

City of Bradford Metropolitan
District Council
Via e-mail

Our ref: Wilsden NDP
Your ref: Wilsden NDP Reg 16
Date: 18th March 2024

Dear Sir/ Madam,

**City of Bradford Metropolitan District Council:
Consulting on the Publication (Reg.16) of the Wilsden Neighbourhood
Development Plan**

Thank you for inviting the Environment Agency to comment upon the Publication Draft of the Wilsden Neighbourhood Development Plan and supporting documents, including the Habitat Regulation Assessment and the Strategic Environmental Assessment.

We are enthusiastic to positively contribute towards future development that has been identified of importance by local communities. In particular, we are keen to refine key elements that fall within our remit as a statutory consultee for land-use planning, while also exploring opportunities as part of our wider Environment Plan vision and objectives.

Environment Agency position

The Environment Agency do not have any objections to the Publication Draft of the Wilsden Neighbourhood Development Plan (NDP). We will take the opportunity to comment on a number of identified elements that fall within both our land-use planning remit and links to wider organisational objectives.

Strategic Environmental Assessment and Habitats Regulations Assessment

We acknowledge the approach and methodology applied in undertaking the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). We observe that the Wilsden NDP will seek to be compliant and in accordance with other City of Bradford Metropolitan District Council (CBMDC) Local Plan documents. Further, the Environment Agency notes that, while underlining valued aims, Neighbourhood

Environment Agency



www.gov.uk/environment-agency

Cont/d..

Plans in isolation are limited in their overall influence and that the Plan does not allocate sites for development.

Climate Change

The Environment Agency particularly recognises in p.1.1.3 that Wilsden Parish Council reported a Climate Emergency in January 2021. We support this approach and welcome an underlined link between climate change resilience and likelihood of extreme weather episodes, including increased flooding events.

Of importance to the remit of the Environment Agency, we would strongly encourage that in the context of climate change mitigation and/ or resilience, appropriate reference could be provided to adequately reflect measures that seek to conserve and enhance the water environment, natural resources and biodiversity. Such an approach should be updated throughout the SEA and the related NDP, plus all future Local Plan documents. As a suggestion, policies that may promote an element of Green-Blue Infrastructure could be reinforced and used as a clear justification to combat the negative effects of climate change.

Neighbourhood Development Plan

Vision and Objectives

The Environment Agency has no critical comment on the Vision or Objectives.

The key observation we would provide is an omission to the likely need for climate change resilience or mitigation. Moreover, given that Wilsden Beck presents a high risk of flooding, there perhaps could be an argument for inclusion as an objective that may also address a likely increase in flood events from all sources of flooding. We note that climate change and flood risk are each considered as major issues for the Bradford area in the Local Plan.

We again underline that there is a missed opportunity to better reflect and promote the valuable natural asset of water resources, while integrating Green-Blue Infrastructure as potential mitigating solutions.

Water Framework Directive

Any new development should take the objectives of the Water Framework Directive into account. The Water Framework Directive (WFD) is a European Directive that seeks improvements to the water environment to ensure that they are achieving a 'good' overall ecological status (or potential). The WFD sets targets for all waterbodies to achieve 'good' status or potential by 2027 at the latest (unless a lower status objective is proposed). The WFD is implemented regionally by way of River Basin Management Plans (RBMPs). You can access the details of the relevant catchments and watercourses on our Catchment Data Explorer pages (<http://environment.data.gov.uk/catchment-planning/>).

In order to improve watercourses so that they achieve 'good' status, your plan could include a policy encouraging the removal of weirs, installation of fish passes and

improvements to the morphology of the rivers. We would strongly support a requirement for developers to carry out WFD actions when they are developing on sites adjacent to the relevant stretches of river.

Water Quality

Effective management is important to protect water quality and as a natural resource, both for groundwater and surface water.

Drainage misconnections can occur in new developments, redevelopments, extensions or through refurbishment. Developers must ensure that they do not connect any foul drainage (including sinks, showers, washing machine/dishwasher outlets and toilets) to a surface water sewer, as this can send polluted water into watercourses. Similarly, developers should ensure that they do not connect surface water drainage (e.g. roof gutter downpipes) into foul sewers as this can cause overloading of the foul sewer during heavy rainfall.

Polluted surface water flows from areas like car parks or service yards should always have sufficient pollution prevention measures in place to ensure the protection of groundwater and watercourses from specific pollutants like petrol (hydrocarbons) and suspended solids. Developers should follow appropriate pollution prevention guidance when designing formal drainage for large areas of hardstanding.

Ideally, applicants should introduce more 'surface' or 'green' drainage solutions to aid improvements in water quality, such as swales along hardstanding boundaries, or a more advanced reed bed system for larger sites. These solutions are easier to access and maintain than engineered solutions like petrol/oil interceptors, which require regular maintenance to ensure they operate correctly.

We would welcome a policy or clear signposted reference elsewhere which requires a clear pathway in the delivery of and expectations from Biodiversity Net Gain through all development.

River Restoration

We would welcome the inclusion of a specific river, watercourse or beck policy, addressing the following:

- Minimum of 8 metre (m) buffer zones for all watercourses measured from bank top to provide an effective and valuable river corridor and improve habitat connectivity. A 5m buffer zone for ponds would also help to protect their wildlife value and ensure that the value of the adjacent terrestrial habitat is protected.
- Development proposals to help achieve and deliver WFD objectives. Examples of the types of improvements that we may expect developers to make are: removal of obstructions (e.g. weirs), de-culverting, regrading banks to a more natural profile, improving in-channel habitat, reduce levels of shade (e.g. tree

thinning) to allow aquatic vegetation to establish, etc. Proposals which fail to take opportunities to restore and improve rivers should be refused. If this is not possible, then financial or land contributions towards the restoration of rivers should be required.

- River corridors are very sensitive to lighting and rivers and their 8m buffer zones (as a minimum) should remain/be designed to be intrinsically dark i.e. Lux levels of 0-2.

Where relevant, it may be useful to include ownership information details for landowners, applicants or developers who have a watercourse running through or adjacent to their site. Many people believe that the Environment Agency own 'main rivers' which is not the case. Whilst we hold permissive powers to carry out maintenance on main rivers, the site owner is the 'riparian owner' of the stretch of watercourse running through their site (whole channel) or adjacent to their site (up to the centre line of the channel) – and this includes culverted watercourses.

Our 'Living on the Edge' publication provides important guidance for riverside owners.

Where feasible, applicants should remove watercourses from existing culverts. This will help to reduce flood risk from blocked or collapsed culverts, while open channels are significantly easier for the landowner to maintain. Moreover, culverts that cause blockages of the watercourse are the responsibility of the owner to repair. Additionally, we will usually object to planning applications that propose new culverts.

Where relevant, the Plan should also provide details of 'buffer zones' that are left adjacent to watercourses. We will always ask developers to maintain an undeveloped, naturalised, 8 metre buffer zone adjacent to main rivers. We ask that applicants do not include any structures such as fencing or footpaths within the buffer zone as this could increase flood risk - through the inclusion of close-board fencing for example. Any works or structures that applicants intend within 8m of a main river will require a flood defence consent from us, which is separate from and in addition to any planning permission granted.

The LLFA may require certain restrictions on other watercourses and becks.

Flood Risk

In terms of policy and supporting text, flood risk should be a major consideration in your Plan. This challenge may be of particular relevance to aspects of physical development, such as housing, new business, retail and employment land. Relevant signposting to national and local plan policy and guidance may assist applicants, and should:

- Ensure that new development does not increase flood risk to others
- Emphasise that inappropriate development will not be considered acceptable in areas of high flood risk.
- Address the potential impacts of climate change on flood risk.

- Promote a sequential approach to development layout, to ensure the highest vulnerability development is located in areas at lowest flood risk.
- Highlight, where necessary, the need to also undertake the exception test.
- Where appropriate, outline what is expected in terms of surface water run-off rates (for both Brownfield and Greenfield sites) and sustainable drainage systems.
- Expect development to result in a betterment to the existing flood risk situation.

New development proposals may be required to contribute either financially or through physical works to reduce the flood risk to the wider village.

The Lead Local Flood Authority (LLFA) is now the responsible authority for commenting on the surface water drainage arrangements. We therefore recommend you consult your LLFA regarding the proposed management of surface water within the Plan.

Groundwater

Protecting surface and groundwater from potentially polluting development and activity is a primary responsibility for the Environment Agency. There is a small area in Source Protection Zone (SPZ) 1 within the Plan area.

Sources of groundwater supply will be protected using the SPZs identified in the Environment Agency's existing mapping. The approach is documented in our Groundwater Protection: Principles and Practice, within SPZ1, we will normally object in principle to certain types of development:

Within Source Protection Zones 2 and 3, a risk-based approach will be applied to the consideration of development proposals. If neither the use of a soakaway or a direct discharge is possible, a system without any discharge (such as a sealed cess pool or chemical toilet) may be considered. Given their capacity to overflow and discharge raw sewage directly into the water environment, such systems are usually a last resort. These types of systems also require regular maintenance, they can create additional carbon emissions through excess traffic movements, which can impact on the overall sustainability of a proposal.

We would welcome these details are reflected in your Plan so that applicants are aware of the most sustainable options for their foul drainage when they are not able to connect to the main foul sewer network. In particular, we would like you to highlight that where a non-mains drainage solution is proposed, the applicant must submit a Foul Drainage Assessment (FDA1) form with their planning application.

Green Spaces, Ecology And Biodiversity

We broadly support Policies W/NE1 and W/NE2 Ecology And Biodiversity and note the links to wider networks and partnerships. The Environment Agency would however welcome that broader scope is provided and expectations are established to reflect that

the water environment also forms part of the natural environment. Indeed, watercourses can perform an essential role in the enhancement of biodiversity and ecological habitats. We particularly would like to emphasise that watercourses can also benefit from the application of Biodiversity Net Gain and could perform a key role in the adaptation to and mitigation from climate change.

Allocation of Sites

We note that the Plan highlights a review of the CBMDC Local Plan is ongoing and based upon the emerging 2021 allocations a minimum of 125 homes will be required over the period of the Local Plan. Specifically, the housing allocation for Wilsden will be met by a mixture of sites within the Settlement Boundary and those that may be newly released from the review of the Green Belt. The Environment Agency acknowledges that to allocate within this Neighbourhood Plan would only duplicate the allocation carried out by CBMDC.

To this end, the emerging CBMDC Local Plan proposes to allocate one site within the Settlement Boundary. This site, off Crooke Lane, is partially developed and the proposed site allocation is described as WI/1H and shown in Figure 4. This site is partially in the Wilsden Conservation Area is capable of accommodating about 18 dwellings.

Most housing development remains either a more or highly vulnerable land-use classification in terms of flood risk. From an advance stage we would prefer that this highlighted when considering future housing proposals, particularly windfall development.

These comments may be equally applied to new business, retail and employment land.

Design

The Environment Agency welcomes the direction presented to developers that all proposals will need to address issues of sustainability. We would like to propose that a positive emphasis here could be revised to promote sustainability opportunities. Further, we also support the direction and drive towards delivering the conservation and enhancement of natural environment elements, With reference to Policy W/H04, the Plan could still be strengthened however by clearly defining, where and how, tools such as Biodiversity Net Gain and Climate Change Mitigation could deliver meaningful improvement.

Sustainable Construction

You may also positively contribute to your community by reducing costs through sustainable construction. Neighbourhood planning is an opportunity for communities to encourage efficient water and waste management systems in new buildings. You could also help to promote the use of sustainable materials in construction and encourage energy efficiency measures for new builds. These measures will reduce the cost of

construction for developers and help to reduce utility bills for those occupying the building. This will also contribute to the efficient environmental management by reducing emissions and improving air quality.

++++++

We trust these comments are helpful when reviewing the consultation draft.

Yours sincerely,

Mr. Neil Wallace
Planning Specialist

