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Environment Agency

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Dear Ian,

Environment Agency comments for public examination of the Three Rivers Development Management Policies Local Development Document

We wish to contribute further responses in relation to the inspector's questions CC9, CC10 and CC11, and these are listed below. Please do not hesitate to contact me if you have any queries or require any clarity about our response.

Question CC9

The high water stress in Three Rivers is acknowledged in the LDD in paragraphs 10.6 and 10.10, with a reference to the district's water resources in paragraph 10.9. However, whilst these resources and impacts are mentioned in the accompanying text, the key messages from those paragraphs don't seem to have been transposed into a meaningful policy.

We appreciate that the policy does provide guidance on what measures are expected to be incorporated in developments to reduce the impact on water resources, but do feel that the policy could go further.

Specifically, we had asked Three Rivers District Council (TRDC) whilst assessing past iterations of the policy to include a requirement for new developments to achieve a water consumption figure of 105 litres/person/day (l/p/d) or less. However, TRDC stated that they were not keen on requiring developers to achieve water consumption levels below those required by building regulations (currently 125 l/p/d).

However, given the evidence for the high levels of water consumption in the district (the mean figure for the period 2007-2012 was 170.7 l/p/d in Affinity Water's 'Central Zone' that includes TRDC) and the serious water stress experienced throughout the south-east, we would suggest that it would not be unreasonable to require developments to achieve 105 l/p/d (or Code for Sustainable Homes (CSH) level 3/4).

Water use accounts for 27% of all carbon emissions. Building a house to 105l/p/d will save 79kg of carbon dioxide and 15 cubic metres of water per house, per year. It is important that future proposals for residential development contribute towards the reduction of these emissions.

Increased growth and population will place further pressure on our region's limited and over-consumed water resources. During years with hot/dry summers, which are expected to increase in frequency with the impacts of climate change, average consumption figures could increase even further. A policy requiring developers to achieve 105 l/p/d (at least until such time as other requirements supersede this figure) will help to mitigate for some of the impacts of over-consumption and ultimately lead to a reduction in water use across the district.

Other local authorities in the region have included this requirement within their strategic planning document policies. For example, Dacorum's Core Strategy policy CS29(e) (pre-submission), South Bucks' Core Strategy policy 13 (adopted) and Barnet's Sustainable Design & Construction SPD table 2.11 (awaiting adoption), all set requirements for new developments to achieve 105 l/p/d.

The most significant and relevant evidence for this requirement comes from the Water Cycle Study Scoping Study (2010), carried out for TRDC, plus four other local authorities. Specifically, section 8.1 on page 81 of the document recommends that a minimum target of 105 l/p/d is implemented through LDF policies. The document further recommends that developers should aspire to achieve 80 l/p/d (CSH levels 5/6), whilst recognising that technical and financial considerations may make this target unviable for some developments.

In relation to this, the overarching aim of the National Planning Policy Framework is: 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.' We expect that the costs of sustainable development should be built into the overall costs through good design and the trend is for sustainable features to fall in costs.

A recent report by the Code for Sustainable Homes into building green homes has revealed that the cost of meeting sustainability codes has fallen over three years. The latest report provides guidance as to the costs of building housing to Code standards. It updates the two previous Code cost reports and is based on a much larger availability of market-tested industry data. The report is dated August 2011 and is available on the Government website: https://www.gov.uk/government/publications/cost-of-building-housing-to-the-code-for-sustainable-homes-standard-updated-cost-review.

Produced by the Department of Communities and Local Government, the research shows that average extra costs for homes built to Code level 3 have fallen by three-quarters from £4,458 in 2008 to £1,128 when the report was published.

In addition to the above, the overall costs for the lifetime of a development would be less for the occupier - reduced energy, water costs etc. Retrofitting of a development is considerably more expensive that fitting it with sustainable features at the new-build stage.

Question CC10

SuDS are acknowledged in paragraphs 10.3, 10.14 and 10.17, but are then not specifically mentioned in the policy. The policy does state that new development must be designed to 'minimise flood risk', and have an 'adequate and sustainable

means of surface water drainage', but fails to acknowledge any criteria for SuDS implementation.

Recent interim SuDS policy guidance released by Hertfordshire County Council (Herts CC), in anticipation of taking their role as SuDS Approval Body (SAB) from next year, gives a good insight into what the expectations will be county-wide for SuDS implementation.

Until Herts CC have taken on their SAB role, it is necessary for this LDD to ensure that the approach to SuDS is sufficiently strong, such that poor quality or poorly planned SuDS schemes are not granted permission.

When we are required to assess surface water drainage systems at the planning stage (using SuDS), which is generally only for sites greater than one hectare, we always expect a development to consider the most sustainable SuDS techniques first (e.g. green roofs, ponds, swales), and then only moving to other SuDS techniques in the hierarchy if there are clearly justified reasons for doing so. Please see below for a table that shows a typical 'SuDS heirarchy' (this table is taken from page 4 of our own guidance, entitled 'SuDS – A Practical Guide', which is available from: http://bit.ly/YLFTlk):

Table 1. The SUDS Hierarchy

	SUDS technique	***Flood Reduction***	***Pollution Reduction***	***Landscape & Wildlife Benefit***
Most Sustainable	**Living roofs**	✔	✔	✔
↑	**Basins and ponds** - Constructed wetlands - Balancing ponds - Detention basins - Retention ponds	✔	✔	✔
	Filter strips and swales	✔	✔	✔
	Infiltration devices - soakaways - infiltration trenches and basins	✔	✔	✔
↓	**Permeable surfaces and filter drains** - gravelled areas - solid paving blocks - porous paviors	✔	✔	
Least Sustainable	**Tanked systems** - over-sized pipes/tanks - storms cells	✔		

The table above also demonstrates, in relation to the type of SuDS techniques used, that the most sustainable techniques also offer other benefits to a scheme such as biodiversity enhancements, additional amenity space and improved water quality.

We would support an addition to policy DM8 to expand on the requirements for SuDS to be implemented at all development sites, using surface based techniques in preference to underground techniques, and ensuring a greenfield run-off rate on previously developed land (where feasible). The first requirement

is already mentioned in the accompanying text to policy DM8, whilst the last two requirements are drawn from the interim SuDS guidance.

TRDC's Level 1 Strategic Flood Risk Assessment (2007) recommends in section 8.3 (page 90) that SuDS should be "promoted in all flood zones" and "achieve greenfield discharge rates on both Greenfield and Brownfield sites".

Question CC11

The policy before the proposed change to part c) would have been unsound, as there may have been a situation where planning permission was granted for a development within eight metres of a 'main river', but we would not grant a flood defence (FD) consent for the works and they would not be able to take place. This could leave the Local Authority open to legal action.

If planning permission is required, we would consider the principle of development next to the watercourse at the planning stage, rather than wait till being consulted on FD consent. If we would refuse FD consent then we would also object at the planning stage.

The eight metre bylaw distance is set out in section 4(b) of the Thames Region Land Drainage Byelaws, which clearly states that no development "whatsoever" shall be permitted without the consent of the "the Authority" (Environment Agency).

This policy will ensure that a minimum eight metre buffer zone will be left adjacent to main rivers which will help the district to achieve targets in habitat creation/restoration and helping to minimise flood risk.

The responsibility for responding to and granting consents for development proposals that affect ordinary watercourses has now been passed to the Lead Local Flood Authority – Hertfordshire County Council. We cannot therefore comment on the part of the policy concerning "any other watercourse".

We accept that there are exceptional circumstances where it may not be practical for a developer to provide an eight metre buffer zone, but we would assess this on a case-by-case basis. If a developer did not feel they could provide an eight metre buffer, they would need to justify their reasons why and we may seek additional mitigation or compensation for habitat loss and/or flood risk reasons.

Yours sincerely,

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cc Planning Policy team – Three Rivers District Council