underlying groundwater resources. Where contamination is known or suspected, remedial or other mitigating measures will likely be required so that it can be demonstrated that there is no resultant unacceptable risk to Controlled Waters.

We advise applicants to follow our guidance – Groundwater Protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <https://www.gov.uk/government/collections/groundwater-protection>

The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

Please note

This document is a response to a Neighbourhood Plan consultation and does not represent our final view in relation to any future planning application made in relation to any site. You should seek your own expert advice in relation to technical matters relevant to your neighbourhood plan before submission.

If you have any questions please contact the Hertfordshire and North London Sustainable Places team: HNL SustainablePlaces@environment-agency.gov.uk

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