

Mike Dunphy
Bromsgrove District Council
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Our ref: SV/2010/103997/CS-
03/SB1-L02

Your ref:

Date: 19 December 2013

Dear Mike,

**BROMSGROVE DISTRICT PLAN PROPOSED SUBMISSION VERSION -
SUPPLEMENTARY NOTE TO FORMAL RESPONSE**

Further to our formal representation to the Bromsgrove District Plan Proposed Submission Version dated 11 November 2013 (our letter ref. SV/2010/1038997/CS-03/SB1-L01), and our subsequent meeting with your Council on 3 December 2013, I am writing to provide further advice on our recommendations for policies BDP5A and RCBD1.

As you are aware our objections to these policies are based on them not having sufficient regard to the sensitive hydrogeological setting of the sites and their failing status under the WFD, and the lack of any policy provisions to avoid the developments having an adverse effect on water quality and quantity.

As previously advised, we do not have 'in principle' concerns over these site allocations, but we consider that changes are required to the plan in order to secure their sustainable development. Our recommendations for policies BDP5A and RCBD1 are set out below.

Policy BDP5A

Firstly, given the sensitivity of the site to groundwater pollution and the poor chemical status of the groundwater body and receiving river water body (Battlefield Brook) under the WFD we would suggest that it is made a requirement of the policy for a land contamination and pollution risk assessment to be submitted with any planning application. It is suggested that this could be worded as follows:

“An appropriate assessment of the pollution risks to controlled waters will be produced taking account of any previous contaminative uses on the sites and the risks associated with the proposed uses.”

Secondly, it is recommended that the requirement for SuDS within the policy makes specific reference to the need to avoid pollution risks to controlled waters and address quantitative issues associated with the waterbodies relating to the site. We note the blue infrastructure proposals for the site set out within the Perryfields Green Infrastructure Concept Plan. This details the qualitative and quantitative issues associated with the waterbodies relating to the site and sets out the principles to be taken into account in the design of its development. It recognises that the aquifer below the site is over abstracted which is causing low flows in the Battlefield Brook. It acknowledges the current efforts to remedy this problem which involve the pumping of groundwater abstracted from the aquifer into the brook to support flows. We support the development principles within the Concept Plan but consider it necessary that such matters are secured through the policy for the site.

We have considered whether this could be achieved through other policies in the plan, namely Policy BDP24, but we are of the view that the water resource and quality issues associated with this proposal represent key site specific environmental issues that require attention in BDP5A. We have also considered whether this objective could be simply achieved by making it a requirement of BDP5A that proposals must be in accordance with the blue infrastructure development principles within the Concept Plan. This approach would not however be applicable to the Whitford Road site (BROM3) which is considered to be subject to the same environmental constraints.

It is therefore suggested that Policy BDP5A is amended to make clear the objectives for the SuDS proposals on site. It is considered that this could perhaps be achieved by adding an additional proviso to the policy (perhaps below proviso K) and associated footnote as follows:

“1) SuDS proposals must provide an appropriate level of treatment to avoid pollution risks to controlled waters, and be designed to support water levels in the Battlefield Brook. In accordance with the objectives of the Water Framework Directive, development should ideally enhance, or at least not worsen, water quality.”

x. For proposals on BROM2 regard should be paid to the Perryfields Green Infrastructure Concept Plan

You will note that we have decided not to specify a precise level of treatment here as requirements may vary across the site and such detail would be too prescriptive. We would however suggest that it is made clear in the supporting text to the policy that SuDS on the sites may need to provide multiple levels of treatment in order to achieve water quality objectives.

It is also noted that this suggested proviso does not seek measures to ensure recharge to the aquifer but instead aims to address the environmental impact associated with over abstraction. This will directly help to achieve WFD objectives in the river waterbody which should have the indirect effect of improving water levels in the groundwater body due to removing the need for pumping water into the brook.

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2

Finally, we have given further consideration to whether it will be necessary to include policy restricting certain activities in SPZs. It is noted that the policy proposes residential development, local employment land and a local centre.

Uses associated with a local centre on the site may include restaurants, hot food takeaways and laundrettes which present risks associated with trade effluent (oils, fats, detergents etc). Such uses would however only be unacceptable in SPZ1 where they would involve contaminated discharges to ground. This could be adequately avoided by securing suitable drainage provisions as part of any future planning applications.

There may be a possible risk associated with a supermarket petrol filling station within the proposed local centre but we would expect that a provision of such significance would be explicit in the policy.

Although unlikely, there is potential for any light industrial uses within the local employment land proposed by the policy to involve the use and storage of pollutants and hazardous substances. It is generally considered however that light industrial uses represent a low, undefined risk and it is not considered necessary to prohibit them within SPZs. In the event that any potentially polluting uses do come forward on the site the associated risks can be assessed and managed through our suggestion for a risk assessment to be required by this policy.

It is generally not considered that the proposed uses on the site will pose an inherent risk to groundwater subject to appropriate controls in respect of surface water drainage. On this basis we do not consider it necessary for the policy to restrict certain elements of the proposed development within the SPZs. For this reason we also consider it unnecessary to update the map accompanying this policy to show the Source Protection Zones (SPZs) on BROM 2 and 3. We would however recommend that the supporting text to this policy makes reference to the SPZs and the sensitive hydrogeological setting of the sites in order to provide justification for the policy provision set out above. The Blue Infrastructure Section of the Perryfields GI concept statement provides a useful overview of the hydrogeology and WFD status of BROM2 (would also be applicable in respect of BROM3) and could be of assistance for this matter.

Policy RCBD1.1

Firstly we would ideally suggest that the map accompanying this policy should be updated to illustrate the position and extent of the Source Protection Zones (SPZs) and the historic landfill on the site. As a minimum we would suggest that reference is made within the supporting text to the policy to an online resource where the SPZs and landfill can be viewed (for example on the Bromsgrove District Plan page of the Council's website). We would also recommend that the supporting text to this policy makes reference to the SPZs and the sensitive hydrogeological setting of the sites. These measures will provide context and justification for the policy provision set out below.

We have given further consideration to whether it will be necessary to include policy restricting certain activities in SPZs. It is noted that the policy proposes residential
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development, a first school and a local centre. It is generally not considered that such uses will pose an inherent risk to groundwater subject to appropriate controls in respect of surface water drainage. Uses associated with a local centre on the site may include restaurants, hot food takeaways and laundrettes which present risks associated with trade effluent (oils, fats, detergents etc). Such uses would however only be unacceptable in SPZ1 where they would involve contaminated discharges to ground. This could be adequately avoided by securing suitable drainage provisions as part of any future planning applications.

There may be a possible risk associated with a supermarket petrol filling station within the proposed local centre but we would expect that a provision of such significance would be explicit in the policy.

In light of the above we do not consider it necessary for the policy to restrict certain elements of the proposed development within the SPZs.

Secondly, given the sensitivity of the site to groundwater pollution, the presence of the historic landfill and the potential for other sources of contamination associated with any previous uses we would suggest that it is made a requirement of the policy for a risk assessment to be submitted with any planning application. It is suggested that this could be worded as follows:

“An appropriate assessment of the pollution risks to controlled waters on Site 1 Foxlydiate will be produced taking account of any previous contaminative uses on the site including the historic landfill (shown on Map 10), and the risks associated with the proposed uses”.

Finally it is recommended that the requirement for SuDS on the site makes specific reference to the need to avoid pollution risks to controlled waters and maximise recharge to the underlying aquifer. You will note the suggestion in our formal response that proviso VI of this policy should make reference to the requirement for flood modelling. It is suggested therefore that this part of the policy could be split into two parts (VI and VII) to read as follows:

“VI. Flood risk from the Spring Brook on Site 1 Foxlydiate and the Red Ditch on Site 2 Brockhill East should be managed through measures that work with natural processes to improve the local water environment. Any necessary measures to mitigate flood risk are to be implemented and flood modelling will be required, which must be outlined in a site specific Flood Risk Assessment. Development will only be permitted in Flood Zone 1. Surface water runoff must be managed to prevent flooding on, around and downstream of the both sites through the use of Sustainable Drainage Systems (SuDS).

“VII. SuDS proposals on Site 1 must provide an appropriate level of treatment to avoid pollution risks to controlled waters, and be designed to maximise recharge to the underlying aquifer and support water levels in the Bow Brook.

Again, we have decided not to specify a precise level of treatment here as requirements may vary across the site and such detail would be too prescriptive. We would however suggest that it is made clear in the supporting text to the policy that SuDS on the sites may need to provide multiple levels of treatment in order to achieve water quality

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objectives, and that a key objective for the development is to maximise recharge to the aquifer.

Sustainability Appraisal

As advised in our formal response to the BDP, we recommend that the SA for the plan is updated to identify and address the water quality and quantity issues as key policy weaknesses. This is particularly relevant for Policy RCBD1 as the SA for this policy currently has no regard to such matters. The SA for BDP5A does have regard to water quality issues but it is recommended that reference is also made to the impacts on water resources. Furthermore, it is recommended that the mitigation requirement for a masterplan to be produced including a clear strategy for green infrastructure also makes reference to blue infrastructure as this is of key importance to the sustainable delivery of this site.

We trust the above is of assistance. Please do not hesitate to contact me if you wish to discuss the matter in more detail.

Yours sincerely

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5