PLANNING ADVICE NOTE – WATER

March 2017

Introduction

The purpose of this and other Advice Notes in the series is to help Parish Councils to respond to development proposals constructively with the aim of maximising the environmental benefits while minimising or, ideally, avoiding harm. Not all development proposals are acceptable even with amendments, though many can be made acceptable and more beneficial. Please see *About our Planning Advice Notes* for the origins and extent of the Nature Improvement Area, why it is important, and why it is vulnerable.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) introduced in 2012 sets out the Government's planning policies for England. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

National Planning Practice Guidance

The Government's online Practice Guidance[1] (NPPG) supports the NPPF. It explains key issues in implementing national policy to protect biodiversity. Paragraphs 16 -20 give guidance on taking biodiversity into account when preparing a planning application. Development proposals will be expected to follow NPPG and it is a useful resource for those commenting on planning applications.

At the time of writing (March 2017), updated guidance on the law affecting European sites, protected species and Sites of Special Scientific Interest is being prepared by Defra and will replace the advice set out in *Circular 06/05: biodiversity and geological conservation*.

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The importance of managing our water resources

As one of the essentials of life, the importance of maintaining sufficient supplies of usable water cannot be overstated. Also important is that it is potable and available when required. The needs of wetlands differ from those of agricultural land, whether used for grazing or cropping, and management of the amount of water present on land needs to be done with care. Flooding may be acceptable, even welcome, in wetland areas though steps are taken to avoid it elsewhere. New flood storage areas may have a role to play in protecting new and existing development.

1 https://www.gov.uk/guidance/natural-environment#local-ecological-networks

Meres and Mosses Landscape partnership Scheme and Nature improvement Area
c/o Shropshire Wildlife Trust,
193 Abbey Foregate, Shrewsbury, SY2 6AH
Tel 01743 284 280

Department for Environment Food & Rural Affairs
heritage lottery fund
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The Shropshire Core Strategy says flood risk is a key issue for the county and warns that climate change is expected to lead to increased water demands.

Our aspiration is that the NIA should be a high-quality wetland mosaic: a mere or moss along with the full range of associated wetland habitats surrounding it. Notable species in the area include water vole and great-crested newts. As far as practicable, the hydrology should be stable, allowing natural processes (e.g. peat formation) to occur where possible, and habitats and ecological niches to be sustained. While intensive land use between the meres and mosses is likely to continue, its impact, particularly in terms of water quality, must be mitigated to safeguard the core. Ammonia emissions, mostly from agriculture, are considered in our advice note on Air; note that, when it is re-deposited, ammonia can acidify soils, natural habitats and fresh waters. By increasing the supply of nitrogen, it can reduce biodiversity in surface waters and natural and semi-natural habitats[2]. The Defra Code (para 22) explains that Nitrogen, and in some circumstances also phosphorus, may be lost from the soil into groundwater and surface waters. These plant nutrients are also present in run-off from fields in soluble form, as well as in soil organic matter, organic manures and, in the case of phosphorus, attached to soil particles from where they can be released into the water.

Shropshire Core Strategy[3]

Among other things, the Core Strategy (adopted 2011) states that flood risk is a key issue for Shropshire and that the natural permeability of the landscape, and its capacity to retain water, has been reduced. It also sounds a warning that climate change is expected to lead to increased water demands.
The Core Strategy also points out that the area contains significant quantities of groundwater that is abstracted extensively; this has resulted in falling groundwater levels causing an adverse impact on watercourses and wetlands. Groundwater contamination by nitrates from agriculture is also a significant issue and a large part of north eastern Shropshire has been designated as a Nitrate Vulnerable Zone[4]. Finally, watercourses and canal corridors are recognised as a recreational resource.
Relevant policies include:

- Countryside and Green Belt (Policy CS5);
- Sustainable Design and Development Principles (Policy CS6);
- Infrastructure Contributions (Policy CS9);
- Tourism, Culture and Leisure (Policy CS16);
- Environmental networks (Policy CS17); and
- Sustainable Water Management (Policy CS18).

One of the aims of Policy CS6 is to ensure efficient use of resources including water. Policy CS18 is wide-ranging and covers climate change adaptation, management of surface water, drainage improvements (including opening up culverts where appropriate), infrastructure availability (e.g. for major development), water quality and efficiency of use. Further guidance on surface water management and water efficiency will, according to paragraph 7.11, be provided in a Water Management supplementary planning document. There is already a Sustainable Design SPD (Part 1), and Sustainability Checklist (Part 1), which includes water management matters.

2 The Defra Code (2009) Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers (para 26)
3 For applications in Cheshire, see our supplementary sheet: Planning Policies in Cheshire
4 Nitrate Vulnerable Zones (NVZs) are areas designated as being at risk from agricultural nitrate pollution. They include about 58% of land in England. The Department for Environment, Food and Rural Affairs (Defra) reviews NVZs every 4 years to account for changes in water pollution.

Shropshire SAMDev

The Site Allocations and Management of Development (SAMDev) development plan document adopted in December 2015 features detailed policies and site allocations within the framework set by the Core Strategy. It includes policies intended to protect SACs and Ramsar sites from the increased recreational pressures associated with housing development. Policy MD11 on Tourism facilities and visitor accommodation includes requirements related to canal-side facilities and marinas, while Policy MD12 on The Natural Environment includes protection for ecological networks as well as sites of international, national and local importance. The SAMDev acknowledges landscape-scale initiatives including the NIA and states that, where relevant, development proposals should consider how they can increase the size and quality of priority habitats and reduce fragmentation, to deliver net gains in accordance with Policy CS17. Waste management proposals will be assessed by reference to, among other things, water pollution (policy MD14), as will proposals for landfill and landraising sites (MD15), and proposals for new strategic and other infrastructure (MD8). The SAMDev indicates that certain sites will need to be the subject of flood risk assessments and that flood storage betterment will be expected on such sites (see Schedules S8.1a and S8.1c). The Plan Habitats Regulations Assessment indicates that development in the Ellesmere area may adversely affect the integrity of the Cole Mere Ramsar site and the Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC/Ramsar site. Mitigation measures are required to remove the harm arising from increased recreational pressure and water quality impacts appropriately, on these internationally designated sites in accordance with Policy MD12.

How can the Parish Council help to safeguard its environment and community?

The Parish/Town Council can help, when responding to consultations about development proposals (whether initiated by the developer or by the LPA), by:

- Asking developers whether their surface-water drainage scheme will recharge groundwater resources (where applicable);
- Checking that developers are applying the requirements of the SuDS Handbook as set out in the Local Flood Risk Management Strategy, and where appropriate call for the creation of ponds to help with both drainage and habitat formation;
- Asking applicants whether they have considered features such as 'green roofs' that can slow the release of surface water (alongside other benefits);
- Seeking opportunities for the opening up of culverts, which can benefit habitat and complete wildlife corridors among other advantages;
- Discouraging proposals that contribute to the artificial enclosure of watercourses;
- Encouraging use of the County's Sustainable Design SPD (Part 1), and related Sustainability Checklist (Part 1);
- Where desirable to protect a watercourse, seeking a requirement for a suitably-sized buffer zone, to be put in place prior to commencement of construction work; and
- Where appropriate (for e.g. a major development or a particularly sensitive site), encourage preparation of a Construction Management Plan to include measures for protection of watercourses, management of wheel cleaning and environmental management generally.

To help ensure that the Parish Council is fully prepared for future applications, consider:

- Setting up flood action groups; and
- Checking whether at least part of the area is within a Nitrate Vulnerable Zone and considering how best to protect groundwater reserves or river quality whichever the case may be.