Mr John Hiles
Richmondshire District Council
Forward Planning Team
Swale House (12) Frenchgate
Richmond
North Yorkshire
DL10 4JE

Our ref: RA/2012/123000/CS-01/SB1-L01
Your ref: JH/CS/10445/QU/SC

Date: 14 September 2012

Dear Mr Hiles,

Richmondshire District Council Local Plan Core Strategy - Proposed Submission

I refer to the above consultation received 6 August 2012 and please find attached our responses using your required format.

We have summarised our concerns under the following headings:

Flood risk
We find the issue of flood risk not justified and not consistent with national policy. No evidence appears to have been presented to substantiate that a sequential approach to the spatial distribution of development in respect to flood risk has been taken, as required by the National Planning Policy Framework and the North West Level 1 Strategic Flood Risk Assessment. In the absence of this evidence, it is unclear whether the policies proposed in the Core Strategy are either consistent with national policy or justified by the evidence base.

Water Framework Directive (WFD)
Generally the Core Strategy and its Sustainability Appraisal (SA) lacks the evidence relevant to the WFD. There is no indication of how the Core Strategy will assist in achieving the objectives of the WFD. In particular is should identify local actions from the Humber River Basin Management Plan and explore ways in which those actions could be achieved through development.

Waste management
The Core Strategy does not adequately promote the waste hierarchy required by Planning Policy Statement 10.

We are prepared to meet with you to discuss our concerns. If you are agreeable to this, please contact me using the details below and we can arrange a mutual date suitable for us.

Yours sincerely

Miss Meryl Leung
Planning Liaison Officer

Direct dial 01904 822607
Direct fax 01904 822649
Direct e-mail meryl.leung@environment-agency.gov.uk

End

Richmondshire District Council
Local Plan Core Strategy
Proposed Submission
August 2012
Representations Form

Please read the guidance notes before completing this form

This form comprises two parts:
Part A: Personal details
Part B: Your representation(s)

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Please note, all representations will be made available for public inspection on our website www.richmondshire.gov.uk/localplan.aspx with personal details (i.e. email address, telephone number and signature) removed.

Part A – Personal details

	Your Details	Agent's Details
Title	Miss	
First name	Meryl	
Last name	Leung	
Job title (if applicable)	Planning Liaison Officer	
Work/organisation (if applicable)	Environment Agency	
Address	Coverdale House, Aviator Court, Amy Johnson Way, Clifton Moor, York.	
Postcode	YO30 4GZ	
Telephone No.	01904 822607	
Email address	Meryl.leung@environment-agency.gov.uk	

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Environment Agency

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	SP2
Page/paragraph number(s)	Page 20

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Q2. Do you consider the Core Strategy Proposed Submission Document is…?						
(a) Legally compliant	Yes	X	No		Don't Know	
(b) Sound	Yes		No	X	Don't Know	
If you answered 'No' to (a) or (b) above, please continue to Q3, otherwise continue to Q5.						

Q3. **Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)**	
(a) Justified	X
(b) Effective	
(c) Consistent with national policy	X
(d) Positively prepared	

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

Policy SP2 sets out a hierarchy of settlements for the Richmondshire area. In conjunction with policies SP4 and SP5 it will have a profound affect on the future location of development. A key constraint in the Richmondshire area is flood risk, with virtually every settlement cited in SP2 identified as being, at least in part, vulnerable to flooding.

No evidence appears to have been presented to substantiate that a sequential approach to the spatial distribution of development in respect to flood risk has been taken, as required by the NPPF and the SFRA. In the absence of this evidence, it is unclear whether the policies proposed in the Core Strategy are either consistent with national policy or justified by the evidence base.

We would strongly recommend that the Council assemble a dedicated Sequential Test background document to set out how the Core Strategy has taken into account flood risk. Such a document should describe how development has been steered away from flood risk areas. If this has not been possible, evidence should be presented to justify why. Flood risk

may be capable of justifying the removal of some settlements from the hierarchy, or altering the proportion of development which should be steered there. If the Council are confident that the necessary quantity of development can be steered to the settlements in the hierarchy without encroaching on flood risk areas, they should consider a policy which actively precludes this.

As submitted, it remains unclear if or how the Council have fully taken into account national policy on flood risk. This is disappointing given we raised these concerns at preferred options stage in August 2010.

(Continue on a separate sheet if necessary)

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

We would like to see the Council produce a specific flood risk back-ground document, demonstrating how it has incorporated the principles of the NPPF flood risk sequential approach into the submitted Core Strategy. It may be necessary for policies to be amended accordingly as a result of this work.

(Continue on a separate sheet if necessary)

Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

(Continue on a separate sheet if necessary)

If your representation is seeking a change to the Core Strategy Proposed Submission Document, do you consider it necessary to participate at the oral part of the examination?	
No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	X

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
The Environment Agency has statutory responsibility for flood management and defence in England and is a statutory consultation body for Local Development Documents and its associated Environmental Assessment and Sustainability Appraisals.

If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below.			
Submission for Examination	X	**Notify me by:** (please tick)	
Inspector's Report Publication	X	Post	
Adoption	X	Email	X

Please Note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:	Meryl Leung
Date:	14/09/12

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Local Plan Core Strategy
Proposed Submission
August 2012
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Part A – Personal details

	Your Details	Agent's Details
Title	Miss	
First name	Meryl	
Last name	Leung	
Job title (if applicable)	Planning Liaison Officer	
Work/organisation (if applicable)	Environment Agency	
Address	Coverdale House, Aviator Court, Amy Johnson Way, Clifton Moor, York.	
Postcode	YO30 4GZ	
Telephone No.	01904 822607	
Email address	Meryl.leung@environment-agency.gov.uk	

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Environment Agency

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	CP2 part b
Page/paragraph number(s)	Page 59

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Q2. Do you consider the Core Strategy Proposed Submission Document is…?						
(a) Legally compliant	Yes	X	No		Don't Know	
(b) Sound	Yes		No	X	Don't Know	
If you answered 'No' to (a) or (b) above, please continue to Q3, otherwise continue to Q5.						

Q3. **Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)**	
(a) Justified	
(b) Effective	
(c) Consistent with national policy	X
(d) Positively prepared	

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

We consider that policy CP2 is unsound as there is no policy on waste management for the district. Core policy CP2, part b encourages the use of scarce resources however there is no reference to the waste hierarchy - waste prevention, just reuse and recovery.

We understand that planning for new waste facilities is a matter for the waste planning authority through their waste core strategy document (paragraph 1.9), however we do feel that opportunities to promote waste reduction and the waste hierarchy have been missed, particularly as there are comprehensive policies on climate change (CP1) and sustainable development (CP2) within the Core Strategy.

(Continue on a separate sheet if necessary)

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

We want to see a more explicit reference to support the waste hierarchy - prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort - in the strategic vision. In addition opportunities to incorporate waste management into development design should be taken. For example the way a development is designed can make a big difference to whether waste can be segregated, collected and successfully recycled. The use of recycled building materials can also be promoted through planning policy.

We would suggest that following additions to policies CP1 and CP2:-

Core Policy CP1: Responding to Climate Change
3. Climate Change Adaptation

e. How development will seek to minimise waste production.

Core Policy CP2: Achieving sustainable development
Support will be given for sustainable development which promotes:

n. the reduction of waste, the promotion of recycling, and the provision of suitable and accessible sites which foster sustainable waste management.

(Continue on a separate sheet if necessary)

Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

(Continue on a separate sheet if necessary)

If your representation is seeking a change to the Core Strategy Proposed Submission Document, do you consider it necessary to participate at the oral part of the examination?	
No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	X

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:
As an environmental regulator, we regulate waste activities such as permitted waste transfer, storage and treatment sites and moving hazardous waste. The aim of the revised WFD is to promote waste prevention, increase recycling and ensure better use of resources, whilst protecting human health and the environment. The waste hierarchy is placed at the heart of waste management.

If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below.			
Submission for Examination	X	**Notify me by:** (please tick)	
Inspector's Report Publication	X	Post	
Adoption	X	Email	X

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Signature:	Meryl Leung
Date:	14/09/12

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Part A – Personal details

	Your Details	Agent's Details
Title	Miss	
First name	Meryl	
Last name	Leung	
Job title (if applicable)	Planning Liaison Officer	
Work/organisation (if applicable)	Environment Agency	
Address	Coverdale House, Aviator Court, Amy Johnson Way, Clifton Moor, York.	
Postcode	YO30 4GZ	
Telephone No.	01904 822607	
Email address	Meryl.leung@environment-agency.gov.uk	

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Environment Agency

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	
Page/paragraph number(s)	

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Q2. Do you consider the Core Strategy Proposed Submission Document is…?						
(a) Legally compliant	Yes	X	No		Don't Know	
(b) Sound	Yes		No	X	Don't Know	
If you answered 'No' to (a) or (b) above, please continue to Q3, otherwise continue to Q5.						

Q3. **Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)**	
(a) Justified	X
(b) Effective	
(c) Consistent with national policy	
(d) Positively prepared	

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

We find the Core Strategy and its Sustainability Appraisal lacking the water quality evidence that we raised in the preferred options consultation in 2010. The Water Framework Directive (WFD) is the key piece of EU legislation governing water quality standards and should be incorporated into the Core Strategy.

There is no indication within the Sustainability Appraisal of other relevant plans, programmes and objectives which may influence the development of the Core Strategy. Without the context of international, European, national and local polices and legislation, there is no confirmation that EU Water Framework Directive (2000/60/EC) has been incorporated overall into the Core Strategy polices.

(Continue on a separate sheet if necessary)

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

Within the Sustainability Appraisal, we would like to see a list of strategies, plans and programmes, relevant to the Water Framework Directive, which have influenced the Core Strategy. Particular reference should be made to the Humber River Basin Management Plan and an explanation provided as to how the local actions it identifies, relevant to the Richmondshire area, might be best promoted and achieved through the Core Strategy. As a result of this, it may be necessary to make amendments to Core Strategy policies.

(Continue on a separate sheet if necessary)

Q5. If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

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No, I do not wish to participate at the oral examination	
Yes, I wish to participate at the oral examination	X

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In England and Wales, the Environment Agency are the 'competent authority' for the Water Framework Directive.

If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below.			
Submission for Examination	X	**Notify me by:** (please tick)	
Inspector's Report Publication	X	Post	
Adoption	X	Email	X

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Signature:	Meryl Leung
Date:	14/09/12

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Part A – Personal details

	Your Details	Agent's Details
Title	Miss	
First name	Meryl	
Last name	Leung	
Job title (if applicable)	Planning Liaison Officer	
Work/organisation (if applicable)	Environment Agency	
Address	Coverdale House, Aviator Court, Amy Johnson Way, Clifton Moor, York.	
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Telephone No.	01904 822607	
Email address	Meryl.leung@environment-agency.gov.uk	

Part B - Your representation

Please use a separate sheet for each representation.

Name/Organisation	Environment Agency

Q1.To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)	
Policy number (e.g. SP2, CRSS or CP8)	CP1 Part 3c
Page/paragraph number(s)	Page 54

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Q2. Do you consider the Core Strategy Proposed Submission Document is…?						
(a) Legally compliant	Yes	X	No		Don't Know	
(b) Sound	Yes		No	X	Don't Know	
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Q3. **Do you consider the Core Strategy is unsound because it is not: (please refer to the guidance notes)**	
(a) Justified	X
(b) Effective	
(c) Consistent with national policy	X
(d) Positively prepared	

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

We consider that part c of Core Policy CP1 does not manage flood risk pro-actively enough. It fails to attempt to steer development away from flood risk areas in line with the Sequential Test (ST) set out in the NPPF.

Whilst paragraph 4.1.20 mentions the North West Yorkshire Level 1 Strategic Flood Risk Assessment (SFRA) 2010 and identifies the general areas and scale of flood risk, it fails to make any attempt to steer development away from the flood risk areas identified.

The principle of the sequential approach set out in both the National Planning Policy Framework and the SFRA do not appear to have informed the development of policy CP1, as there is no attempt made to encourage a sequential approach to development. The policy as drafted, appears to by-pass the ST and moves straight to the Exception Test requiring a site specific Flood Risk Assessment (FRA) to be submitted to demonstrate that the new development will be safe and not increase flood risk elsewhere.

We note that within the SFRA, table 9.2 shows a form of reasoning for some sites, however it is not clear from the information how it resulted in a policy.

Similarly, policy CP1 is not sufficiently ambitious in respect to the incorporation of Sustainable Drainage techniques in new development. We feel there should be a presumption in favour of the use of SuDS techniques unless they are demonstrated not to be practicable or where they would present an unacceptable pollution risk. This position is supported by Appendix H of the SFRA which suggests they should be utilised 'wherever possible'.

(Continue on a separate sheet if necessary)

Q4. Please set out what change(s) you consider necessary to make the Core Strategy Proposed Submission Document legally compliant or sound, having regard to the test you have identified at Q3 where this relates to soundness. You need to say why this change will make the Core Strategy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

Policy CP1 should be reworded as follows:-

3. Climate Change Adaptation
All new development will be expected to be adaptable to climate change in terms of both its location and the specific design and layout of buildings and associated external spaces. Accordingly, developments should:-

c. Be steered away from flood risk areas by adopting a sequential approach as set out in the NPPF and the SFRA;
d. Be designed to minimise flood risk on-site and elsewhere;
e. Incorporate Sustainable Drainage Systems (SuDS) unless they are demonstrated to be impracticable or they will pose an unacceptable pollution risk. SuDS should minimise surface water flood risk, protect waterways and provide aesthetic and ecological benefits;
f. Not culvert or build over watercourses unless it is to facilitate essential access;
g. Promote and encourage the opening of existing culverts.

It is disappointing that these issues have not been properly covered, given that we raised them at preferred options stage in August 2010.

(Continue on a separate sheet if necessary)

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Date:	14/09/12