



***Supplementary Planning Guidance
Flood Risk, Groundwater and Sustainable Drainage***

**Statement of consultation,
representations received and
proposed changes**

January 2005

EAST DORSET DISTRICT COUNCIL

Statement of consultation

- A letter dated 9th July 2004 with a copy of the Document was sent to all the District Councillors, the Clerks to the 16 Town and Parish Council's, the members of the Environment Theme Action Group, the House Builders Federation and Wessex Water.
- The following press release was sent to the Daily Echo, Western Gazette, Avon Advertiser, Forest Journal, Community Magazine, Town & Village Times, Radio Solent, 2CRFM, Fire 107.6 FM and BBC News Online on 21st July 2004:

“New draft guidance published by East Dorset District Council seeks to provide landowners and developers with a clear statement of how the Council will apply planning policies with regard to flood risk, groundwater and sustainable drainage. Drawn up in conjunction with the Environment Agency, it also contains the latest flood risk maps based on information supplied by the Agency.

The guidance can be viewed at libraries in the District, the Council's offices and on the internet at www.dorsetforyou.com. If anyone has comments to make about the document they are encouraged to write to Richard Henshaw, Planning Policy Officer, at East Dorset District Council, Furzehill, Wimborne BH21 4HN.”

- The SPG Document was made available to view on the Council's website on 9th July 2004.

Representations received and proposed changes

Para. No.	Respondents	Representation	Council Response	Recommendation
16 & 19	Dorset Wildlife Trust	Sustainable Drainage Systems (SUDS) can play a function in water re-cycling. In intercepting run-off from roofs this water can be used for a variety of other functions such as flushing toilets or stored for garden maintenance. This effect is listed in para. 16 but is not listed as a benefit of SUDS. The report should also include measures to encourage developers to incorporate water-recycling designs in their proposal to utilise 'clean' run-off water sources.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Additional bullet point to be added to para. 19 to state: "Opportunities to reduce water use by re-cycling of run-off for use in, for example, landscape maintenance." Additional sentence to be added to the end of para. 16: "Developers are encouraged to incorporate measures into the design of their schemes which utilise, 'clean' run-off water sources".
52-56	Dorset Wildlife Trust	Dorset Wildlife Trust welcomes the guidance on considering proposed developments and the effect they may have on abstracting from groundwater. The effect of developments and increasing abstraction on any water sources should be considered, possibly in accordance with the relevant Environment Agency Catchment Abstraction Management Strategy.	It is considered that this issue will be dealt with most effectively through the Local Development Framework process. The general allocation of development areas in the Core Strategy and more site specific allocations in any Area Action Plans will take into account the Environment Agency Catchment Abstraction Management Strategy.	No change.
General	Sixpenny Handley with Pentridge Parish Council	The problems we experience are regarding surface water drainage due to underground springs and flow of water from hills/chalk. We note that these are not mentioned in your draft and wonder whether they have been overlooked.	It is considered that this point is adequately addressed in para. 10 which states that "Flooding need not be contained solely to those areas within recognised flood plains. Serious flooding has occurred in parts of the District because of local circumstances...the local plan policies reflect the fact that flooding does occur	No change.

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			outside flood plains and that this is a material consideration to take into account when determining planning applications”.	
48	House Builders Federation	The requirement in Paragraph 48 that developers will be expected to enter into an agreement with the Council to ensure future maintenance of SUDS does not accord with Circular 1/97. Paragraph B14 of C1/97 states that the costs of subsequent maintenance and other recurrent expenditure should normally be borne by the body or authority in which the asset is to be vested. Payments should be time limited and not be required in perpetuity by planning obligations. As a general rule, the planning authority should not attempt to impose commuted maintenance sums when considering the planning aspects of the development. The HBF requests that this paragraph be deleted from the SPG.	<p>Paragraph B14 of Circular 1/97 notes that exceptions can be made to its statement that “the costs of subsequent maintenance and other recurrent expenditure should normally be borne by the body or authority in which the asset is to be vested”. It is considered that in this matter an exception can reasonably be made to the Circular. Any Section 106 legal agreement which requires SUDS as part of the planning permission has to be necessary to be in accordance with the Circular; i.e. without the SUDS the proposed scheme would not be acceptable. To ensure that the SUDS operates effectively during its lifetime it is necessary to maintain it. Therefore if ownership is to be transferred to another body it is considered reasonable that a time-limited commuted sum is paid to ensure this maintenance is carried out.</p> <p>Furthermore, in July 2004 the National SUDS Working Group (which includes the House Builders Federation) published the Interim Code of Practice for Sustainable Drainage Systems. This Code of Practice (p.51) advocates the use of a model Section 106 agreement which specifically includes the payment by developers of time-limited commuted sums to the body responsible for maintenance. The House Builders Federation comment is therefore not accepted.</p>	<p>Additional sentence to be added to end of para. 48 referring to the publication of the Interim Code of Practice for Sustainable Drainage Systems:</p> <p>“Issues relating to the maintenance of SUDS, including the use of model legal agreements, are addressed in more detail in Chapter 7 of the Interim Code of Practice for Sustainable Drainage Systems published by the National SUDS Working Group in July 2004 (see Further Information Section for details)”.</p> <p>Replace fourth para. of Further Information Section (p.19 of draft) with: “The Interim Code of Practice for Sustainable Drainage Systems, published by the National SUDS Working Group in July 2004, can be viewed at: http://www.ciria.org/suds/icop.”</p>

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				htm ".
48	Dorset Wildlife Trust	There is no mention of the legal implications of taking on the maintenance of SUDS once they have been constructed. Guidelines on ownership and the sorts of financial sum developers should pay for the maintenance of SUDS requires careful consideration as the maintenance of SUDS is an ongoing financial cost.	It is considered that revised para. 48 (above) now addresses this matter adequately.	As above.
48	Environment Agency	Reference to the Agency must be removed from the third sentence as the Agency will not take ownership of SUDS.	This comment is accepted as it improves the clarity of the Supplementary Planning Guidance.	Removal of 'Environment Agency' in third sentence of para. 48.
General	Environment Agency	The Environment Agency is concerned about maps being published as part of the SPG. This is because they intend to update the flood maps on a quarterly basis and so the published maps could potentially soon be out of date. They would ideally prefer only a reference being made to the Environment Agency website where the latest Flood Map can be viewed. However, they suggest a compromise whereby the latest maps are published with a clear warning that they should be checked against the most up-to-date flood map information available to view on the Environment Agency website. A yearly update of the map part of the SPG would be necessary so that the maps are never more than a year out of date.	The Council accepts the compromise position. The latest Flood Maps will be published with a clear warning that the very latest Flood Map information can be viewed on the Environment Agency website. On an annual basis the Council will, where necessary, update those SPG Flood Maps that have been updated by the Environment Agency.	Para 9 to be amended to read: "The East Dorset Local Plan sets out detailed policies to prevent inappropriate development within flood plains and these are reproduced in Appendix A. The Flood Risk Maps which accompany this document in a separate book are based on information provided by the Environment Agency in November 2004. These maps identify the outlines for both Flood Zone 2 (Low to medium flood risk area: 0.1-1.0% chance of flooding each year) and Flood Zone 3 (High flood risk area: more than 1.0%

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				chance of flooding each year). The information is based on the best available modelled information and historical flood data. However, the Environment Agency will be updating this information on a quarterly basis. Therefore the most up to date Flood Map information can be found on the Environment Agency's website at www.environment-agency.gov.uk . On an annual basis the Council will, where necessary, publish those SPG Flood Risk Maps which have been updated by the Environment Agency."
5	Environment Agency	Recommend adding the following to the last sentence: "and has adopted policies to prevent inappropriate development within areas at risk of flooding".	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Add "and has adopted policies to prevent inappropriate development within areas at risk of flooding" to the end of the last sentence of para. 5.
7	Environment Agency	Last sentence could be made clearer. Alternative wording: "It is the sole responsibility of the developer to demonstrate that a proposal is not at risk of flooding and will not increase the risk of flooding elsewhere".	This comment is accepted as it improves the clarity of the Supplementary Planning Guidance.	Replace last sentence of para 7. with: "It is the sole responsibility of the developer to demonstrate that a proposal is not at risk of flooding and will not increase

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				the risk of flooding elsewhere”.
8	Environment Agency	An additional point could be added to state: “Located in an area known to suffer from high groundwater levels”. We recognise that this is a particular issue in East Dorset and specific recognition of this would be beneficial.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Add additional bullet point to para 8 stating: “Located in an area known to suffer from high groundwater”.
10	Environment Agency	To reflect the amendment requested in paragraph 8 suggest adding the following to the third sentence: “...and high groundwater levels”.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Add: “...and high groundwater levels” to end of third sentence of para. 10.
11	Environment Agency	Suggest amending the fourth sentence to read “...the Environment Agency or the Planning Department to identify what will be required in the Flood Risk Assessment”. The Agency has provided East Dorset District Council with copies of our Flood Risk Assessment Guidance notes and these can be issued to applicants directly without contacting the Agency.	In Summer 2004 the Environment Agency produced a set of four Guidance Notes on the minimum requirements of Flood Risk Assessments according to the type and location of the proposal. These are available from the Council’s Planning Department and can also be viewed on the Internet. Therefore, it may not always be necessary to contact the Environment Agency to identify what will be required in the Flood Risk Assessment as this will be explained in these Guidance Notes. The Environment Agency comment is accepted as it improves the clarity of the Supplementary Planning Guidance.	Remove fourth sentence of para. 11. Add new sentence to end of para. 12: “In addition, the Environment Agency has produced a set of four Guidance Notes on the minimum requirements of Flood Risk Assessments according to the type and location of the proposal. These are available from the Planning Department and can also be viewed at: http://www.pipernetworking.com/floodrisk/index.html ”.
15	Environment Agency	On the final bullet point recommend an amendment to read: “Higher peak runoff rates and volumes from a site increasing	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Amend final bullet point of para. 15 to read: “Higher peak runoff rates and volumes from

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		the risk of flooding to the receiving watercourse and increasing the risk of localised flash flooding”.		a site can increase the risk of both flooding to the receiving watercourse and of localised flash flooding”.
20	Environment Agency	Either add to the first bullet point or add a new point that says “in order to prevent flooding of downstream watercourses by controlling the peak runoff rate and volume from a site”.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Add new sentence to end of first bullet point: “This is in order to prevent flooding of downstream watercourses by controlling the peak runoff rate and volume from a site”.
52	Environment Agency	It would be more accurate to refer to Source Protection Zones (SPZs) rather than Groundwater Source Protection Areas (GSPAs), as this is the Agency’s correct terminology.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Replace references in document to ‘Groundwater Source Protection Areas (GSPAs)’ with ‘Source Protection Zones (SPZs)’.
Contacts Section	Environment Agency	The Agency telephone number needs amending to read 08708 506506 as the local switchboard has now been transferred to our national customer contact centre. The fax number remains unchanged.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Change Environment Agency contact telephone number to: ‘08708 506506’.
Book of Flood Maps	Holt Parish Council	Flooding at Whitemoor and Broadbridge are not shown on the map – these are continually flooding every winter.	This comment is noted. The maps are produced by the Environment Agency based on the best available modelled information as well as historical flood data. This comment will therefore be passed to the Environment Agency so that they can consider whether changes should be made to their Flood Maps when they are next updated.	No change.
Book of Flood	Holt Parish Council	The flood plain should be much closer to the house known as ‘The Copse’, Holt	As above.	No change.

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Maps		Road, Mannington and also the road to the north of The Copse and south of the sub-station.		
Book of Flood Maps	Corfe Mullen Parish Council	Map 4 entitled 'Cowgrove' should be more accurately named 'Corfe Mullen and Cowgrove' to reflect the fact that most of the properties shown are in Corfe Mullen.	This comment is accepted as it improves the content of the Supplementary Planning Guidance.	Map 4 to be re-titled 'Corfe Mullen and Cowgrove'.