



WEST DORSET, WEYMOUTH & PORTLAND LOCAL PLAN EXAMINATION

STATEMENT OF COMMON GROUND 6

1. GENERAL

- 1.1 This Statement of Common Ground (SOCG) has been produced by West Dorset and Weymouth & Portland Councils to assist the Inspector at the West Dorset and Weymouth & Portland Local Plan Examination.
- 1.2 The purpose of this SOCG is to set out the Environment Agency's position on matters relating to flood risk, flood protection and water quality and the policy approach taken by the Councils in preparing the West Dorset, Weymouth and Portland Local Plan.
- 1.3 The statement has been prepared following matter 6 of the Local Plan Examination which took place on Thursday 27th November 2014.

2. CONCERNS RAISED BY RESPONDENTS

- 2.1 During the hearing session, the Inspector sought clarification from the Environment Agency regarding the appropriateness of policies in the West Dorset, Weymouth & Portland Local Plan relating to flood risk, flood protection and water quality.

3. AGREED POSITION

- 3.1 The councils contacted Mr Mike Holm – Environment Agency Planning Advisor following the hearing session and received correspondence dated 2nd December suggesting minor amendments to the following policies:

ENV2 – Wildlife and Habitats
ENV5 – Flood Risk
ENV9 – Pollution and Contaminated Land
ENV16 – Amenity

- 3.2 The councils agree these changes are necessary and provide helpful clarification. The revised wording of these policies is appended to this Statement.
- 3.3 This Statement of Common Ground was circulated to the Environment Agency on 5 December. Copies were also circulated to Natural England and Dorset County Council as the suggested amendments affected policy ENV2 as agreed in SOCG2. The changes were agreed by all parties on 11th December.
- 3.4 The councils will now add these amendments to a schedule of suggested changes for the Inspector to consider (SSC2).

APPENDIX: REVISED POLICY ENV2 (WILDLIFE & HABITATS)

The text below shows the Councils proposed revised wording for Policy ENV2. This incorporates the changes shown in SOCG2 which dealt with ecological matters. All changes are shown as changes to the Submission version of the Local Plan (June 2013):

Underlined red text: Text suggested to be added by Environment Agency

~~Strikethrough red text~~: Text to be deleted (as shown in SOCG2)

Underlined green text: Existing text moved to new position (as shown in SOCG2)

~~Strikethrough green text~~: Existing text's former position prior to being moved (as shown in SOCG2)

ENV 2. WILDLIFE AND HABITATS

- ~~i) Proposals that conserve or enhance biodiversity should be supported.~~
- ii) Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- ~~iii)i) Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International designations will only be permitted where there is provision to avoid -or secure effective mitigation of the potential adverse effects in accordance with the strategy in Table 2.2.~~
- ~~iv)ii) _____ Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.~~
- iii) In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, ~~adequately mitigated or compensated for, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity or~~ development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- ~~v)iv) _____ Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development site clearly outweigh the loss.~~
- ~~vi)v) _____ Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged.~~ Development of major sites ~~will~~should be expected to ~~demonstrate no net loss in biodiversity, and~~ take opportunities to help connect and improve the wider ecological networks.

vii)vi) _____ Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or its safe relocation.

APPENDIX: REVISED POLICY ENV5 (FLOOD RISK)

The text below shows the Councils proposed revised wording for Policy ENV5. These changes are shown as changes to the Submission version of the Local Plan (June 2013):

Underlined red text: Text suggested to be added by the Environment Agency

ENV 5. FLOOD RISK

- i) **New development or the intensification of existing uses should be planned to avoid risk of flooding (from surface water run-off, groundwater, fluvial and coastal sources) where possible. The risk of flooding will be minimised by:**
 - steering development towards the areas of lowest risk and avoiding inappropriate development in the higher flood risk zones
 - ensuring development will not generate flooding through surface water run-off and/or exacerbate flooding elsewhere
- ii) **In assessing proposals for development in an area with a medium or higher risk of flooding, the council will need to be satisfied that:**
 - there are no reasonably available alternative sites with a lower probability of flooding (where a site has been allocated this test will have been satisfied) adequate measures will be taken to mitigate the risk and ensure that potential occupants will be safe, including measures to ensure the development is appropriately flood resilient and resistant, and
 - safe access and escape routes are provided where required.

In the case of major development on unallocated sites, wider sustainability benefits should not remove the need to consider flood risk or surface water management, or the need to mitigate accordingly.
- iii) **Development will not be permitted where it would adversely impact on the future maintenance, upgrading or replacement of a flood defence scheme.**

APPENDIX: REVISED POLICY ENV9 (POLLUTION AND CONTAMINATION)

The text below shows the Councils proposed revised wording for Policy ENV9. These changes are shown as changes to the Submission version of the Local Plan (June 2013):

Underlined red text: Text suggested to be added by the Environment Agency

~~Strikethrough red text~~: Text suggested to be deleted by the Environment Agency

ENV 9. POLLUTION AND CONTAMINATED LAND

- i) Development will not be permitted which would result in a **significant unacceptable** risk of pollution to ground water, surface water-bodies and tidal waters ~~sources~~.

Planning permission for development on or adjoining land that is suspected to be contaminated will not be granted unless it can be demonstrated that there is no unacceptable risk to future occupiers of the development, neighbouring uses and the environment from the contamination.

APPENDIX: REVISED POLICY ENV16 (AMENITY)

The text below shows the Councils proposed revised wording for Policy ENV16. These changes are shown as changes to the Submission version of the Local Plan (June 2013):

Underlined red text: Text suggested to be added by the Environment Agency

~~Strikethrough red text~~: Text suggested to be deleted by the Environment Agency

ENV 16. AMENITY

- i) Proposals for development should be designed to minimize their impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. As such, development proposals will only be permitted provided:
 - They do not have a significant adverse effect on the amenity of occupiers of residential properties through loss of privacy;
 - They do not have a significant adverse effect on the amenity of the occupiers of properties through inadequate daylight or excessive overshadowing, flicker or diminished outlook;
 - They do not generate a level of activity or noise that will detract significantly from the character and amenity of the area or the quiet enjoyment of residential properties;
 - They do not generate ~~significant unacceptable~~ pollution, vibration or detrimental emissions unless it can be demonstrated that the effects on amenity, health and the natural environment can be mitigated to the appropriate standard ~~will be made acceptable~~.
- ii) Development which is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants.
- iii) Proposals for external lighting schemes (including illuminated advertisement schemes) should be clearly justified and designed to minimize potential pollution from glare or spillage of light. The intensity of lighting should be the minimum necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

I hereby agree that the above represents the Statement of Common Ground between the Environment Agency and West Dorset District Council dated 05 December 2014



Michael Holm
Planning Advisor
Sustainable Places - Wessex Area