

Statement of Common Ground

Environment Agency &
Havant Borough Council

January 2021

Introduction

This Statement of Common Ground (SoCG) is a jointly agreed statement between the Environment Agency (EA) and Havant Borough Council (HBC) in relation to the Pre-Submission Draft Havant Borough Local Plan 2036 (HBLP) and the representations submitted by the Environment Agency (respondent no. R146) in response to the two consultations in 2019 and 2020.

An earlier version was agreed between the two parties in April 2020. This documents has been updated to reflect the additional changes to the plan made by the Council in 2020, and subsequent representations by the EA.

Respondent no.	Respondent name	Comment no.
R146	Environment Agency	C01 – C017
R146	Environment Agency	20C01- 20C05

Summary of Common Ground

The Environment Agency's representations at the 2019 Pre-Submission stage generally welcomed and supported the content of the Plan and the approach the Council has taken to assessing and taking into account flood risk in selecting sites for allocation, as well as a number of the environmental provisions in the plan. They also made a few suggestions for improvement. Proposed changes to the Plan to address these comments are set out in Appendix 1. The Council included these in the 2020 Pre-submission Plan, and the EA's further representations on those changes is reflected below

Notwithstanding the changes, the Environment Agency remain concerned about flood risk in relation to the site allocations in the regeneration sites on Hayling Island. These concerns are set out below. Overall, however, the Environment Agency are satisfied that the Council has adequately considered both the probability and the consequences of flooding on the sites included for allocation.

Relevant evidence base

Flood Risk, drainage capacity and impact of development on water bodies has been considered throughout the preparation of the Havant Borough Local Plan 2036. Specifically, the following studies have been used to pull together evidence relating to flood risk.

- **Constraints and Supply Analysis¹** - this study analyses the high-level constraints set out in footnote 6 of the 2019 NPPF, including areas at risk of flooding. This was the starting point for the overall strategy in the HBLP which confirms there is a finite amount of undeveloped land available for development in the Borough.
- **Summary of Site Screening Work²** – all proposed sites for development were screened for their impact in a number of areas including flood risk and drainage, as well as impact on

¹ The Housing Constraints and Supply Analysis (December 2017)

² Summary of Site Screening Work (January 2019)

controlled waters. This informed the 'Site Constraints and Opportunities' and developer requirements throughout the site allocations.

- **Strategic Flood Risk Assessment (Local Plan Sites)**³ – The SFRA was produced to provide the evidence to show that flood risk has been fully taken into account in selecting sites for allocation in the Havant Borough Local Plan 2036. It built on higher level work previously undertaken by the Partnership for Urban South Hampshire (PUSH SFRA).
- **Sustainability Appraisal**⁴ – a sustainability appraisal was carried out at each stage of plan preparation. Included in the sustainability objectives are the following, relevant to the Environment Agency's remit:

'Reduce the risk of flooding from all sources and the resulting detriment to public wellbeing, the economy and the environment. Take a sequential approach to development and avoid putting more people and property at risk of being affected by flooding, where possible. Manage flood risk where necessary' and

'Improve air, water (ground and surface) and soil qualities through reducing pollution both diffuse and point source'

The Environment Agency support the flood risk evidence that has been produced to underpin the Local Plan, in particular the SFRA. At Regulation 18 draft plan stage they had raised significant issue with the plan and some of its contents in relation to flood risk. They felt was there no evidence that the sequential test had been undertaken in line with National Planning Policy to support or justify why there were proposed allocations in flood zones 2 and 3. They also questioned whether there was sufficient information available upon which to make robust decisions about the allocation of sites and whether they were actually deliverable in flood risk terms.

Following on from this Havant Borough Council and the EA worked together to agree an approach to a strategic flood risk assessment. The Borough Council has subsequently produced a Strategic Flood Risk Assessment, including sequential testing of sites, to provide evidence that flood risk has been fully taken into account on the allocations in the plan. This has resulted in several of the sites that the EA had most concern with being discounted from the plan. The EA considers that the SFRA demonstrates that there is a reasonable prospect of development on proposed allocation sites being safe from flooding during their lifetime, along with the identification of mitigation measures that may be required. They are therefore very supportive of this evidence and the way it has been used. There are just a couple of sites, discussed below, where outputs from the SFRA need to have more explicit reference in the allocation policies themselves.

Drainage and Flood Risk Policies

The two overarching policies in relation to flood risk are Policies E19 and E20 of the plan. The Borough Council liaised closely with the EA in the drafting of these policies, and gained support from the EA before including these policies in the Pre-submission Plan. The Environment Agency confirmed through their representations, that they support these policies:

- **E19 Managing Flood Risk in New Development**

The EA supports the inclusion of this policy and see it as essential, given the flood risk in the borough from a variety of sources. As drafted, it is a robust policy that provides a clear

³ Strategic Flood Risk Assessment (Local Plan Sites) (November 2018)

All at <http://www.havant.gov.uk/localplan/evidence-base>

⁴ Sustainability Appraisals for the Local Plan Housing Statement (2016), Draft Local Plan (2017) and Pre-Submission Havant Borough Local Plan 2036 (2019), together with the SA Scoping Report (2016) can be found at: <http://www.havant.gov.uk/localplan/regulatory-requirements>

approach as to how potential flood risk from all sources should be managed through the planning application process. It should ensure that risk is not increased for either the new or existing population of the borough (R146 C13). The EA also supports the additional changes made to the plan by the Borough Council in 2020, which further strengthen the consideration of future flood risk (R146 20C03 and 20C04).

- **E20 Drainage infrastructure in New Development**

The EA strongly supports the inclusion of this policy. At the draft plan stage they had raised some issues with the way in which this policy was worded and how it would therefore be implemented. In the 2019 Pre-Submission version of their plan Havant Borough Council addressed these concerns and amended the policy. It now lays out exactly what will be required through the planning application process to ensure that surface water from sites is effectively dealt with and that these systems are properly maintained, therefore ensuring that surface water flood risk is managed appropriately (R146 C12).

Water and Flood Risk Infrastructure Policies

The Environment Agency have expressed support for the inclusion of the following policies in the Local Plan:

- **IN1 Effective Provision of Infrastructure**

The EA support the inclusion of this policy and are especially pleased to see the sites at Westwood Close (IN1F) and Southleigh (IN1G) safeguarded for flood alleviation schemes on the River Ems and Nore Farm Stream respectively. The EA and HBC are working closely to ensure up to date information flow regarding progress with the study into the River Ems Flood Alleviation scheme at Westwood Close, which has the potential to reduce flood risk to around 300 homes in the area. Both parties are clear that it is too early to confirm whether the safeguarded land will be needed for such a scheme, but are equally keen that the land should not be lost to development until a requirement for that land can be clearly ruled out. The EA therefore supports the Council's safeguarding of the land through Policy IN1, and the explanation given for this in paragraph 4.7 of the plan (R146 C05).

- **KP9 Havant Thicket**

In 2019, the EA specifically supported the inclusion of bullets j, l and o within this policy. It is essential that the risk of flooding is fully considered through the design process and however low the likelihood, those risks need to be mitigated and minimised. The EA is also pleased that biodiversity is being considered so fully, not only looking at limiting impacts, but also considering opportunities for enhancement of both the reservoir site itself and the Hermitage Stream Corridor (R146 C02).

A number of changes to the policy wording were included by the Borough Council in their 2020 amendments in order to satisfy other consultees. The EA commented on these changes (R146 20C01), raising concern that they have imbalanced the policy in favour of protected species matters. They consider that there are other significant environmental impacts from the scheme that also need to be mitigated and/or compensated for, namely it has been identified that the proposal could lead to the deterioration of a waterbody under the Water Framework Directive. There is no mention of this within the policy therefore it gives a very unbalanced view and potentially suggests priority. It does not give a holistic

picture of what is required in order to deliver the scheme. The Council is willing to make additional changes to the wording to address any imbalance.

- **E7 Hermitage Stream**

The EA strongly supports this policy and is very pleased to see the promotion of improvement of the Hermitage Stream. The EA continues to strive to restore it to a more natural state (R146 C17).

Water Efficiency

In 2019, the Environment Agency strongly suggested that water efficiency should also be addressed as part of efforts to addressing climate change, rather than **Policy E12** narrowly focussing on **Low Carbon Design**. They suggested that a policy requiring the higher water efficiency standards (110 litres/per head/per day including external water use) in new development should be included in the plan (R146 C15), in order to acknowledge the water resource sensitivity of the South Hampshire region and help ensure that sustainable growth can be achieved throughout the Local Plan period. Havant Borough Council agree that this would be a desirable, even essential, addition to the plan, not only to promote water efficiency in its own right, but also to address the issue of nutrient neutrality in the harbours. The Council agreed that policy provisions on water efficiency standards would be a valuable addition to the plan, and included changes in the 2020 amendments. The EA are very supportive of this change (R146 20C05).

Other Environmental Policies

The Environment Agency have expressed support for the inclusion of the following policies in the Local Plan:

- **E10 Cemeteries**

The EA welcome the inclusion of this policy and especially support bullet (d) ensuring that there will be no adverse impact on ground or surface water in the development or extension of any cemeteries (R146 C16)

- **E14 Local Ecological Network**

The EA strongly supports the inclusion of this policy. They are pleased to see the principle of biodiversity net gain included for all new dwellings and commercial buildings. The EA are also pleased to see a commitment in this policy to continuing to work with PUSH to develop a strategic approach to Water Quality especially (R146 C14)

- **E21 Aquifer Source Protection Zones**

The EA welcomes the inclusion of a policy on the topic of Aquifer Source Protection Zones and the recognition of the importance of this issue in the area (R146 C11)

Development allocations

a. Hayling Island (Policy KP3)

The EA consider that as included in the Pre-submission Plan, the policy is unsound. The policy covers a number of sites, which are at significant flood risk today, which may increase with climate change. The EA acknowledges that the Council have considered the flood risk to these sites through the SFRA, but suggest that the policy should be strengthened to better reflect the specific mitigation measures that will be required to deliver safe development. To address this, additional text has been agreed between the two bodies to supplement the development requirements for the proposed regeneration sites (see Appendix)

The SFRA case studies for the Hayling Island sites conclude that a residual risk of flooding will remain, and that a robust Flood Response Plan will be required to manage this. Havant Borough Council are therefore indicating that, as the relevant authority in emergency response and rescue, that this is an acceptable method of flood risk management for these sites (balancing all relevant factors). The Environment Agency view remains that there will be a high probability of flooding to these sites but that Havant Borough Council have adequately considered both the probability and the consequences of flooding when deciding to include the proposed allocation.

b. Southleigh (Policy KP5)

Whilst most of this site lies within flood zone 1, there are areas both to the south and east of the site that are designated flood zone 3 according to the Environment Agency's flood map for planning, and is also in Emsworth, an area with known drainage issues. This has been recognised by four specific development criteria specifically relating to Drainage and Flood Risk, and the EA in particular support the inclusion of criteria b.xviii and b.xix (R146 C03). However, the EA suggested that the policy could be improved by placing greater emphasis on the avoidance of negative effects on the river in the first instance, and only turning to mitigation if avoidance is not possible. The Brough Council agree with this approach, and proposed to amend criterion b.xix, as set out at Appendix 1.

c. Site allocations in Emsworth (Policies H8 to H12)

The Environment Agency supports the inclusion of the development criterion included in site allocations **H8 to H12** in Emsworth, which requires the developer to provide a drainage solution on site which reduces surface water run-off and contributes towards identified flood alleviation schemes in the area. This is particularly important in the Emsworth area due to the pressure on existing infrastructure. There are already issues in the locality with surface water drainage capacity and reduction in flows remains a priority in this area.

With regard to two sites, **H10 Land West of Coldharbour Farm** and **H11 Gas Site, Palmers Road** the EA suggested additional development criteria, in recognition that parts of these sites are located in Flood Zones 2 and 3. The Borough Council has drafted some new suggested text, which the EA confirms addresses their concerns (see Appendix). Due to an administrative error, the suggested text was not reflected in H10 in the 2020 consultation. It is being suggested to the inspector as an additional change.

Signatories

This statement has been prepared and agreed by the following organisations	
Havant Borough Council	Environment Agency
Signature	Signature
	
Simon Jenkins	Laura Lax
Director of Regeneration & Place	Planning Specialist
Date: 8 February 2021	Date: 5 February 2021

Appendix: Schedule of Agreed Proposed Changes

Key:

Text proposed to be deleted is shown as ~~struckthrough~~

New text to be inserted is shown by underlining

Comment Reference	Paragraph / policy number	Plan Page	Agreed Proposed Change
R146 C04	Policy KP3 Southwood Road	49	<p>I. Sufficient information is submitted to address the site-specific planning considerations. This is to be agreed at the pre-application stage and is expected to include the following:</p> <ul style="list-style-type: none"> i. <u>Flood Risk Assessment, which specifically addresses flood risk on the access and adjacent sites, as well as the site itself, and includes a Flood Warning & Evacuation Plan</u> <p>...</p> <ul style="list-style-type: none"> o. The design and layout: <ul style="list-style-type: none"> i. Provides a high-quality frontage which responds to its seafront location; ii. Retains, and where possible, enhances public access to the beach; iii. Re-provides lost flood storage capacity iv. <u>Raises all living accommodation above the design flood level</u> v. <u>Ensures that the building remain structurally sound in the face of potential inundation</u>
R146 C04	Policy KP3 Eastoke Corner (North)	49	<p>p.ii. Flood Risk Assessment and <u>Flood Warning & Evacuation Plan</u></p> <p>t. The design and layout: <ul style="list-style-type: none"> i. <u>Provide for a high-quality active frontage at ground floor on the southeastern corner on Rails Lane, with residential uses at first floor and above</u> ii. <u>Raises all living accommodation above the design flood level</u> v. <u>Ensures that the building remain structurally sound in the face of potential inundation</u> </p>
R146 C04	Policy KP3 Beachlands		<p>bb. Sufficient information is submitted to address the site-specific planning considerations. This is to be agreed at the pre-application stage and is expected to include the following: <ul style="list-style-type: none"> i. <u>Flood Risk Assessment</u> ii. <u>Masterplan of the site;</u> ... </p> <p>ff. The design and layout:...</p>

Comment Reference	Paragraph / policy number	Plan Page	Agreed Proposed Change
R146 C04	Policy KP3 Northney Marina	52	<p>vi. <u>Raises all living accommodation above the design flood level</u></p> <p>vii. <u>Ensures that the building remain structurally sound in the face of potential inundation</u></p> <p>qq. <u>The following assessments are submitted to support a planning application in addition to those listed in point a: Sufficient information is submitted to address the site-specific planning considerations. This is to be agreed at the pre-application stage and is expected to include the following:</u></p> <p>i. <u>Flood Risk Assessment and Flood Warning & Evacuation Plan</u></p> <p>ii. <u>Environmental Statement if required;</u></p> <p>...</p> <p>vii. <u>Flood Warning and Evacuation Plan</u></p> <p>...</p> <p>aaa. <u>Makes appropriate improvements to the existing highway to ensure safe access and egress throughout the lifetime of the development;</u></p> <p>aaa. <u>Raises all living accommodation above the design flood level</u></p> <p>bbb. <u>Ensures that buildings remain structurally sound in the face of potential inundation</u></p> <p>ccc. <u>Conserves and enhances its immediate and wider setting....</u></p>
R146 C03	Policy KP5 b.xix	64	xix. <u>Measures to avoid any significant negative effects on the main river , or if this is not possible, mitigation to an acceptable level.</u>
R146 C08	Policy H10	233	<p>f. <u>Avoids development on those parts of the sites which are at risk of flooding. If this is not possible, adequate compensatory flood storage must be provided</u></p> <p>g. <u>Provides an appropriate easement and related safeguarding measures to ensure any significant negative effect on the existing Main River and ordinary watercourse(s) are mitigated to an acceptable level, including the provision of adequate compensatory flood storage if required.</u></p>
R146 C07	Policy H11	235	iii. <u>Avoids development in areas at risk of flooding, or, if this is not possible, raises all living accommodation above the design flood level and provides adequate compensatory flood storage.</u>
R146 C15	Policy E12		New policy on water efficiency standard

