

Forward Planning Team
Ryedale District Council
Old Malton Road
Malton
YO17 7HH



Our ref:
Your ref:

19 January 2016

Dear Sir or Madam

RYEDALE SITES CONSULTATION – LOCAL PLAN SITES DOCUMENT

Thank you for consulting us on the preferred sites for the Service Villages and potential options for sites at the Market Towns, and for allowing us additional time to respond in light of the recent flooding event in Yorkshire.

Overall, we are very supportive of the documents and have the following comments to make.

SITE SELECTION METHODOLOGY

FLOOD RISK

We are pleased to see that the site selection methodology appears to have resulted in the successful avoidance of development in flood risk areas, provided those parts of sites lying partially within a flood risk area are either removed from the site outline, or that the allocation is conditioned such that these areas are only used for open space / green infrastructure. If, for whatever reason, allocations with development in flood zones 2 or 3 are pursued, we recommend that the council produce a free-standing sequential test document to demonstrate the process that has been gone through.

We note reference is made to PPS25 in numerous places. As you will be aware, PPS25 has been superseded by the NPPF and the Planning Practice Guidance and we therefore suggest that all references to PPS25 are updated accordingly.

GROUNDWATER PROTECTION

The site selection methodology includes a qualitative assessment of whether the preferred sites/potential options for sites may have an impact on a groundwater Source Protection Zone. We consider this is really positive and fully support this approach.

Question 25 in the Site Assessment Methodology Tables asks "*Would the development have an adverse impact on a Groundwater Source Protection Zone*". An assessment is made against four qualitative criteria, as follows:

- Development would not affect the public water supply (++)
- Development could potentially affect public water supply but mitigation possible (+)
- Development could potentially affect public water supply but no investigation undertaken (-)
- Development would lead to serious risk of contamination of public water supply and mitigation not possible (--)

It is not very clear how each allocation has been assessed against these criteria. For example the notes in the table for sites 346 and 455 state "*No response from the Environment Agency was requested. Hydrogeological Risk Assessment will be required*". However, site 346 has been assessed as (+) and 455 has been assessed as (--). It is not clear why there is a difference in the outcome for these two sites.

To increase the transparency of the assessment it might be useful to clarify the assessment criteria, and we suggest the following as an example:

- Development is not located on a Principal Aquifer or in a groundwater Source Protection Zone (++)
- Development is located on a Principal Aquifer or in a groundwater Source Protection Zone but mitigation is possible to reduce the risk of groundwater pollution risk (+)
- Development is located on a Principal Aquifer or in a groundwater Source Protection Zone but no risk assessment has been undertaken (-)
- Development is located on a Principal Aquifer or in a groundwater Source Protection Zone and mitigation of the risk of groundwater pollution is not possible (--).

Justification for the assessment should be included in the table. For example, it may be considered that the potential risks to groundwater from a residential development in Source Protection Zone 3 could be mitigated as both foul and surface water will be discharged to mains sewer and potential construction impacts can be managed effectively. We recommend this type of information is included in the table.

We consider it is important to point out that we would object to certain types of development or activity in Source Protection Zone 1. Detailed guidance is provided in our publication: 'Groundwater protection: Principles and practice (GP3), August 2013'. A copy of this document is available on our [website](#). A useful table summarising our position on certain high risk development types in groundwater Source Protection Zones is attached and may be useful to you in the site selection process.

SITES CONSULTATION DOCUMENT

FLOOD RISK

General comments

A sequential approach should be taken towards the selection of sites. Where sites are partially located in areas of flood zone 2, 3 & 3b a sequential approach should be taken to the site, with either the areas at greater risk of flooding being removed from the site outline, or the allocation being conditioned such that these areas are only used for open space / green infrastructure.

North Yorkshire County Council and the appropriate Internal Drainage Board, where relevant, should be consulted regarding surface water runoff and the use of Sustainable Drainage Systems in new development. They are likely to request policies which dictate certain drainage design standards for brownfield and Greenfield sites, with appropriate allowances for the predicted impacts of climate change.

We concur with the residential site assessment outcomes, and would support the view that any sites in outcome groupings 1 & 2 should not be taken forward for allocation, where flood risk is a factor. None of the sites in group 3 that may be brought forward appears to have flood risk as a factor requiring mitigation.

However, if the council considers that other sustainability criteria outweigh flood risk issues and decides to pursue sites within flood zones 2 or 3, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk. The Sequential Test could also be demonstrated in a free-standing document. Diagram 2 of the Planning Practice Guidance provides a useful starting point for structuring the process.

Should any site be brought forward proposing 'more vulnerable' development such as residential development, within flood zone 3, the council will need to undertake the Exception Test, including the need for a site specific Flood Risk Assessment, as set out in paragraph 102 of the NPPF.

You should be aware that there will shortly be an update to guidance on how climate change needs to be considered, which will include guidance to be taken into account for Local Plans. This should be used to inform and update your current policies and evidence base.

Flood Defences

To sustain and improve the flood risk measures currently protecting properties within the District, to manage risks from surface and groundwater as well as keeping pace with climate change, additional investment will be needed in coming years. Any Flood Defence Grant in Aid money successfully secured will come with a strong expectation from government that partnership funding contributions will be maximised to get the best possible value from this source of funding, allowing it to be stretched further. It should be noted that FDGiA funds will only deliver the cheapest possible option for delivering the standard of protection deemed necessary for any

particular area. Partnership funding can be used to top-up FDGiA funds to enable flood risk management measures to deliver benefits beyond flood protection.

Site specific comments

Malton & Norton

Residential - Sites 649, 218, & 249 all lie within flood zone 1, and we therefore fully support them being taken forward for allocation from a flood risk perspective.

Site 324 lies partially within flood zone 2 but as large areas of land are available in flood zone 1 a sequential approach to the layout of the site should be taken. The area of flood zone 2 should either be removed from the site outline or designated to be set aside for use as open space / green infrastructure.

Employment / Retail – Both sites recommended to be taken forward for allocation, 578 & 579, lie entirely within flood zone 1. Subject to appropriate surface water attenuation and runoff rates being specified, we support the allocation of these sites and support the removal of any other sites on flood risk grounds. No sites are being brought forward for retail allocation.

The flood risk management measures outlined above, under 'Flood Defences', in some circumstances will require the securing of land within development sites, including some sites proposed for allocation. The Environment Agency is working with other partners in a project led by North Yorkshire County Council to mitigate the impact of flooding from ground, surface water and watercourses within Malton, Norton and Old Malton. Whilst the details of the outcomes of the initial study are still in the early stages of planning, it is likely that contributions will be required to progress these options. Early recommendations of the project suggest managing flows within the Riggs Road Drain catchment to help mitigate the current issues in Old Malton. Sites 578 and 579, north of the A64, make up much of this catchment. The Partners in this project would like to be involved in early discussions regarding the layout of developments on this site and how the watercourses and surface water features are managed in order to optimise benefits.

If these sites are to be taken forward, we would like to have further discussions with you about the inclusion of appropriate requirements for developments to ensure the objectives for flood risk management in this area are fully supported. The overarching principles will be to ensure that:

- Land needed for flood risk management purposes is safeguarded from any development which may prevent or hinder its delivery;
- Opportunities are maximised for developments to contribute in-kind to relevant flood risk management projects, for example through the provision of measures with wider flood risk benefits as part of a development;
- Opportunities are maximised for developments to contribute financially to relevant flood risk management projects from which they will benefit, for example through cash contributions via S106 or CIL.

Pickering

Residential – Sites 116, 347 & 205/387 all lie within flood zone 1 and so from a flood risk point of view are suitable for allocation. Site 200 has an area of flood zone 2 within the site and could be suitable for allocation subject to either the area of flood zone 2 being removed from the site outline or it being specified that the area of flood zone 2 must remain as open space / be used for green infrastructure.

Employment / Retail – Only one site is being brought forward for allocation, site 650. Provided that, as suggested in the site assessment tables, the eastern limb of the site which lies in flood zone 3, is deleted from the site outline, leaving the whole of the remaining area in flood zone 1, then we would support the allocation of this site on flood risk grounds.

Site Assessment outcome - We support the non-allocation of sites that are placed in outcome groupings 1 or 2 for flood risk reasons. Of the sites placed in outcome grouping 3, only three have flood risk issues, sites 90, 229 and 200. As other sites are available in flood zone 1, we recommend that a sequential approach is taken and that these 3 sites are not taken forward for allocation.

Kirkbymoorside

Residential – The sites suggested in both options 1 (454) and 2 (265, 201, 345 & 156) all lie within flood zone 1. We therefore support the allocation of these sites on flood risk grounds.

Employment – Site 622 has been proposed for an employment allocation. We are unable to support this site for allocation, and strongly recommend that it is not taken forward. The site is affected by Flood Zone 3b, according to the North East Yorkshire SFRA and backed up by the Derwent CFMP 1:20 outline.

The LPA should consider other sites for allocation taking a sequential approach to their selection.

Service Villages

Amotherby & Swinton, Ampleforth, Nawton / Beadlam, Rillington, Sherburn, Sherriff Hutton, Staxton & Willerby and Thornton Le Dale – All proposed sites in these settlements are located in flood zone 1. Any sites taken forward should adhere to the comments made in the 'general comments' section above.

Hovingham – We concur with the outcome groupings in terms of flood risk. If site 643 is to be taken forward for allocation then a sequential approach to the layout of the site should be taken. The area of flood zone 2 should either remain as open space / green infrastructure, or the area within flood zone 2 removed from the site boundary.

Slingsby – We agree with the outcome groupings made and support the non-allocation of any sites in groups 1 or 2 on flood risk grounds.

GROUNDWATER PROTECTION

The Ryedale Plan, Local Plan Sites Document, 2015 identifies sites that have been taken forward from the site selection process. These sites have been checked against groundwater constraints and the results are as follows:

Malton and Norton:

Residential	649	Unproductive Aquifer, not in groundwater Source Protection Zone
	218 (108/281), 249, 324	Principal Aquifer, not in groundwater Source Protection Zones
Employment	578, 579	Unproductive Aquifer, not in groundwater Source Protection Zone

Pickering:

Residential	116, 347	Principal Aquifer, Source Protection Zone 1
	200	Unproductive Aquifer, not in groundwater Source Protection Zone
	205/387	Most of the site Unproductive Aquifer, not in groundwater Source Protection Zone. Small area of site on Principal Aquifer, Source Protection Zone 1.
Employment	650	Unproductive Aquifer, not in groundwater Source Protection Zone

Kirkbymoorside:

Residential	431, 265	Majority of site located on Unproductive Aquifer, not in groundwater Source Protection Zone
	201	Located on both Unproductive Aquifer and Principal Aquifer. Not in groundwater Source Protection Zone.
	345	Principal Aquifer, not in groundwater Source Protection Zones
	454 (currently occupied by Micrometalsmiths) 259	Unproductive Aquifer, not in groundwater Source Protection Zone
Employment	622	Unproductive Aquifer, not in groundwater Source Protection Zone

Service Villages

Residential	51	Secondary (undifferentiated) Aquifer, not in groundwater Source Protection Zone.
	430 (incorporating 464)	Principal Aquifer, not in groundwater Source Protection Zones
	638	Unproductive Aquifer, not in groundwater Source Protection Zone
	8	Most of the site located on Unproductive Aquifer. Small area of site on Principal Aquifer Not in groundwater Source Protection Zone.

There are two proposed sites that could pose an unacceptable risk to groundwater quality due to their location in a groundwater Source Protection Zone 1. These are both residential sites in Pickering - site 116 (c.117 dwellings) and site 347 (c.180 dwellings). The report does state that "*the use of Sustainable Drainage Systems will require careful consideration*" at these sites. However, further detailed information will be required at planning application stage, including a hydrogeological risk assessment (HRA).

For information, details of the type of information that will require submission to support planning applications for these potential allocations are set out below:

Supporting information required:

The developer will be required to submit the following information together with their application for planning permission.

It is important that this information is submitted with the planning application. This information will help the Environment Agency to decide whether the risks from the proposed development can be managed and groundwater can be protected. If this information is not submitted with the planning application we will object. We need to be certain that risks to groundwater can and will be mitigated.

- Hydrogeological Risk Assessment (HRA)

A HRA is the formal process of identifying the potential groundwater hazards associated with each stage or phase of the proposed development and evaluating the likelihood and consequences of each hazard. The framework for groundwater risk assessments includes:

- Developing a conceptual model for the site. Given the sensitivity of the sites, intrusive site investigation and a period of groundwater monitoring is likely to be required to characterise the site hydrogeology in sufficient detail and to provide sufficient information to inform the risk assessment;
- Identifying sources of pollution, potential pathways for the movement of pollutants and receptors (for example groundwater abstractions, groundwater dependent ecosystems);

- A tiered approach. A qualitative risk assessment should be undertaken initially, progressing to more detailed numeric assessments where risks are greater;
- Consideration of uncertainties in the assessment;
- An appraisal of options for dealing with the identified risks.

The HRA should assess the risks associated with construction of the development, together with risks associated with the proposed surface water and foul drainage schemes.

Further detailed information and guidance about HRAs can be found in our publication Groundwater protection: Principles and practice (GP3) (August 2013). We recommend that HRAs are completed by a specialist in this area.

- **Surface water drainage scheme**

Applicants will be required to submit details of their proposed schemes for managing surface water. Details of the practical measures that will be implemented to reduce the identified risks to groundwater will also be required.

- **Foul water drainage scheme**

Applicants will be required to submit details of their proposed schemes for managing foul sewage effluent. Details of the practical measures that will be implemented to reduce the identified risks to groundwater will also be required.

- **Construction Environmental Method Statement**

We will require developers to submit a detailed Construction Environmental Method Statement (CEMS). This document should take into account the findings of the HRA and should clearly set out the practical measures that will be put in place during the construction phase of the development to prevent pollution of groundwater.

Should you require any additional information or clarification, or wish to meet to discuss our response, please don't hesitate to contact me on the details below.

Yours sincerely

Mrs Beverley Lambert
Sustainable Places - Planning Advisor

Direct e-mail bev.lambert@environment-agency.gov.uk

GP3 Guidance	SPZ1	SPZ2	SPZ3	Position statement
Infrastructure	If non-national importance only agree if only option, mitigation etc	If non-national importance only agree if only option, mitigation etc	If poses significant risk, ask for groundwater monitoring	C2&C3 (page 64)
Pipelines and high voltage fluid filled cables that transport pollutants	object	object	object sub water table	C5 (page 65)
Quarries, mines, underground coal gasification, coal bed methane, conventional and unconventional extraction of gas and oil	object	object if unacceptable risk posed to groundwater	object if unacceptable risk posed to groundwater	C6&C7 (page 66)
Underground storage or transport of hazardous substances	object	agree only if it's the only option and it doesn't increase pollution risk	agree only if it's the only option and it doesn't increase pollution risk	D2 (page 70)
Sub-water table storage or transport of hazardous substances	object	object	object	D3 (page 71)
Landfills	object	object if long-term management needed	object if long-term management needed	E1 (page 75)
Non-landfill waste activities	object only if poses intrinsic risk to groundwater	agree where risk can be controlled by an environmental permit	agree where risk can be controlled by an environmental permit	F1 (page 82)
Direct input of non-hazardous pollutants into groundwater	agree only if it's the only option and it doesn't result in pollution	agree only if it's the only option and it doesn't result in pollution	agree only if it's the only option and it doesn't result in pollution	G1 (page 85)
Small sewage effluent discharges	must hold a permit	exempt	exempt	G2 (page 86)
Trade effluent, storm overflow from sewer system or other significantly contaminated discharges to ground	object	only agree if satisfied it is not reasonable to make a connection to the public foul sewer	only agree if satisfied it is not reasonable to make a connection to the public foul sewer	G5 (page 87)
Cesspools and cesspits	only agree if no practical alternative	do not encourage, except in exceptional circumstances	do not encourage, except in exceptional circumstances	G6 (page 87)
Sewerage pipework	highest specification pipework and designs to minimise leakage	best available technique	best available technique	G8 (page 87)
Deep infiltration systems for surface water and effluent disposal	only agree if only option, mitigation etc	only agree if only option, mitigation etc	only agree if only option, mitigation etc	G9 (page 87)
Developments posing an unacceptable risk of pollution from sewage effluent, trade effluent or contaminated surface water	object	object	object	G10 (page 88)
Discharges of surface water from areas subject to contamination	risk assessment with acceptable effluent treatment provided	risk assessment with acceptable effluent treatment provided	risk assessment with acceptable effluent treatment provided	G11 (page 89)
Discharge of clean roof water to ground	acceptable	acceptable	acceptable	G12 (page 89)
Sustainable drainage systems	require risk assessment to demonstrate GW pollution won't occur	support	support	G13 (page 89)
Landspreading of significant concentrations of pollutants, livestock housing & storage of organic fertilisers	oppose unless site-specific mitigation measures	acceptable, risk based	acceptable, risk based	H6, H7 & H8 (page 96)
Cemetery (must be above water table)	object	may object if within 250 m of abstraction	acceptable, risk based, but seek to avoid if greater than 100 graves	L1 & L3 (page 109)
Mass casualty burials (human or animal)	object	may object (disease risk)	acceptable, risk based, but must protect GW	L2 and M1 (pages 109 & 113)
Obstruction or disturbance of groundwater flow or water levels	object in principle	only agree if mitigation	only agree if mitigation	N8 (page 119)

