

## Comment

<b>Consultee</b>	Ms Caitlin Newby (1164655)
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<b>Company / Organisation</b>	Environment Agency
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<b>Event Name</b>	Darlington Local Plan 2016-2036 (Reg. 19) Sustainability Appraisal
<b>Comment by</b>	Environment Agency (Ms Caitlin Newby - 1164655)
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<b>Response Date</b>	17/09/20 14:24
<b>Consultation Point</b>	Table 3.3 Sustainability Issues and Problems ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Web
<b>Version</b>	0.5
<b>Files</b>	<a href="#">EA consultation response to Darlington Local Plan reg 19</a>
<b>Nature of response</b>	
<b>Do you agree with this content?</b>	Neutral

### Please tell us why

We have noted that table 3.3 states in the environmental protections that a number of potential development areas are at risk of flooding. Properties are also at risk in neighbouring authorities downstream of Darlington Borough. Flood risk is likely to increase over the next 25 years due to climate change. Whilst we have no objection to the overall SA has not fully considered the impacts of climate change upon the proposed allocations in relation to flood risk, although this is an assessment question in table 4.1

**If you have any supporting documentation you feel is relevant, please upload it here.**

[EA consultation response to Darlington Local Plan reg 19](#)

Mr David Hand  
Head of Planning Policy, Economic Strategy  
and Environment  
Darlington Borough Council  
Planning Policy  
Darlington  
County Durham  
DL1 5QT

**Our ref:** NA/2009/104453/CS-03/SB1-  
L01  
**Your ref:**  
**Date:** 17 September 2020

Dear Mr Hand,

**CONSULTATION ON DARLINGTON BOROUGH PROPOSED SUBMISSION LOCAL PLAN (REGULATION 19).**

Thank you for referring the above local plan document for the Environment Agency to review. We have taken the time to review the Proposed Submission Local Plan Document and the Sustainability Appraisal (SA) alongside other relevant supporting evidence documents, namely:

- Darlington Level 1 Strategic Flood Risk Assessment (2019)

We are making comments to the plan in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) to assess whether they have been prepared in accordance with legal and procedural requirements.

Having reviewed the submission plan, we consider it to be **sound**. However, we have recommended the following changes below:

**Darlington Local Plan (Submission Document)**

We remain supportive of the vision for Darlington which included the overarching aim to protect and enhance the quality of Darlington's built, natural and historic environment, and to use it positively to create great places.

We are supportive of specific objective 5 and however would still provide a suggested rewording of clause d) to 'Enhance the natural environment ~~Mitigate flood risks~~ through the provision of Sustainable Drainage Systems, Natural Flood Management and environmental and ecological improvement of the River Skerne and River Tees.' This objective should be more aligned to water quality and the requirements of the Water Framework Directive.

We are supportive of specific objective 6 and note the Council have included our previous comments for clause c).

***Chapter 5 Design, Climate Change and Construction***

**Policy DC1 - Sustainable Design Principles and Climate Change**

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We note positively that the Council have included our revised comments in respect to clause f) of this policy.

### **Policy DC2 - Flood Risk and Water Management**

The policy text references the 2018 SFRA although the most up-to-date SFRA listed in the Plan's evidence based is a level 1 SFRA (April 2019). This will need to be amended.

We have noted that the use of SUDs and the priority of discharging to ground (infiltration) is included. We previously advised that this policy advises developers of potential groundwater constraints in the Darlington area, such as confined and artesian groundwater conditions, which should be considered in the design of any SUDS schemes. All proposed drainage schemes, for both foul and surface water discharges, should be appropriate in their chosen location to avoid potential flooding events. An assessment of the suitability of any non mains drainage schemes is likely to be required. For example, consideration should be given by the developer when designing infiltration based SUDS as to whether the ground in the chosen location has capacity to absorb any excess water from the proposed schemes both now and in the future. We note this is referenced in paragraph 5.2.10. It may useful here to reference, that in taking a precautionary approach to groundwater protection, the Environment Agency may object to SUDs proposals which seek to include direct pathways to groundwater.

### **SFRA**

We are pleased to see that the Level 1 SFRA has been updated following our comments made in July and August 2018. However, we have noted that a Level 2 SFRA has not been prepared and we would have preferred this to be have been done following national planning policy and guidance.

In the government guidance for how to prepare an SFRA it notes that you may need to produce a Level 2 SFRA depending on whether your local authority has plans for development in flood risk areas. You should include enough detail in your Level 1 SFRA so that you can identify whether it's possible to allocate land for all your development outside of flood risk areas. You may need to carry out a Level 2 SFRA if either:

- You cannot allocate all land for development outside of flood risk areas
- You can allocate all land outside of flood risk areas, but you believe you may get high numbers of applications in flood risk areas on sites identified in the local plan.

The council are seeking to not carry out a Level 2 SFRA and leave these matters to site-specific flood risk assessments. The Level 1 SFRA notes that there are a total of 17 sites within Flood Zone 2, 15 sites within Flood Zone 3a and 11 sites within Flood Zone 3b. These sites are residential, employment and mixed. We appreciate that the data set will place sites into FZ3b even if the percentage of the site within this extent may be marginal. It should be noted that the area percentages (with flood zones) shown in the SFRA are not consistent with those shown in the Sustainability Appraisal.

We are satisfied with the Council's strategy and decision to not carry forward a level 2 SFRA, despite a justification not being provided for this and despite this being noted as a recommendation for further work in the Level 1 SFRA. We have taken a reasonable, risk-

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based approach to the proposed allocations and the percentages of the site within areas of flood risk. **We are satisfied that this can be dealt with by way of robust planning policies requiring site specific flood risk assessments to steer vulnerable development within site to low flood risk areas.**

### Policy DC3 - Health and Wellbeing

We are supportive of this policy and clause f. However, we would recommend that this is reworded to:

“All new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to prevent and reduce **to a minimum** their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings; the character and appearance of the surrounding area and the landscape; **and the natural environment.**”

### Chapter 6 Housing

We have reviewed this chapter and the appropriateness of allocations, in co-ordination with the theme on Climate Change, Energy and Flood Risk, the Darlington SFRA 2019, Development Site Assessments and the proposed allocations in Policy H2.

### Policy DC2 – Housing Allocations

In respect to recommendations for removal in the SFRA the following residential sites are included:

Site Name and ID	Site Area	% Area within FZ3b
020 Great Burdon (Strategic)	88.39	16.71
100 Hall Farm, Branksome	21.90	13.71

However, these allocations are included in Policy D2 (Housing Allocations) of the Local Plan. As well as this, several other sites are highlighted in the Development Sites Assessment accompanying the SFRA (2019). These sites range from 89% to 96% largely within FZ1 with marginal areas within zones 2, 3a and 3b.

Site Name and ID	Site Area	% Area within FZ3b
041 South Coniscliffe Park	28.32	2.06
185 Greater Faverdale	177.82	2.13
249 North Coniscliffe Park	50.08	0.67
251 Skertingham	492.50	3.82

### Policy H10 Skertingham

This allocation is largely within FZ1 (89.14%) followed by FZ2 (5.69%), FZ3b (3.82%) and FZ3a (1.35%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy.

This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an



FRA.

### **Policy H11 Great Faverdale**

This allocation is largely within FZ1 (96.07%) followed by FZ3b (2.13%), FZ2 (1.56%) and FZ3a (0.25%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy

This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an FRA.

### **Site 20 – Great Burdon**

We would have preferred to see such a strategic site, with a higher percentage of the site in areas of flood risk, to have a specific policy as with Policies H10 and H11.

Clause d) notes that the western area of the site is within FZ2 and 3a and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

### **Site 41 – South Coniscliffe Park**

Clause c) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Clause d) notes a requirement for an adequate buffer to Baydale Beck and potential green infrastructure enhancement opportunities which we are supportive of.

### **Site 100 – Hall Farm, Branksome**

Clause b) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Clause c) notes that the Beck Valleys should be protected and opportunities taken to extend and enhance green corridors would be required which we are supportive of.

### **Site 249 – North Coniscliffe Park**

Clause f) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development). We note that approximately 99% of this site is within FZ1.

### **Policy TC6 Darlington – Town Centre Fringe**

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We have also considered this site/policy in respect to SFRA and our previous responses. Within the SFRA this site is noted as having 21.23% of its development area within Flood Zone 3a and we had recommended that this is assessed in a Level 2 SFRA.

If carried forward, we would require this policy to include reference to ensuring the most vulnerable development is located outside of areas of highest flood risk.

### **Chapter 9 Environment**

#### **Policy EN4 Green and Blue Infrastructure**

We are supportive of this policy and consider this **sound**.

#### **Policy ENV7 Biodiversity and Geodiversity and Development**

Based on our previous comments, we are supportive of this policy and consider this **sound**.

#### **Policy ENV8 Assessing a Development's Impact on Biodiversity**

We are supportive of this policy and consider this **sound**. We are pleased to see reference to the forthcoming Environment Bill and likely requirement for net gain.

### **Sustainability Appraisal (SA)**

#### **Local Sustainability Issues**

We have noted that table 3.3 states in the environmental protections that a number of potential development areas are at risk of flooding. Properties are also at risk in neighbouring authorities downstream of Darlington Borough. Flood risk is likely to increase over the next 25 years due to climate change. Whilst we have no objection to the overall SA has not fully considered the impacts of climate change upon the proposed allocations in relation to flood risk, although this is an assessment question in table 4.1.

#### **Climate Change**

We have previously expressed that a detailed climate change assessment and impacts needed to be carried out in the level 2 SFRA. This should not have solely relied upon site specific flood risk assessments in the applications stage.

We are satisfied with the Council's strategy to not carry out a level 2 SFRA subject to site-specific flood risk assessments, although we must stress this would not have been our preference. You should bear in mind that the level 1 SFRA has not considered the most up-to-date climate change data. Further information can be found here:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Should you have any queries in respect to this response, please contact me on the details below.

Yours sincerely,

**Ms Caitlin Newby**  
**Planning Adviser**

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