

Guildford borough Submission Local Plan: strategy and sites (December 2017)

## **Statement of Common Ground**

as agreed between

Guildford Borough Council and the Environment Agency

January 2018

## **1. Introduction and background**

- 1.1 This Statement of Common Ground has been prepared jointly between Guildford Borough Council ("the Council") and the Environment Agency ("EA"). It reflects the agreed position between the parties in relation to the representations made by the EA during the Guildford Borough Submission Local Plan: strategy and sites consultations. These representations focused on the issues of flood risk, water quality, water resources and green and blue infrastructure, and included points of soundness and clarity of the Local Plan and its accompanying evidence base.
- 1.2 The Submission Local Plan has undergone two Regulation 19 consultations – the first of these held between June and July 2016 was followed by a second, targeted Regulation 19 consultation in June-July 2017 on changes to the Proposed Submission Local Plan: strategy and sites (2016)<sup>1</sup>. This targeted consultation was limited to changes to the plan from the first Regulation 19 consultation, most of which were made in response to representations received in the earlier 2016 consultation.
- 1.3 This Statement of Common Ground indicates the approach agreed between the Council and the EA in relation to the EA's representations in both of these consultations, as well as to the representations made on the Regulation 18 Draft Local Plan (2014).
- 1.4 The table at Appendix 1 lists the EA's representations to the 2016 and 2017 Regulation 19 consultations. The fourth column shows the Council's responses and the amendments that were made in the 2017 Plan to take account of the EA's representation in the 2016 consultation, as well as the Council's proposed minor modifications to the submission plan to address the EA's representation to the 2017 consultation<sup>2</sup>. The full text of these modifications has been reproduced in Appendix 2.
- 1.5 The 2016 version of the Plan addressed the EA's comments on the Regulation 18 Draft Local Plan (2014).
- 1.6 The Council has maintained an ongoing dialogue with the EA at all stages of preparing the Local Plan and its accompanying evidence base. These discussions have been through meetings, workshops, emails, letters and telephone calls.
- 1.7 The Council emailed a copy of its responses to the EA's representations on the Proposed Submission Local Plan: strategy and sites (June 2017) to the EA on 20 October 2017 to check that the EA were happy that the Council's proposed amendments addressed their concerns. A copy of this email is included in Appendix 3. In November 2017, the EA confirmed by telephone that, due to staffing issues, they would be unable to provide written confirmation before the submission date for the Local Plan but that they could not see any obvious issues that the Council had not addressed.
- 1.8 In January 2018, the Council prepared this Statement of Common Ground to cover all consultation periods on the Plan. Both parties have signed it to confirm agreement with its content.

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<sup>1</sup> Local Plan Examination submission document ref. GBC-LPSS-CD-002(a-e)

<sup>2</sup> The Council submitted minor modifications to the Submission Local Plan to the Secretary of State for Local Government on 13 December 2017 (document ref. GBC-LPSS-CD-003).

## 2. Agreed matters

- 2.1 The EA's representations at all stages of consultation on the Local Plan as described above and in Appendix 1 have now been resolved. The following matters, which relate to the evidence base supporting the Submission Local Plan on areas of flood risk, green and blue infrastructure and water quality, are also now resolved.

### Strategic Flood Risk Assessment (SFRA)

- 2.2 The Council has worked closely with the EA to prepare the evidence base on flood risk that underpins the Submission Local Plan and has taken the EA's informal advice as well as addressing their comments submitted formally as part of the Regulation 19 consultations on the Plan.
- 2.3 As part of the consultation on the Regulation 18 Draft Local Plan: strategy and sites (2014), the EA had recommended that the plan include a strategic flood risk and water quality policy. The Regulation 19 Local Plan (2016) responded to this concern by including a new policy P4: Flood risk and water source protection zones. The Council later amended this policy in the Regulation 19 Local Plan (2017) to take account of comments by the EA in the 2016 consultation (listed in Appendix 1).
- 2.4 The EA had also raised concerns in their representation to the Local Plan (2014) consultation regarding the lack of an up-to-date Strategic Flood Risk Assessment (SFRA). The Council commissioned consultants, Capita, to update its 2009 SFRA, which the Council then republished in 2016. The EA attended the inception meeting for the project. As part of identifying the scope of the updated study, all parties agreed to a catchment boundary that stretched beyond administrative boundaries. This reflects the difference between hydrological catchment boundaries and administrative boundaries and acknowledges that development outside Guildford borough can have an impact on local catchments.
- 2.5 The EA also commented at this stage that they felt that further evidence was required in relation to safe access and egress for three site allocations. This was provided as part of an update (addendum) to the Level 2 SFRA to support the Submission Local Plan. The Level 2 SFRA Addendum (December 2017)<sup>3</sup> also responds to the EA's comments on the Regulation 19 Local Plan (2017); in particular, it explains the form of modelling used in the Level 2 SFRA<sup>4</sup> to assess flood risk on the allocated sites. It also outlines the need for developers to factor in allowances for climate change in site-specific flood risk assessments, in line with updated national planning guidance on this subject.
- 2.6 The Council also prepared a Level 1 SFRA: Flood Risk Sequential and Exception Test<sup>5</sup> document in 2016 to help in applying the sequential and exception tests, and updated this in 2017 prior to submission of the Plan. The updates included correcting formatting errors that the EA had highlighted in their representation to the June 2016 consultation on the Plan.

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<sup>3</sup> Local Plan Examination submission document ref. GBC-LPSS-SD-020f

<sup>4</sup> Local Plan Examination submission document ref. GBC-LPSS-SD-020e

<sup>5</sup> Local Plan Examination submission document ref. GBC-LPSS-SD-020d

## **Water quality**

- 2.7 A further comment that the EA made to the Regulation 19 Local Plan (2016) consultation related to a lack of evidence relating to environmental capacity and water quality, the impact of the proposed growth on sewerage infrastructure needs and the impact of Water Framework Directive (WFD) objectives. The Council prepared a Water Quality Assessment (WQA), published In October 2017<sup>6</sup>, which addressed these concerns. The initial methodology for the WQA was agreed with the EA following meetings between the EA and AECOM, the consultant that undertook work on the document. A targeted consultation on the draft WQA was then held with both the EA and Thames Water prior to finalising this work.
- 2.8 The EA responded to the draft WQA consultation in an email dated 16 June 2017 to AECOM as part of its response to the Proposed Submission Local Plan (2017) consultation. The EA's comments on the WQA, and the Council's responses, are in the table in Appendix 1. The comments focussed mainly on the methodology used for modelling the impacts of additional development proposed in the Local Plan. A combination of SIMCAT and RQP modelling has been used in the WQA, which is accordance with the EA's recommended approach to modelling the impacts of growth on water quality.
- 2.9 The Council is committed to ongoing liaison with the EA, as well as with Thames Water on the issues of water quality and the delivery of planned infrastructure upgrades.

## **Green and blue infrastructure**

- 2.10 The EA submitted a number of comments on policy I4 Green and blue infrastructure (Regulation 19 Local Plan 2016) and policy ID4 Green and blue infrastructure (Regulation 19 Local Plan 2017). The EA was strongly supportive of policy ID4, particularly the commitment to protect and enhance waterways, but suggested minor amendments at both stages in order to improve the policy's effectiveness and to correct minor factual inaccuracies. The suggested amendments have been added to the proposed minor modifications to the submission plan, with the exception of the identification of specific projects to support the WFD and policy detail relating to the impact of development on the spread of invasive species. As detailed matters, these can be more appropriately addressed through Development Management policies.
- 2.11 The Council will consult with the EA when developing Development Management policies and drafting the proposed Green and Blue Infrastructure Supplementary Planning Document

## **Conclusion**

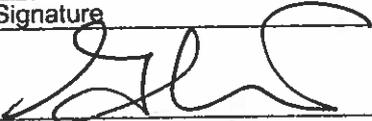
- 2.12 There are no outstanding issues or areas of disagreement between the Council and the EA that have not been resolved in relation to the latter's representations to the Proposed Submission Local Plan: strategy and sites (2016, and 2017), or to the Draft Local Plan: strategy and sites (2014). It is confirmed that, based on the minor modifications set out in Appendix 2, the EA's concerns over the soundness of the Plan have been addressed.

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<sup>6</sup> Stage 2 Final report published in October 2017 (Local Plan Examination submission document ref. GBC-LPSS-SD-037b). Stage 1 Technical Statement published in January 2017 (document ref. GBC-LPSS-SD-037a)

**Declaration**

Signed on behalf of Guildford Borough Council

Name/Position	Signature	Date
Tracey Coleman, Director of Planning and Regeneration		26/3/18

Signed on behalf of the Environment Agency

Name/Position	Signature	Date
Matthew Wilcock, Sustainable Places Planning Specialist		14/03/2018

**Appendix 1: Environment Agency representations to the Guildford Borough Council Regulation 19 Submission Local Plan 2016 and 2017 and the Council's responses**

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
<p>June 2016 (and June 2017 in relation to the EA's comments on the draft Water Quality Assessment (WQA))</p>	<p>Water Quality</p>	<p>There is no evidence relating to environmental capacity and water quality and the impact of the growth being proposed in terms of the sewerage infrastructure needs and the impact of Water Framework Directive (WFD) objectives. Without this evidence the Plan is not based on robust evidence or consistent with national planning policy and is unsound.</p>	<p>A Water Quality Assessment (WQA) has subsequently been prepared, in consultation with the EA and Thames Water Utilities Ltd (TWUL). The EA submitted comments on this in an email dated 16 June 2017 to AECOM as part of its response to the Proposed Submission Local Plan (2017) consultation. TWUL submitted comments by email on 15 June 2017.</p> <p>Sections 6.4.1 and 6.4.2 of the final version of the WQA take account of both of the consultees' recommendations in relation to ensuring environmental capacity of existing sewer networks to accommodate the housing growth proposed in the Plan by advising that developers seek confirmation with Thames Water Utilities Ltd (TWUL) over Wastewater Treatment Works (WWtW) treatment capacity.</p> <p>In addition, all site allocations in the Submission Local Plan that feed into the Ash Vale sewage treatment works now include the following requirement as part of the allocation policy:</p> <p><i>“Ensure that sufficient capacity is available within Ash Vale wastewater treatment works to accept wastewater from this development within its permitted limits”.</i></p> <p>This additional requirement necessitates that developers liaise with Thames Water to ensure that adequate capacity will be available to accommodate new proposed development.</p> <p>Furthermore, the Council has addressed the capacity issue in a proposed minor modification to policy ID1 of the Plan (see below under the response to comments on that policy).</p> <p>A combination of SIMCAT and RQP modelling has been used in the WQA, which is accordance with the EA's recommended approach to</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
			<p>modelling the impacts of growth on water quality. The EA's email stated that "it is encouraging to see that a catchment based model has been used (SIMCAT) as we typically recommend this is used".</p> <p>The EA's response recommended that the WQA should – ideally – assess cumulative impacts on the River Blackwater by means of a calculation of impacts along the continuum of the river. AECOM have advised us that this would entail a collaborative review with other authorities of discharges to the river at each point where there are permit conditions, and a modelling exercise to determine how to optimise these discharges. They have stated that this is beyond what an individual study for one authority can achieve; it would instead require a large joint study with Rushmoor, Hart, Surrey Heath, Bracknell Forest &amp; Wokingham Councils and/or the EA to undertake the modelling review with Thames Water and the Council's support. Our WQA, in combination with the joint Hart, Rushmoor and Surrey Heath Water Cycle Study (May 2017), show that each individual WwTW can be improved to have permit conditions that allow water quality targets to be met.</p> <p>Completion of a robust WQA, as described and in accordance with EA guidance and national planning policy guidance nevertheless satisfies this part of the EA's and Thames Water's representations on the Plan.</p> <p>Comments made by Thames Water:</p> <p>In addition to their comment on ensuring environmental capacity of existing sewer networks to accommodate the growth proposed in the plan (see above), Thames Water commented that the report incorrectly stated that it is not acceptable to allow a deterioration from 'High' to 'Good' water quality status. This incorrect reference was deleted in the final version of the WQA. Section 4.3 of the final WQA also takes account of the Weser Ruling by incorporating new wording stating that: <i>"if a waterbody's overall status is less than Good as a result of another</i></p>

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			<p><i>element, it is not acceptable to justify a deterioration in another element because the status of a waterbody is already less than Good.</i></p> <p>TW also commented that they felt the WQA did not address the italicised text from the following objective: "provide a strategy for wastewater treatment across the Borough which determines what solutions to wastewater treatment are required and <i>whether or not the solutions are viable in terms of balancing environmental capacity with cost</i>,".</p> <p>The WQA does address this objective, as it shows that permit conditions to achieve required water quality standards are achievable within the context of conventional treatment – it is up to the sewerage undertaker to determine what treatment solutions are required (and when) to meet those permit conditions, and the cost-benefit of these solutions. It is not reasonable to ask local authorities to fund this level of assessment for the sewerage undertaker's operational needs.</p>
June 2016	SFRA Level 1 Flood Risk Sequential and Exception Test	Flood risk sequential and exception tests have not been appropriately applied to justify the conclusions drawn in the Plan. Further justification, explanation and clarification sought.	There were a number of formatting errors in the SFRA Level 1 Flood Risk Sequential and Exception Test that have been corrected in the submission version of the document. Further wording has also been added to the methodology and other parts of the document have also been amended in order to make the assessment process easier to follow.
June 2016	Policy P4	<p>Support the inclusion of a specific policy for flood risk, the protection of groundwater, and policy wording on the distinction between developed and undeveloped flood zone 3b</p> <p>We do not consider that sufficient reference has been made to the impacts of climate change on the flood risks associated with development.</p> <p>We recommend that in accordance with the paragraph 99 of the NPPF</p>	Noted.

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
		<p>Policy P4 can be re-worded to reference climate change. For instance:</p> <p>c) a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime, taking into account climate change, including access and egress, without increasing flooding elsewhere, and where possible, will reduce flood risk overall.</p> <p>In the interests of accuracy and clarity we recommend that this Policy is retitled to reflect the correct terminology:</p> <p>In the interest of accuracy and completeness we suggest that the following is added to the end of Paragraph 4.3.39:</p> <p>All other land surrounding this is important flow routes and should be retained.</p> <p>In the interest of accuracy and clarity we suggest that the following is added to the details regarding development in areas at risk of flooding in Policy P4:</p> <p>f) site drainage systems are appropriately designed taking into account of storm events up to 1 in 100 year chance of flooding with an appropriate allowance for climate change allowance.</p> <p>While Policy P4 makes reference to the protection of Groundwater Source Protection Zones, however, in-line with paragraph 109 of the NPPF in the</p>	<p>Wording amended to read:</p> <p>(c) a site-specific flood risk assessment demonstrates that the development, including the access and egress, will be safe for its lifetime, taking into account climate change, without increasing flooding elsewhere, and where possible, will reduce flood risk overall.</p> <p>Policy title amended as suggested.</p> <p>Wording amended to read:</p> <p>Land in undeveloped flood zone 3b forms important flow routes. Any changes to these flow routes should be considered as part of a Flood Risk Assessment.</p> <p>Wording amended to read:</p> <p>(f) site drainage systems are appropriately designed taking account of storm events, and flood risk of up to 1 in 100 year chance, with an appropriate allowance for climate change.</p> <p>Wording amended as suggested.</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
		<p>interests of accuracy and clarity we suggest the following wording:</p> <p>Development within Groundwater Source Protection Zones and Principal Aquifers will only be permitted provided that it has no adverse impact on the quality of the groundwater resource and does not put at risk the ability to maintain a public water supply.</p>	
June 2016	Policy ID4	<p>Welcome and support this policy and specifically the commitment to protect and enhance waterways. Welcome and would like to be involved in the production of a separate Development Management Policy (DMP) and a Green and Blue Infrastructure Supplementary Planning Document (SPD) to set out how ecological networks will be managed and enhanced.</p> <p>Monitoring Indicators Table – In the interests of clarity and accuracy we note that progress on WFD objectives will be reported by the Environment Agency, not Natural England.</p>	<p>Noted.</p> <p>Monitoring Indicators Table amended accordingly.</p>
June 2016	Site allocations	<p>At present the Plan is unsound as the evidence is not in place to demonstrate that these safe access and egress can be provided to these sites:</p> <ul style="list-style-type: none"> <li>• Policy A5: Jewsons, Walnut Close, Guildford</li> <li>• Policy A13: Kernal Court, Walnut Close, Guildford</li> <li>• Policy A14: Wey Corner, Walnut Close, Guildford</li> </ul>	<p>This has been addressed in an update (addendum) to the Level 2 SFRA. This update provides evidence of safe access and egress to these sites and responds to the concerns raised by the EA.</p>
June 2017	Policy A6	<p>We note that sites A2 and A6 are designated flood zone 3b developed and have been allocated within flood zone 3b. We acknowledge that Guildford Borough Council have provided reasoning for these site allocations within the evidence base. We do not wish to raise a point of soundness regarding these allocations and leave it for the Inspector to provide their view on this matter.</p>	<p>Section 2.6 of the Strategic Flood Risk Assessment Volume 1: Final Decision Support Document (July 2016) and page 10 of the Flood Risk Sequential and Exception Test (May 2016) provide sufficient justification for allocating sites in Flood Zone 3b that are developed.</p> <p>Provided a proposed redevelopment does not increase flood risk on the site or elsewhere in the surrounding area, then it complies with national planning policy on flood risk. These site allocations and policy P4 (4) are therefore sound.</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
		<p>POLICY A6: North Street redevelopment, Guildford.</p> <p>The local plan policy requirement (13) states: 'Avoid development of high or medium vulnerability uses in flood zone 2 (medium risk) and flood zone 3 (high risk)'. This should read 'more or highly vulnerable uses'.</p>	<p>Amended wording included as a proposed Minor Modification as recommended.</p>
June 2017	Appendix D	<p>For the sake of accuracy and clarity we recommend that the entry for Water Quality Assessment (WQA) is updated to include that it considers the environmental capacity of the effluent receiving waters.</p>	<p>Additional wording is proposed as a Minor Modification to Appendix D: Evidence Base to include the additional information requested by the respondent.</p>
June 2017	Policy ID1	<p>The policy may benefit from incorporating some of the recommendations that came from the Water Quality Assessment (WQA) undertaken by AECOM.</p> <p>For major developments in the Guildford, Ripley, and Ash Vale Sewage Treatment Works (STW) catchments it is recommended that the council embeds a development control policy within the local plan. This could require developers to provide evidence that they have consulted the sewer undertaker regarding capacity of the sewer network. Drainage strategies should also be submitted as part of the application to enable the sewer undertaker and the Environment Agency to fully assess the potential impacts on the sewer network. Developments should not be occupied before capacity of the sewer network to accommodate flows and capacity at the works is in place to treat to the required standard. For cases where capacity is not in place, the council could include wording in the policy on Grampian conditions.</p>	<p>Additional wording is proposed as a Minor Modification to address comments in relation to this by both the EA and Thames Water:</p> <p>'4.6.5a Through the planning system, the Council is able to ensure that there is adequate infrastructure in place to support new development. For instance, where applicable, developers will be required to demonstrate that there is adequate waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. Where there is an infrastructure capacity constraint, the Council will require the developer to set out what appropriate improvements are necessary and how they will be delivered and may use the planning system to ensure timely provision (e.g. the though the imposition of Grampian-style conditions or appropriate phasing).'</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
June 2017	Policy ID4	<p>We welcome and support the recognition of the differences between green and blue infrastructure. We recommend that use of the word “waterways” is changed to “watercourses”.</p> <p>We welcome the reference to the Water Framework Directive in paragraph 4.6.40. However, we recommend that the following wording is used for the first sentence in this paragraph:</p> <p>“The Water Framework Directive (WFD) requires all member states to achieve good ecological and good chemical status for all groundwater and surface water waterbodies by 2027 at the latest.”</p> <p>In policy point (6) we recommend that mention of about non-native invasive species. Developments can result in the spread of non-native invasive species which have devastating ecological and economic impacts. Where identified, these species should be eradicated/controlled under an agreed scheme.</p> <p>In policy point (7) we recommend that the second sentence is replaced with: “Development proposals that are likely to have an adverse impact on the functions and setting of any watercourse and its associated corridor will not be permitted. Development should seek to conserve and enhance the ecological, landscape and recreational value of the watercourse and its associated corridor through good design and seeking out opportunities to deliver WFD objectives.”</p> <p>This policy should identify potential opportunities for aligning with Water Framework Directive (WFD) objectives and consider the pressures and aims outlined in the River Basin Management Plan (RBMP). For instance, many of the actions that have been highlighted to bring the River Wey into good ecological status involve re-naturalising the bank by removing hard engineering, encouraging natural buffer zones to the watercourse, removing barriers to fish and eel passage, reducing diffuse pollution and tackling non-native invasive species. Some WFD objectives can only be delivered via catchment wide/cross-boundary planning which the Wey Landscape Partnership (currently hosted by the Surrey Wildlife Trust) was set up to achieve - please see comment above on working in partnership and the Wey Habitat Restoration Strategy.</p>	<p>Amended wording included as a proposed Minor Modification.</p> <p>Additional wording included as a proposed Minor Modification.</p> <p>Detailed policies that identify specific issues, projects and measures would more appropriately be dealt with in the Local Plan Development Management policies. ID4 is a strategic policy that deals with the overall treatment of the borough’s waterways.</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
		<p><b>Buffer zone</b></p> <p>Paragraph 4.6.48 to a buffer zone for non-navigable rivers. Please note that all rivers (navigable or not) should be protected and enhanced by an 8m wide minimum undeveloped buffer zone (measured from bank top) on both sides of the river. Bank top is defined as the point at which the bank meets the level of the surrounding land. 8m is the minimum required for main rivers under the Thames Region land drainage byelaws.</p> <p>However, on a greenfield site where there is plenty of land available, we would expect to see a wider buffer zone of a minimum of 10m on both sides of the watercourse that varies in size and shape to include larger areas. It may be appropriate to look at a much larger buffer on certain sites but this should be assessed on a site by site basis. The provision of a buffer zone should also be supported by a long term ecological management plan.</p> <p><b>Key evidence</b></p> <p>Add WQA, the Water Framework Directive and Thames River Basin Management Plan as key evidence.</p>	<p>Additional text included as a proposed Minor Modification as follows:</p> <p>“On greenfield sites where more land is available, a wider buffer zone of a minimum of 10m on both sides of the watercourse that varies in size and shape as appropriate to include larger areas is required. The provision of buffer zones should be supported by a long term ecological management plan.”</p> <p>Additional evidence base included as a proposed Minor Modification.</p>
June 2017	Policy P4	<p>Policy P4 does not reflect some of the conclusions within the evidence submitted in the Strategic Flood Risk Assessment (SFRA) Level 1. In order to overcome this point of soundness we recommend that Policy P4 (3) is updated to reflect your SFRA:</p> <p>"Development proposals in the 'developed' flood zone 3b will also only be approved where the footprint of the proposed building(s) is not greater than that of the existing building(s) and there will be no increase in development vulnerability or intensification in use. Proposals within these areas should facilitate greater floodwater storage.</p>	<p>The Level 1 SFRA does state, on page 5 of the Summary Report (January 2016), and page 14 of the Decision Support Document (July 2016), that there should be no intensification in use on developed sites in the Functional Floodplain (flood zone 3b); however, this statement does not reflect national guidance and therefore appears to be incorrect.</p> <p>In addition, we feel that a reference to development vulnerability would adequately cover this issue. This is because if a developer were to submit a proposal for higher density redevelopment in flood zone 3b that does not exceed the existing building's footprint, then their planning application would still need to demonstrate that the proposal would not increase flood risk vulnerability on the site or surrounding area. This is necessary in order to meet the other requirements of policy P4.</p>

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
			Therefore, we have recommended a minor change to include the first part of the respondent's suggested underlined wording to policy P4, but not to refer to intensification in use.
June 2017	Policy P4	<p>We welcome the inclusion of a majority of the advice we provided in July 2016.</p> <p>Paragraph 4.3.36 For the sake of clarity we recommend adding the date of the Flood and Water Management Act (2010) and making specific mention of Thames Water as a Risk Management Authority, as they have a significant role in relation to managing flood risk from sewers.</p> <p>Paragraph 4.3.42 We welcome the recognition of sensitive groundwater receptors within the Borough. We recommend that reference is made to the most up-to-date version of the Environment Agency's groundwater protection position statements.</p>	<p>Additional wording to paragraph 4.3.36 included as a proposed Minor Modification.</p> <p>Additional wording to paragraph 4.3.42 included as a proposed Minor Modification.</p>
June 2017	Site allocations	Recommend that groundwater issues are added to the list of key considerations for a number of sites.	Additional text included as a proposed Minor Modification – this includes a reference to the issues highlighted in the EA's representation for each site where groundwater issues (e.g. SPZ or Principal Aquifer) apply.

Regulation 19 Local Plan consultation	Policy, paragraph or evidence base document	EA comments	How Guildford Borough Council has addressed the EA's concerns
June 2017	Strategic Flood Risk Assessment (SFRA)	<p>The majority of allocated sites have detailed modelling where the 1 in 1000 year (0.1% annual exceedance probability) is available, these sites have been assessed against the 1 in 1000 year flood. For the purpose of accuracy and clarity we recommend that this approach of using the 1 in 1000 year flood event to account for climate change is clearly set out in the SFRA Level 2.</p> <p>If sites based on high-level flood risk information (A39, A40, A50 and A54) are adopted, at the planning application stage we would expect an assessment of climate change (using the new allowances) to be undertaken by applicants. We recommend applicants consult with the most recent national climate change guidance including our Thames Climate change guidance.</p>	<p>The Council has prepared an addendum to update the May 2016 Level 2 SFRA. The addendum clearly sets out the approach by which the SFRA took account of climate change, which was in line with Planning Practice Guidance on Flood Risk and Coastal Change, published March 2014.</p> <p>The addendum also includes a recommendation that potential applicants consult the more recently published climate change guidance before submitting a proposal if a site is liable to be affected and to provide evidence that they have done so in a site-specific flood risk assessment. The site allocations policies support this advice by referring to the need for applicants to have regard to the recommendations of the Level 2 SFRA.</p>

## Appendix 2 – Proposed Minor Modifications to the Guildford Borough Council Regulation 19 Submission Local Plan (2017) to address the Environment Agency’s representations

The minor modifications below form part of the Schedule of Proposed Minor Modifications to the Submission Local Plan, which the Council submitted with the Plan for Examination in December 2017 (document ref. GBC-LPSS-CD-003). These modifications address the Environment Agency’s representations on the Proposed Submission Local Plan (2017). They are expressed either in the form of ~~strikethrough~~ for deletions and underlined for additions of text.

Chapter or Policy	Paragraph number or section	Minor modification	Reason for modification
Policy P4	Paragraph 4.3.36	Text amended as follows: “To fulfil its statutory obligations under the Flood and Water Management Act ( <del>2010</del> ) and contribute to the achievement of sustainable development, the County Council is required to produce a Local Flood Risk Management Strategy and engage with Risk Management Authorities, including Guildford Borough Council, <del>the Environment Agency and Thames Water, with regard in regards</del> <u>to flood risk management.</u> ”	Clarification, and to emphasise the significance of the role of Thames Water in relation to managing flood risk from sewers.
Policy P4	Paragraph 4.3.42	Footnote added following the sentence ending with the word ‘supply’: “ <del>For the most up-to-date information on groundwater sources, see the Environment Agency’s protection position statements:</del> <u><a href="https://www.gov.uk/government/publications/groundwater-protection-position-statements">https://www.gov.uk/government/publications/groundwater-protection-position-statements</a>.</u> ”	Clarification, and to ensure that the document remains up-to-date.
Policy P4	Policy point (3)	Text amended as follows: “Development proposals in the ‘developed’ flood zone 3b will also only be approved where the footprint of the proposed building(s) is not greater than that of the existing building(s) <del>and there will be no increase in development vulnerability</del> . Proposals in these areas should facilitate greater floodwater storage.”	Amended wording in response to a suggested change by the Environment Agency, to accord with the NPPF and national Planning Practice Guidance on flood risk.
Policy ID1	Reasoned justification	Text inserted as new paragraph 4.6.5a: “ <del>Through the planning system, the Council is able to ensure that there is adequate infrastructure in place to support new development. For instance, where applicable, developers will be required to demonstrate that there is adequate wastewater capacity and surface water drainage both on and off the site to serve the development, and that it would not lead to problems for existing or new users. Where there is an infrastructure capacity constraint, the Council will require the developer to set out what appropriate improvements are necessary and how they will be delivered and may use the planning system to ensure timely provision (e.g. through the imposition of Grampian-style conditions of appropriate phasing).</del> ”	Clarification and in response to Thames Water and EA comments.

Chapter or Policy	Paragraph number or section	Minor modification	Reason for modification
Policy ID4	Throughout Policy ID4	Text amended as follows: References to “ <del>waterway</del> ” amended to “ <u>watercourse</u> ”.	Typographical error. EA recommend correction.
Policy ID4	Paragraph 4.6.40	Amend first sentence as follows: <del>“The Water Framework Directive aims for ‘good status’ for all ground and surface waters in the EU by 2027 at the latest. The Water Framework Directive (WFD) requires all member states to achieve good ecological and good chemical status for all groundwater and surface water waterbodies by 2027 at the latest.”</del>	To more accurately set out the requirements of the Water Framework Directive, requested by the EA.
Policy ID4	Paragraph 4.6.48	Text amended as follows: <del>“Non-navigable waterways</del> <u>Watercourses</u> will be protected and enhanced through the use of an eight metre wide (measured from bank top) undeveloped buffer zone within which new development will be permitted only where it benefits the ecology and/or water quality of the <del>waterway-watercourse</del> . Existing development should not encroach any further into the buffer zone. <u>On Greenfield sites where more land is available, a wider buffer zone of a minimum of 10m, on both sides of the watercourse, that varies in size and shape as appropriate to include larger areas, is appropriate. The provision of buffer zones should be supported by a long-term ecological management plan.”</u>	Suggested by the Environment Agency. The policy requires developments to follow guidance from the Environment Agency. This modification clarifies the requirements of the EA’s guidance.
Policy ID4	Key Evidence box	Text inserted as follows: <u>“Water Quality Assessment Stage 1 Technical Statement and Stage 2 Final Report (Guildford Borough Council, 2017) Water Framework Directive (2000) Thames River Basin Management Plan 2015”</u>	Suggested by the Environment Agency to provide further sources that inform the Policy.
Policy A1	Description, Key Considerations	Text inserted as follows: <u>“(5) Principal Aquifer”</u>	Change requested by the Environment Agency.
Policy A3	Description, Key Considerations	Text inserted as follows: <u>“(9) Northern part of site in SPZ1 (10) Principal Aquifer”</u>	Change requested by the Environment Agency.
Policy A5	Description, Key Considerations	Text inserted as follows: <u>“(4) SPZ1”</u>	Change requested by the Environment Agency.

Chapter or Policy	Paragraph number or section	Minor modification	Reason for modification
Policy A6	Requirements (13)	Text amended as follows: “Avoid development of <del>high or medium vulnerability</del> <u>more or highly vulnerable</u> uses in flood zone 2 (medium risk) and flood zone 3 (high risk)”	Change requested by the Environment Agency.
Policy A7	Description, Key Considerations	Text inserted as follows: “(6) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A8	Description, Key Considerations	Text inserted as follows: “(3) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A9	Description, Key Considerations	Text inserted as follows: “(4) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A11	Description, Key Considerations	Text inserted as follows: “(3) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A12	Description, Key Considerations	Text inserted as follows: “(7) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A13	Description, Key Considerations	Text inserted as follows: “(4) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A14	Description, Key Considerations	Text inserted as follows: “(4) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A15	Description, Key Considerations	Text inserted as follows: “(9) <u>Partly in SPZ1</u> ”	Change requested by the Environment Agency.
Policy A18	Description, Key Considerations	Text inserted as follows: “(6) <u>SPZ1</u> ”	Change requested by the Environment Agency.
Policy A23	Description, Key Considerations	Text inserted as follows: “(4) <u>Site is a proposed burial ground: special consideration is required regarding the depth to groundwater. Please refer to the Environment Agency’s Groundwater protection position statements guidance.</u> ”	Change requested by the Environment Agency.

Chapter or Policy	Paragraph number or section	Minor modification	Reason for modification
Policy A24	Description, Key Considerations	Text inserted as follows: “(9) <u>SPZ1 and historic landfill on part of site</u> ”	Change requested by the Environment Agency.
Policy A26	Description, Key Considerations	Text amended as follows: “(6) <u>Principal Aquifer</u> <del>(6)</del> (7) Policy E4: Surrey Research Park <del>(7)</del> (8) Potential air quality issues”	Change requested by the Environment Agency.
Policy A35	Requirements (New) (13a)	Text inserted as (New) Requirement (13a): “ <u>Ensure that sufficient capacity is available within Ripley wastewater treatment works to accept wastewater from this development within its permitted limits.</u> ”	To ensure the issue is raised in policy, consistent with the information in Appendix C. Also picks up point raised by the Environment Agency and Thames Water on Policy ID1 in relation to requiring developers to ensure that wastewater treatment works have sufficient capacity to serve new development proposed in the Local Plan.
Policy A37	Description, Key Considerations	Text inserted as follows: “(5) <u>Principal Aquifer</u> ”	Change requested by the Environment Agency.
Appendix D: Evidence Base	Research (Water Quality Assessment)	Text inserted as follows: “The Water Quality Assessment provides an assessment of the impact of local plan proposals on water quality by examining impacts on wastewater infrastructure. <u>It also assesses the impacts on the environmental capacity of the water bodies receiving effluent (wastewater).</u> ”	Factual correction – in response to comment by the Environment Agency.

**Appendix 3 – Emails between Guildford Borough Council and the Environment Agency in relation to the EA’s representations on the Guildford Borough Council Regulation 19 Submission Local Plan**

1. Email from GBC to EA dated 25 January 2018
2. Email from GBC to EA dated 20 October 2017

**From:** Gavin Stonham  
**Sent:** 25 January 2018 15:00  
**To:** Rathmill, Oliver <Oliver.Rathmill@environment-agency.gov.uk>  
**Cc:** Planning\_THM@environment-agency.gov.uk; Riaan Van Eeden <Riaan.VanEeden@guildford.gov.uk>; Laura Howard <Laura.Howard@guildford.gov.uk>; Stuart Harrison <stuart.harrison@guildford.gov.uk>  
**Subject:** Statement of Common Ground [UNC]

Hi Oliver,

I have attached the Statement of Common Ground that we discussed last week.

I would be grateful if you could please read it and let me know whether you are happy with it or if you feel it needs any changes. If you are happy with the wording then please could you sign a copy and send it back to me. It would be helpful if you could also send me a signed copy by email as well.

Please also let me know if you feel it would be helpful to have a meeting beforehand to talk through any points or issues that may be easier to address in person.

Our aim is to have it finalised and signed off by 23<sup>rd</sup> February, however please let me know if you are likely to need any longer than this to check it and make any suggested amendments.

Look forward to hearing from you.

Many thanks.

Kind regards

Gavin

**Gavin Stonham**  
**Senior Policy Planner**  
**Planning Services**  
Telephone: 01483 444464  
[www.guildford.gov.uk](http://www.guildford.gov.uk)  
Guildford Borough Council  
Millmead House  
Guildford  
Surrey GU2 4BB

Guildford Borough Council **UNCLASSIFIED** EXTERNAL

**From:** Gavin Stonham  
**Sent:** 20 October 2017 13:16  
**To:** 'Planning\_THM@environment-agency.gov.uk'  
**Cc:** Riaan Van Eeden; Laura Howard  
**Subject:** EA representations to the Proposed Submission Local Plan 2017 [UNC]

Dear Sir/Madam,

Thank you for your representations on our Proposed Submission Local Plan: Strategy and Sites (2017), which we received on 23<sup>rd</sup> July.

We have drafted responses to each of the points that you raised, which I have set out in the attached Word table. We intend to include these in our consultation statement and submission to the Planning Inspector.

We considered national planning guidance as well as the Environment Agency's own guidance on flood risk in our responses. In some cases, we have responded by proposing minor modifications to the Plan.

If you have any queries about our proposals, then we would appreciate if you could reply to us within a couple of weeks, by 3<sup>rd</sup> November, if possible.

Many thanks.

Kind regards

**Gavin Stonham**  
**Senior Policy Planner**  
**Planning Services**

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