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for people and wildlife

Environment Agency

Planning Policy Team
Test Valley Borough Council

5 April 2024

Dear Planning Policy team,

Consultation on the Draft Local Plan (2040) (Regulation 18 stage 2)

Thank you for consulting the Environment Agency on the Draft Test Valley Local Plan (2040 - Regulation 18 consultation stage 2).

Please find our comments set out below. Please note that there is also a section with our comments on the Water Cycle Study (WCS), and the Strategic Flood Risk Assessment (SFRA) which forms part of the evidence base for the draft Local Plan.

Part 1: General comments

Flood Risk

Whilst we acknowledge that a level one SFRA has been undertaken it not evident how this has been used to inform and undertake the Sequential Test to determine which sites should come forward.

Paragraph 167 of the National Planning Practice Framework states *'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of Flood risk and the current and future impacts of climate change – so as to avoid, where possible, Flood risk to people and property. They should do this, and manage any residual risk, by a) applying the sequential test and then, if necessary, the exception test...'*

Please note that Hampshire County Council as the Lead Local Flood Authority would provide comment on policies, background evidence and site-specific issues relating to management of Surface water /and or Groundwater.

We have provided further information on site allocations which can be found in appendix one.

Part 2: Comments on specific policies & sections

Chapter 3 – Spatial Strategy

We would need to see evidence that the flood risk sequential test has been undertaken and that any sites coming forward which have been identified as at risk of flooding have passed the exceptions test. Justification should be provided with the Local Plan.

Chapter 4 – Strategic Housing Allocation Policies

It does say that the sequential approach has been taken for a number of sites (NA4, NA5, NA6, NA7, NA8, NA9, SA4, SA6 & SA12) to reduce the risk of flooding (including surface water) but there doesn't seem to be any accompanying information on how exactly this has been undertaken.

Foot note (No78) relating to water pollution receptors on page 178 appears to be split over 2 pages.

Flood Risk Policy No. CL2: Flood Risk (P.134) – this policy could be strengthened by incorporating the following wording:

PROPOSED POLICY WORDING

Development will be permitted provided that:

a) The proposal meets the sequential test and, if necessary, the exception test;

b) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons;

c) The development will be safe over its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere;

Development shall not be sited within areas of FZ3 unless detailed analysis demonstrates that it is not functional floodplain, as defined by the PfSH Level 1 SFRA and equivalent compensatory floodplain storage volume can be provided on site.

d) Any residual risk can be managed safely;

e) Run-off rates from proposed development do not exceed existing run-off rates;

f) Onsite surface water run-off is managed as close to the source as possible; and

g) The proposal does not prejudice land, structures and features required for current or future flood management

As currently written, we do not believe section on Ecology and Biodiversity (Pg.174 191) of the plan goes far enough and is not consistent with section 15 of the NPPF 'Conserving and enhancing the natural environment'.

This section of the plan could be strengthened further to bring it in line with NNPF para 185 which states that:

'To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of Local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and Local partnerships for habitat management, enhancement, restoration or creation; and
b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.

The importance of the watercourse network within the district should be mapped, and safeguarded. The River Test and River Itchen are two of only six chalk streams in the UK home to populations of Atlantic salmon. Chalk stream salmon are genetically unique and considered an irreplaceable sub-species by geneticists.

Data collected by the Environment Agency shows populations are in serious decline and at risk of functional extinction. Each river has a bespoke target (the Conservation limit) below which the population should not be allowed to fall, because the probability of further decline becomes increasingly likely.

In the past 30 years of monitoring, the salmon populations on the Test and Itchen have rarely reached their minimum conservation target. In 2022 the lowest number of returning adult salmon in 30 years was recorded on the Itchen - a mere 133 fish. On the Test, it was the 4th lowest at 506 fish.

The 2023 population assessment showed that the river Itchen met only 39% compliance of its conservation target, and for the River Test, it was 44% compliance of its conservation target. Southampton Water and the Solent are important transitionary environments for both River Test and River Itchen Atlantic salmon populations.

Atlantic Salmon are listed as a Species of Principle Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and an

Annex II species that is a qualifying feature for selection of the river Itchen as a designated Special Area of Conservation (SAC). They are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) in England.

We believe it is therefore necessary and justified that a specific policy is included for protecting the district's watercourses. To help facilitate this we offer some wording and justification below:

PROPOSED NEW POLICY

Protection and Enhancement of Watercourses

Protecting watercourse functions and setting:

1. Development proposals adjacent to or containing a watercourse must demonstrate that they will not have an adverse impact on the hydrological, ecological, and geomorphological functions of the watercourse and its associated corridor. This includes ensuring no net loss of biodiversity, maintenance of natural flow regimes, and minimisation of bank erosion.

Enhancing watercourse value:

2. Development proposals should actively seek to enhance the biodiversity, landscape, and recreational value of the watercourse and its corridor through good design principles, such as naturalisation of banks, creation of wetland features, and provision of public access where appropriate.

De-culverting and buffer zones:

3. De-culverting existing watercourses will be prioritised where feasible. No new culverting will be permitted, and proposals should not prejudice future opportunities for de-culverting.

4. Development proposals adjacent to or containing a watercourse must provide or retain a buffer zone with a minimum width of 10 metres between the top of the bank and the development. This buffer zone should be managed for long-term ecological benefit and include measures to allow for natural movement of fish where barriers exist.

Compliance and Guidance:

5. Proposals must demonstrate compliance with the Water Framework Directive, relevant River Basin Management Plans, and Local catchment management plans. Developers must follow guidance from the Environment Agency on flood risk management and take all necessary steps to avoid downstream impacts on water quality.

Justification for this new policy:

1. Test Valley diverse watercourses are irreplaceable ecological assets with unique biodiversity and ecosystem services. Chalk rivers are unique habitats supporting diverse aquatic life and provide ecosystem services by filtering and purifying water. Only 200 chalk rivers are known globally, and 85% of these are in the UK. Protecting these watercourses is essential for the health of the Local environment and the well-being of communities.

2. Culverting of watercourses has detrimental consequences for ecology, flood risk, geomorphology, human safety, and aesthetics. Maintaining continuous watercourse corridors maximises their benefits and ensures long-term sustainability.

3. The land adjacent to rivers provides an ecological buffer zone, and along with the river provides an important and effective part of a network of linked habitat corridors to allow the movement of species between suitable habitats. Buffer zones form a vital part of green infrastructure provision and are required for the following purposes:
    i. To provide a wildlife corridor that links a number of habitats and affording species a wider and therefore more robust and sustainable range of linked habitats.
    ii. To allow the watercourse to undergo natural processes of erosion and deposition, and associated changes in alignment and bank profile, without the need for artificial bank protection works and the associated destruction of natural bank habitat.
    iii. To provide for the terrestrial life stages of aquatic insects, for nesting of water-related bird species, and for bank dwelling small mammals.
    iv. To allow for the maintenance of a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse itself.
    v. To allow, where appropriate, for the regrading of banks to a lower and safer profile, in areas where there is public access.
    vi. To prevent overshadowing of watercourses by buildings.
    vii. To reduce the risk of accidental pollution from run-off.

Part 3 Comments on the evidence base

Strategic Flood Risk Assessment

The PsFH Level 1 SfRA which provides the base information for the TVBC Draft Local Plan clearly defines what is considered to be Functional Floodplain (FZ3b), which is good to see, and that where detailed modelling is not available FZ3 shown on the Environment Agency's Flood Map for Planning (Rivers & Sea), is considered to include both 3a & 3b.

The Local Plan should include text specifying that development is not appropriate in areas of FZ3, unless it can be demonstrated through detailed modelling that it is not functional floodplain (FZ3b). Its important information for developers as a number of sites include areas of FZ3 and unless it can be demonstrated that the site is not functional plain (FZ3b), we would likely to raise an in-principle objection.

In addition, it should be made clear that development (except for essential infrastructure & water compatible), is not appropriate for areas shown as Flood Zone 3, as specified within the NPPF.

Where allocated sites are shown to have areas of FZ3, we would advise that a level 2 SFRA is undertaken, which may require further modelling to ensure that those sites can be delivered. Whilst the Level 1 SFRA has undertaken some GIS analysis for climate change impacts in areas where detailed modelling is not available.

The analysis identified a number of areas which could be sensitive to increases in water level and if any of these areas correspond to allocated sites it is recommended that a Level 2 SFRA is undertaken so a more accurate picture of climate change impacts is obtained.

Water Cycle Study

WCSs should clearly outline how the proposed plan may affect the water environment and start to suggest what measures will be needed. Whilst this report may contain a lot of information the conclusions don't really address if the plan is likely to have an impact on the water environment or not.

Basingstoke and Deane Borough Council have recently carried out a WCS which is a good example of what we would expect to see, it goes into far more detail about how discharges to ground may represent an issue, something that should also be considered in further detail for the Test Valley BC area.

There is no mention of the current issues Southern Water have had with high Ground Water levels resulting in infiltration into the sewer network, the study should explore if new developments will contribute to that problem or not.

TVBC have previously raised concerns about general WQ issues in the Test to the extent that a WQ Scrutiny Panel has now been established, however there is no mention of that here.

Nutrient neutrality is mentioned but the focus is on N requirements for coastal designated sites. The Test is SSSI in its own right and has Phosphorous limits set as part of Common Standards Monitoring Guidance (CSMG) which has not been mentioned.

Water Industry national environment programme (WINEP) work doesn't seem to have been mentioned - Southern Water have and are continuing to carry out investigations to consider if there is a risk of deterioration under WFD for water supply. They have also looked at the implications of applying CSMG flow targets to abstractions which may further constrain water supplies.

It is worth nothing that following a recent investigation into the effects of abstraction, Southern Water's abstraction licence will be reduced in 2027 to protect the river, Anton. Southern Water are also investing in river restoration work in Andover town centre to mitigate abstraction impacts. The river Anton has been identified as a Flagship Catchment under the Catchment Based Approach (CaBA) Chalk Stream Restoration Strategy. Various organisations are coming together to protect and improve the river.

You could refer to the map showing planned WWTW improvements - southernwater.co.uk/water-for-life/clean-rivers-and-seas-plan/map

We would question why only larger WWTWs are being considered, if there is no development likely to affect the other works then this should be made clear. We assume that development sites have been linked to the WWTW catchment areas and assessed and if so then this should also be made clearer.

We would advise that you speak with NE as we understand that the Test and some of its tribs will be designated as pSAC related to their role as compensatory habitat for the Itchen.

The text on the Water Resources Management Plan seems to focus on Andover with little mention of other water supplies – notably Testwood. The text seems out of date in some parts of the report with references to desalination (which is no longer occurring). We would have expected more mention of the environmental concerns about Testwood as it supplies the southern part of the TVBC area.

Overall, there are room for improvements it does not seem to include current issues that people are concerned about relating to both WR and WQ and doesn't seem to reflect

concerns TVBC have previously raised with us about WQ. Most importantly, the conclusions really drill down to what the issues are in a way that is easy to understand for most readers and points to clear actions that need to be taken forward.

We hope you have found these comments to be helpful and should you wish to discuss any of these points in further detail then please do not hesitate to contact me.

Many thanks,

Charlotte Lines

Appendix 1 -

Site Allocations	Page	Proposed Number of Homes	Environmental Constraints
Test Valley North			
1. Land South of London Road, East Andover	73 SU3919345937	90	No Constraints
2. Land at Manor Farm, North of Saxon Way, North Andover	76 SU3602747944	800	No Constraints
3. Land at Bere Hill, Southeast of Andover	78 SU3804345283	1400	No Constraints
4. East of Ludgershall, Ludgershall	81 SU2792749605	350	No Constraints
5. Southeast of Ludgershall, Ludgershall	83 SU2789249883	1150	**Environmental Constraints** **Contamination** This development area contains a recycling centre. Contamination may be associated with this area. Any development would need to carry out a suitably detailed phased investigation and some remediation may be required.

6. South of Thruxton Aerodrome	85 SU279754524 6	Employment	**Environmental Constraints** **<u>Flood Risk</u>** Notwithstanding our concerns regarding the sequential test the LPA have not demonstrated that this site allocation provides wider sustainability benefits to the community that outweigh flood risk. A site-specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Development should avoid FZ3 unless it can be demonstrated that it is not FZ3b, and compensatory flood storage can be provided on site. **<u>Land Contamination</u>** As noted in the site description there is a part of a historical landfill in this allocation area. Contamination may be associated with this area. Any development would need to carry out a suitably detailed phased investigation and some remediation may be required.

			We also note that parts of this site are in a source protection zone 2, this may provide some constraints for development. Drainage in this area may potentially need additional safeguards to ensure the source is protected. From the layout of the site, it is not clear if this site may historically be part of the adjacent aerodrome. If this is the case, please see the comments relating to PFAS on the Aerodrome site itself below.
7. Thruxton Aerodrome	88 SU281464577 3	Employment	**Environmental Constraints** **<u>Land Contamination</u>** There is also historical landfill in this allocation area. Contamination may be associated with this area. Any development would need to carry out a suitably detailed phased investigation and some remediation may be required. This allocation states that development and extension of premises in the east of the site. There are no buildings shown in the east of the site. All the existing buildings appear to be in west of the site, is this supposed to read west? There has been increasing concerns in recent years, regarding the risks for PFAS contamination. PFAS is a group of chemicals that in general do not break down and have

			been linked to possible health implications. One significant source has been Aqueous firefighting foam, which are often utilised, in association with firefighting/training facilities at Airport. PFAS contamination can be challenging to address, and standards for certain PFAS are very tight. As such PFAS contamination can provide a very significant constraint to any redevelopment. Principal concern areas would be those used for firefighting/training facilities at any airport/airfield, but other area may also be of concern.
Test Valley South			
8. Romsey Primary Shopping Area and Town Centre Boundaries	97 SU353272153 7	Shopping / Commercial	**Environmental Constraints** **<u>Flood Risk</u>** Notwithstanding our concerns regarding the sequential test the LPA have not demonstrated that this site allocation provides wider sustainability benefits to the community that outweigh flood risk. A site-specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Romsey Town Centre - there are sections of culverted main rivers through this allocation, and it should be advised that

			new buildings should not be built over culverted watercourses, and the EA has a presumption against building new sections of culvert unless unavoidable. As for all sites any activities in, over, under or within 8 metres of a main river designated watercourse will require the prior written permission of the EA, in the form of a Flood Risk Activity Permit (FRAP). This permission is separate and in addition to any planning requirements. The issue of planning permission does not necessarily mean that a FRAP will be issued and any potential developers or applicants are advised to contact the EA to discuss their proposals.
9. Land South of Ganger Farm, Romsey	100 SU3761422657	34	No Constraints
10. Land South of the Bypass, Romsey	103 SU3586920953	110	**Environmental Constraints** **<u>Flood Risk</u>** Notwithstanding our concerns regarding the sequential test the LPA have not demonstrated that this site allocation provides wider sustainability benefits to the community that outweigh flood risk.

			A site-specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Land South of Bypass – Romsey (Residential) – Very small area of FZ3. The access to and from the site may go through areas of FZ3 and this will need to be considered for any development.
11. Land at Velmore Farm	106 SU417611945 3	1070	**Environmental Constraints** **<u>Flood Risk</u>** Notwithstanding our concerns regarding the sequential test the LPA have not demonstrated that this site allocation provides wider sustainability benefits to the community that outweigh flood risk. A site-specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
12. Land at King Edward Park, Ampfield	108	Employment	No Constraints

	SU4198822178		
13. Land at Upton Lane	111 SU3719617085	Employment	No Constraints
14. Land Adjacent to Abbey Park Industrial Estate, Romsey	113 SU3791220491	Employment	No Constraints
15. Land South of Botley Road, Romsey	114 SU3803120632	Employment	No Constraints
16. Land East of Test Valley Business Park	116 SU3954320485	Employment	No Constraints
17. Kennels Farm, University of Southampton Science Park, Chilworth	118 SU3981418058	Employment	No Constraints
18. University of Southampton Science Park, Chilworth	119	Science Park	No Constraints
19. Land at Adanac Park, Nursling	120	Research	No Constraints
20. Nursling Estate, Nursling	121	Storage	No Constraints

21. Forest Park	122	Access	No Constraints
22. Stockbridge Local Centre	123 SU3572135108	Town Centre	**Environmental Constraints** **<u>Flood Risk</u>** Notwithstanding our concerns regarding the sequential test the LPA have not demonstrated that this site allocation provides wider sustainability benefits to the community that outweigh flood risk. A site-specific Flood Risk Assessment should demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Any new development within FZ3 areas will need to demonstrate that it is not FZ3b, and compensatory flood storage can be provided on site. Rebuilds likely to be acceptable but should show betterment and no increased loss of floodplain storage.