

SD15



**BLAENAU GWENT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN**

**STATEMENT OF COMMON GROUND BETWEEN
ENVIRONMENT AGENCY WALES AND BLAENU
GWENT COUNCIL**

February 2012

Introduction

This Statement of Common Ground has been prepared to identify the areas of agreement between the Environment Agency Wales on matters relating to the Blaenau Gwent Deposit Local Development Plan and the representations submitted by the Environment Agency Wales concerning that document.

The changes and the Council's agreed response to each are included in Appendix 1 attached. The outstanding issues between Blaenau Gwent and Environment Agency Wales are set out below.

Outstanding Issues

(1) ED1.2 Lower plateau Six Bells Colliery site- new primary school (Representation No 18D.81)

The EA objected to the allocation of site ED1.2 on the basis that the proposed use is highly vulnerable development located in zone C2 which is contrary to TAN15 and that the Strategic Flood Consequence Assessment has not demonstrated whether the consequences of flooding are capable of being managed in an acceptable way.

BGCBC has commissioned a further Strategic Flood Consequence Assessment to model the flood risk in this area. At the time of preparing the statement of common ground the results of this assessment have not been finalised therefore, it is not possible to reach agreement with the EA until the results are made available.

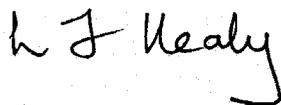
(2) Policy DM3 – Improving Water Quality (Representation No 18D.82)

Agreement for the changes made to DM3 was reached between the EA and BGCBC on policy DM3 via e-mail correspondence dated 27th September 2011. However, the EA require additional text to be added to paragraph 7.25 (FC7.F) as it should also explain that *all development proposals will be expected to explore opportunities for making improvements to water quality, as part of the planning application process and that developers will be required to incorporate measures to improve water quality within their design, unless they can satisfactorily demonstrate that it is not practicable or reasonable to do so*. It is considered that this is best dealt with through a written representation to the focussed changes consultation.

(3) Policy SP10 – Improving Water Quality (Representation No 18D.83)

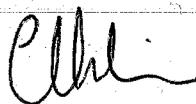
The EA recommend that the text 'both locally and regionally' in paragraph 6.68 (FC7.B) is amended or deleted, as it appears confusing. It is considered that this is best dealt with through a written representation to the focussed changes consultation.

Signed:



Lynda Healy
Development Plans Manager
Blaenau Gwent County Borough Council
30th January 2012

Signed:



Caroline Hawkins
Team leader Planning Liaison & Corporate Services
Environment Agency Wales
30th January 2012

APPENDIX 1 – BLAENAU GWENT COUNTY BOROUGH COUNCIL AND ENVIRONMENT AGENCY WALES AREAS OF AGREEMENT TO THE DEPOSIT LOCAL DEVELOPMENT PLAN

Rep No.	Chapter/ Policy	Summary of Environment Agency Representation	Councils Response	Environment Agency Response
34	Chapter 9	The deliverability of allocated sites which are affected by contamination cannot be properly determined until a preliminary site investigation. This should be considered further so that appropriate flexibility can be built into the Plan.	Disagree. The allocations made in the Plan were subject to a rigorous site assessment process to ensure they were developable, sustainable and in accordance with the LDP Strategy. The site assessments took into account a cross cutting range of issues, including a view from environmental health regarding land contamination. A precautionary approach was adopted by environmental health where if the site was previously used for a contaminating land use it was identified as having land contamination issues. In actual fact a number of the sites have already been redeveloped and have dealt with the contamination issues. At meetings held to determine the suitability of sites a member of the property department was at hand to provide advice on site viability. A number of sites were taken out due to concern regarding known issues. In terms of both housing and employment, flexibility is built into the Plan. For housing whilst there is a shortfall of 3,500 houses. We actually provide 3,932 houses which provides a flexibility of 12%. Whereas for employment the flexibility is built into the	Agree – no change required

Rep No.	Chapter/ Policy	Summary of Environment Agency Representation	Councils Response	Environment Agency Response
			<p>methodology of how much land is required. Nevertheless new requirements in terms of monitoring the Plan and the revised housing land availability process will ensure that any sites which have contamination issues which impact on site viability are noted and acted upon. Where necessary any sites where there are viability issues the Council can agree to reduce or negate any S106 requirements. Where a site is still unviable the Council will need to take a view on the importance of bringing the site forward and look to identify grant funding or take a decision to delete the site from the Plan. This could be undertaken through the annual monitoring process or the 4 year review. The Council is confident that this issue has been addressed.</p>	
35	DM1	<p>Paragraph 7.10 would benefit from improved clarity by identifying when a developer is required to carry out a risk assessment for contaminated sites.</p>	<p>Agree. The second sentence of paragraph 7.10 has been amended (See MC.14)</p>	<p>Agree to the proposed minor change (MC.14)</p>
82	DM3	<p>The Deposit Plan's policies contain no reference to improving water quality. The policy provisions are limited to protection only, which implies Blaenau Gwent are only aiming to maintain the status quo.</p>	<p>Agree. Reference to improving water quality is now made in the Plan. A criterion has been added (see FC7.D), paragraph 7.24 amended (see FC7.E) and 7.25 (see FC7.F). Cross ref to SP10 now made (see FC7.G)</p>	<p>Agree with FC7.D & E.</p>

Rep No.	Chapter/ Policy	Summary of Environment Agency Representation	Councils Response	Environment Agency Response
83	SP10	The Deposit Plan's policies contain no reference to improving water quality. The policy provisions are limited to protection only, which implies Blaenau Gwent are only aiming to maintain the status quo	Agree. A criterion has been added (see FC7.A), text (see FC7.B) a and cross ref to policy DM3 (FC7.C)	Agree with FC7.A & C.
163	Ch 9	Change title of final column in table on Delivery and Implementation on p.135 to 'Preliminary Risk Assessment' to reflect Sites Description document	Agree. The title 'Ground Investigation' in the final column of the survey requirements table has been deleted and replaced with 'Preliminary Risk Assessment (PRA)' (see FC.14)	Agree to the proposed focussed change (FC.14)
164	Ch 9	In Section 9 sites H1.3 & H1.17 should include a requirement for PRAs and sites EMP1.3 & EMP1.6 for FCAs, as in Sites Description	Agree. The Survey Requirements Table has been updated (see FC.14)	Agree to the proposed Focussed Change
172	SP7	Paragraph 6.52 is unclear and should be amended to clarify that emergency services and highly vulnerable development should not be permitted in zone C2, development should not cause flooding off-site and that a FCA is required for zone C development	Agree. Paragraph 6.52 has been replaced (see MC.8)	Agree to the proposed minor change (MC.8)
174	App 1	The data source related to zone C in Appendix 1 should not be Environment Agency but BGCBC planning applications	Agree. 'Environment Agency' as the data source of SP7 Objective 6 has been deleted and replaced with BGCBC planning applications (see FC.14)	Agree to the proposed focussed change (FC.14)
182	DM21	Reference to "landfill" in the context of activities 'likely to be suitable on farms as	Disagree. The reference to national policy relates to a Policy Clarification Note 04/04 on	Agree – no change required

Rep No.	Chapter/ Policy	Summary of Environment Agency Representation	Councils Response	Environment Agency Response
		part of farm diversification' in terms of national policy needs to be checked and clarified.	Waste Policies	
186	DM21	Further explanatory text is required in relation to parts 6) d and e of the policy. The additional text should promote the benefits of CHP schemes and highlight the location of the proposed installation.	Disagree. In the interests of a slimmer plan the reasoned justification is limited to waste and recycling matters. Issues around energy from waste have been covered by policy DM5. However, cross reference to SP7 has been made (see MC.22)	Agree to the proposed minor change