

Matter 14 – Environmental and Resource Management (Policies RM1 – RM7)

Issue 1 – Water Quality and Supply - Policy RM1

- Q1. What is the justification for all new homes to comply with the optional Building Regulation for water efficiency, as set out in Approved Document G, and for non-residential uses to meet 'good' BREEAM standards?**

Council's response

The Council has sought to incorporate this optional technical requirement in response to the clear evidence provided by Yorkshire Water of the supply challenges facing the region. This evidence is outlined within the Local Plan (Core Doc Ref LP01) at Paragraph 8.6 that sets out the Council's justification for this criterion. Most notably Yorkshire Water sets out within its Water Resource Management Plan (WRMP) (Core Doc Ref SD49) that water loss due to climate change and population growth could bring about a water supply deficit by the mid-2030s. It is established within the WRMP that measures should be taken to address and minimise the risk of this deficit now. Ensuring appropriate levels of water efficiency from development from residential and non-residential development is consequently an essentially tool in mitigating the growth in water demand that will arise from population growth in the area. To achieve this the Council have therefore proposed inclusion of this optional technical standard within the Local Plan.

Issue 2 – Flood Risk - Policy RM2

- Q1. Is Policy RM2 justified, effective and consistent with paragraphs 155- 166 of the Framework?**

Council's response

The Council consider that Policy RM2 is consistent with the NPPF and justified by appropriate evidence. Most notably evidence regarding flood risk in Hambleton is assessed within the Hambleton Level 1 Strategic Flood Risk Assessment (SD45). The approach to avoiding development in areas at risk of flooding and not increasing risk of flooding for others is firmly established in national planning policy and guidance. Policy RM2 reflects these principles and sets out that development in areas of flood risk will be avoided and that a sequential approach to considering development in relation to flood risk will be followed.

Note - On the 14th July 2020 the Environment Agency submitted additional comments on Policy RM1 and Policy RM2. This letter is attached (Matter 14 – Issue 2 – EA letter 14.07.20). The Council supports the proposed changes.

- Q2. What is the justification for reference to the *Hambleton Strategic Flood Risk Assessment* in criterion (j)(i)? How would this inform the consideration of whether the wider sustainability benefits of any development would outweigh flood risk?**

Council's response

The reference to Hambleton Strategic Flood Risk Assessment (Core Doc Ref SD45) and

any potential successor documents directs the reader to information regarding flood risk, and measures to consider if development were to take place in areas of flood risk. When considering management and mitigation of flood risk, the final note of the Executive Summary of the Level 1 SFRA states:

“It is a reference point to which all parties involved in development planning can reliably turn to for initial advice and guidance with respect to the potential risk of flooding associated with future planning applications and helps to define the requirements for site-specific Flood Risk Assessments (FRAs) where necessary.”

With respect to the wider sustainability benefits these are for the applicant to identify in relation to their scheme and would respond to all the aspects of sustainability that one would expect to be considered in accordance with national policy. This might include whether any overarching needs for housing provision, economic growth or any other environment, economic or social issues would be addressed by the proposed development.

Q3. Is it clear to decision-makers, developers and local communities what is required in order to meet criterion (k)? Does this relate to site layout and design?

Council's response

Yes, criterion k relates to the siting of development within a site where there is on-site flood risk. Criterion k establishes a principle to directing development in such a way to avoid flood risk. In that context the reference to “sequentially locating development within the site” is clear to a decision maker, developer and local communities that the aim should be for development firstly to be directed to the areas of lowest flood risk on a site. Design measures, to introduce flood resilience designs, would be an appropriate response to the requirement of criterion l.

Issue 3 – Surface Water and Drainage - Policy RM3

Q1. For previously developed land, what is the justification for seeking to reduce surface water run-off rates by 50%, or to greenfield rates where possible? Is the policy sufficiently clear? Is it effective?

Council's response

This policy requirement is in accordance with BS 8582:2013 Code of Practice (Surface Water Management for Development Sites), surface water run-off from all previously developed sites should be reduced to the equivalent greenfield run-off rate wherever possible. Only where this is technically not feasible will the Council allow the use of the existing brownfield flow rate to be used subject to a minimum of 50% betterment. Such an approach is critical to ensuring appropriate drainage provisions on previously developed land to ensure overall improvements in flood risk and waste water capacity; and where retention of existing run-off rates – such as for very old or large areas of hardstanding may very frequently be inappropriate for modern housing developments.

The policy clearly establishes that a 50% run-off for previously developed land is a minimum requirement of development. The Council is confident that it can be applied effectively to development proposals when implemented with reference to the appropriate technical guidance.

Previously developed land commonly has unrestricted surface water run-off,

sometimes to combined sewers or with saddle connections to foul sewers, that contributes to surcharging of surface water, foul and combined sewers resulting in flooding of land and properties. Reducing the volume and rate of discharge from previously developed sites is an appropriate action to reduce the potential for flooding in the future. The Council have sought reductions that have been evidentially effective through the absence of flooding after development proposals have been implemented.

- Q2. What is the justification for requiring sustainable drainage systems (SuDS) to be incorporated in accordance with the North Yorkshire County Council Sustainable Drainage Systems Design Guidance? Does this form part of the development plan for the area?**

Council's response

The North Yorkshire County Council Sustainable Drainage Systems Design Guidance was produced by North Yorkshire County Council in its role as the Lead Local Flood Authority (LLFA). The document sets out the information that is required in order to discharge the duty of the LLFA as a statutory consultee on matters of planning relating to SuDS. The document was produced in consultation with the local planning authorities in the North Yorkshire Area and was approved by the Corporate Director of the Business and Environmental Services of North Yorkshire County Council and its Executive Members. Whilst it does not form part of the development plan for the area it provides clarity and certainty as to how the LLFA will consider proposals that involve SuDS.

Hambleton District Council adopted a Sustainable Development - Supplementary Planning Document in April 2015 that advocates the use of SuDS.

NYCC in its capacity as Lead Local Flood Authority is statutory consultee on surface water and SuDS as part of the planning process. It is therefore imperative that the LLFA guidance is adhered to.

- Q3. Local Plan paragraph 8.18 states the decision on whether SuDS would be inappropriate is a matter of judgement for the Council. Is the policy clear that there may be situations where SuDS would not be required? Is it clear to applicants for planning permission what is, and is not, required?**

Council's response

Policy RM3 is clear in establishing the provisions required regarding surface water and drainage, within the context of national planning policy and the local design guidance established through the North Yorkshire County Council Sustainable Drainage Systems Guidance. In relation to SuDS the policy is clear that applications would be considered with regard to this guidance that includes establishing that major development should provide SuDS unless it is demonstrated to do so would be inappropriate.

With this clear national and county policy and guidance in place the Local Plan, at Paragraph 8.18 further identifies that application of policy RM3 would be in accordance with paragraph 165 of NPPF, which allows for exceptions to the requirement to incorporate sustainable drainage systems. There will be circumstances that soakaways or on-site storage to attenuate discharge rates and SuDS techniques are not viable. These will require assessment on a case by case basis. The SuDS guidance will be a point of reference for all parties.

If considered beneficial to interpretation of the policy the insertion of "Where appropriate" to the beginning of criteria b. of the policy can be made.

Issue 4 – Air Quality - Policy RM4

- Q1. Other than in relation to SAC, SPA or Ramsar sites, is it clear to decision makers, developers and local communities in what circumstances proposals that would adversely affect air quality would be refused? This is particularly the case in relation to Air Quality Management Areas or Clean Air Zones.**

Council's response

Yes, decision makers, developers and local communities should expect the council to resist major development proposals that would, on the basis of evidence in air quality assessment(s) result in, significant harm to, or loss of air quality for which adequate mitigation or compensation measures cannot be put in place to off-set the harm.

Measurement and significance of the impact will need to take in to account the latest available data and guidance of Government such as the Habitat Regulations, and Air Quality Objective by DEFRA and industry best practice such as that produced by the Institute of Air Quality Management.

In all cases the decision to be made will need to weigh the issue of air quality in the 'planning balance'.

Issue 5 – Ground Contamination and Groundwater Pollution - Policy RM5

- Q1. Policy RM5 sets out in significant detail what information would be necessary to support a proposal where contamination may be a factor. However, is it sufficiently clear how a decision maker should react to development proposals involving contaminated land?**

Council's response

Yes, the decision makers are able to take advice from environmental health specialist (contaminated land) to understand what is expected on a case by case basis. The policy is clear on the requirements to support a proposal and the implications if the development cannot be made safe from the contamination are also clearly implied that a proposal would be refused as the proposal would be in conflict with Policy S 1.

- Q2. Is the requirement for all risk assessments to be carried out prior to the grant of planning permission justified?**

Council's response

Yes, without the risk assessment it is unknown whether identified contamination and pollution can be mitigated. Therefore, it is not acceptable to apply a condition to a grant of planning permission requiring the risk assessment at a later date, as development may not be acceptable if mitigation can not overcome the contamination or pollution issues on site.

- Q3. How does the Local Plan consider land instability, and does it include policies which contribute to the remediation of unstable land?**

Council's response

Land instability is referred to in paragraph 8.22, however there is no specific policy reference to land instability or the remediation of unstable land, to do so would be a disproportionate response as the district is fortunate to not experience significant issues of unstable ground.

Issue 6 – Minerals and Waste - Policy RM6

- Q1. Is it clear to decision makers, developers and local communities how the requirements of criteria (a) to (d) will be assessed?**

Council's response

Policy RM6 is not prescriptive in setting out exactly how criteria (a) to (d) will be assessed, but that it needs to be demonstrated that criteria (a) to (d) can be met satisfactorily. Advice from the council and the minerals and waste authority are important and are advised in the policy wording. There may be several ways to demonstrate compliance with requirements a - d and it would not be appropriate to be prescriptive in the way this information is to be presented at planning application stage.

- Q2. Is it the intention that Policy RM6 would apply to allocated sites in the Plan? If this is the case, what impact is this likely to have on the delivery of the plan?**

Council's response

Yes, it is the intention however it is not expected to have an impact on the delivery of the plan as all sites have been assessed against objective 1: To Protect and enhance biodiversity and geodiversity, where one of the questions is "Is the development within or does it impact on a mineral safeguarding area?". Where the proposed allocation is within a mineral safeguarding area this is included within the development requirements of the allocation site policy and factored into the timescales for development.

Issue 7 – Renewables and Low Carbon Energy - Policy RM7

- Q1. Has the Council considered identifying suitable areas for renewable and low carbon energy sources, as required by paragraph 151 of the Framework?**

Council's response

Policy RM7 encourages renewable and low-carbon energy installations and their infrastructure. The range of types of renewable and low carbon energy source in a large rural district is wide and varied. Much of the land within the district could be considered suitable. Large solar farms, hydro-electricity, anaerobic digesters, wind energy, biomass and energy crops have all been developed in the district in recent years. The identification of sites for these has been led by investor interest and proposals have been supported by the council. The Landscape Character Assessment and Sensitivity Study is a resource to those contemplating such proposals.

The policy includes provisions to avoid adverse impacts arising from such development. It does not specifically identify suitable areas for this type of development, paragraph 8.55 encourages neighbourhood plans to identify areas for wind energy.

- Q2. How does the Local Plan support community-led initiatives for renewable and low carbon energy, as required by paragraph 153 of the Framework?**

(Note Framework support for community-led initiatives for renewable and low carbon energy appears at paragraph 152.)

Council's response

Policy RM7 encourages renewable and low-carbon energy installations and their infrastructure. Paragraph 8.48 supports small-scale renewable and low carbon installations and paragraph 8.55 encourages neighbourhood plans to identify areas for wind energy.