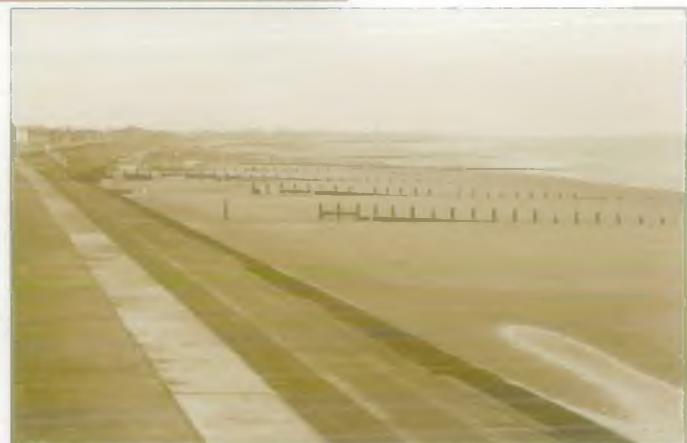


PROTECTING AND IMPROVING THE WATER ENVIRONMENT

MODEL POLICIES



NRA

*National Rivers Authority
Anglian Region*



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MODEL POLICIES FOR THE PROTECTION AND IMPROVEMENT OF THE WATER ENVIRONMENT

INTRODUCTION

The NRA, Anglian Region welcomes consultation with planning authorities during the development of Structure and Local Plans.

At this strategic level, liaison is a two way process with the NRA having input into structure and other plans and seeking input by the planning authorities into NRA's plans. The NRA will make recommendations to the local planning authorities for the inclusion of policy statements in their plans to protect the public interest and NRA assets in the longer term.

At local plan level, development of particular sites begins to be identified. This stage is possibly the most vital part of the planning process. The NRA will offer critical advice as to which areas suggested for development are subject to constraints such as flood plains, flooding problems, aquifers and sensitive catchments. The technical constraints will be clearly spelt out for each individual development whenever possible.

These model policies and explanatory notes are intended to assist Chief Planning Officers and their staff by explaining the reasons why it is necessary to include policy statements to protect and improve the water environment. NRA planning liaison staff will make further recommendations where appropriate during the consultation stage.

The policies are grouped under the following headings:

- 1 Flood protection
- 2 Conservation and enhancement of the water environment, including recreation, navigation and fisheries
- 3 Water quality and water resources



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3. WATER QUALITY AND WATER RESOURCES

AIM

To protect inland, coastal and groundwaters from pollution and derogation arising from development.

SUMMARY POLICY STATEMENT

Water Resources/Water Quality

Policy 3/1 There will be a presumption against development, including changes in land-use which in the opinion of the local planning authority after consultation with the NRA pose an unacceptable risk to the quality of ground or surface water.

KEY ISSUES AND POLICIES

Sewerage and Sewage Treatment Infrastructure

With increasing population and water use in the region, many sewerage systems and sewage treatment works are becoming overloaded. Where development continues despite overloading, pollution of watercourses will occur if additional infrastructure is not provided.

Policy 3/2 New development will only be permitted in locations where mains foul sewers, sewage treatment and surface water drainage of adequate capacity and design are available or can be provided in time to serve the development. Infill development where septic tanks are proposed will only be permitted where ground conditions are satisfactory and the plot is of adequate size to provide an adequate subsoil drainage system.

Surface Water Protection

The NRA has a duty to protect the quality and hence uses of inland and coastal waters. Currently recognised river uses are abstraction for potable supply, industrial water supply, fisheries, livestock watering, spray irrigation, and amenity and conservation. Statutory water quality objectives (use-related standards) are being introduced and the NRA will have a duty to ensure these are met. Discharge consents will not be granted where a proposed discharge is likely to cause a breach of the relevant standards.

Aquifer Protection

The groundwater reserves of the Anglian Region are an invaluable source for public water supply, industry and agriculture as well as sustaining base flows in the rivers. The clean up of contaminated groundwater is difficult, expensive and sometimes impossible. It is therefore better to prevent or reduce the risk of groundwater contamination, rather than deal with its consequences.

The NRA has published an aquifer protection policy which contains a statement of the policy adopted to minimise the risks of contamination of underground water resources from the effects of development or land use policy.

Policy 3/3 Development will not be permitted within areas around potable groundwater sources or over vulnerable areas of aquifers which, in the opinion of the local planning authority after consultation with the NRA, pose an unacceptable risk to the quality of the underlying groundwater.

Availability of Water Resources

The development of water resources for water supply is becoming increasingly difficult in the Anglian Region. The NRA has a duty to ensure that provision of water for new development does not have a detrimental impact on existing users, nature conservation or recreation. Abstraction licences will not be granted in areas where water resources are fully developed and further abstraction would affect existing users or damage the environment. Consequently there is a growing need to transport water over long distances.

Policy 3/4 The provision of water resources will be coordinated with development plans to prevent a detrimental impact on existing users, nature conservation and recreation.

Mineral Abstraction and Waste Disposal

Mineral abstraction and waste disposal activities can affect the water resources and the environment if appropriate measures are not taken. The NRA may specify measures which will help to preserve the water resources in the area, including ensuring protection to adjacent licensed sources, and preserve sites of conservation interest.

Policy 3/5 New mineral workings or waste disposal sites will not be permitted where, after consultation with the NRA, it is considered there would be adverse effects on water resources or rivers and other waters.

Large Coniferous Forests

Large coniferous forests situated on aquifer outcrops significantly reduce the amount of aquifer recharge. The result is a reduction in the available groundwater resource. The NRA discourages the planting of new large forests in such locations in order to protect and ensure maximum groundwater recharge.

Policy 3/6 The planting of new large coniferous forests on aquifer outcrops will be discouraged.

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1. FLOOD PROTECTION

AIMS

To ensure new development is not at risk from flooding and does not put other areas at risk of flooding which could endanger life and damage property.

To ensure any work which is needed to reduce the risk of flooding created by a new development is paid for by the developer and not the public.

SUMMARY POLICY STATEMENT

Flood Protection

Policy 1/1 There will be a presumption against development (including the raising of land) where, in the opinion of the Local Planning Authority after consultation with the NRA, such development would be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk.

KEY ISSUES AND POLICIES

Protection of the Flood Plain and Washlands

The floodplain is generally the area of low lying land adjacent to a watercourse which, by its very nature, is liable to flood under certain conditions. The floodplains are defined on maps held by the NRA. In addition some washlands, areas designed and maintained to provide storage of flood water, are defined in the NRA Anglian Region's Land Drainage and Sea Defence Byelaws. For a variety of reasons, some development has taken place on the floodplains of the region's rivers. Consequently people and property in these areas are at risk from flooding. These developments also reduce the capacity of the available floodplain and impede the flow of water, thereby increasing the risk of flooding elsewhere.

The Land Drainage and Sea Defence Byelaws specify a number of activities in the floodplain that require the prior consent of the NRA and inter alia give the NRA powers to protect an undeveloped strip of land along each main river bank.



Policy 1/2 In areas at risk from flooding (as defined by the NRA) there will be a general presumption against new development or the intensification of existing development. These areas will include defined washlands, natural floodplains and other areas adjacent to rivers to which access is required for maintenance purposes.

Policy 1/3 Appropriate flood protection will be required where the redevelopment of existing developed areas is permitted in areas presently having an unacceptable risk of flooding. The flood protection requirements for such redevelopments will be defined by the local planning authority in consultation with the NRA and funded by the developer.

Surface Water Run-Off

Unless carefully sited and designed, new development or the redevelopment of existing urban areas can exacerbate the problems of flooding in areas downstream through an increase in run-off from additional impermeable surfaces, such as roofs and paved surfaces. It is quite often the case that the effects of development in the upper parts of a river catchment are not apparent in the area within which such development occurs but have a significant effect in areas downstream.

Policy 1/4 Planning permission will not normally be granted for new development or redevelopment of existing urban areas if such development would result in an increased flood risk in areas downstream due to additional surface water run-off.

Policy 1/5 Where development is permitted which is likely to increase the risk of flooding, it must include appropriate attenuation or mitigating measures defined by the local planning authority in consultation with the NRA and funded by the developer. Works could be required at substantial distances from the development and the impact on conservation and recreation aspects will be considered.

Coastal and Estuarial Defences and Embanked Watercourses

A breach in the defences along an embanked watercourse, or coastal or estuarial defence can lead to significant flooding in areas of low lying land often well away from the location of the breach. In order to protect people and property from the effects of inundation, it is essential that the integrity of the defences and embankments is maintained. This should be determined in consultation with appropriate bodies, including the NRA. It is impracticable to prevent all flooding in extreme climatic

conditions. The NRA's aim is to protect people, property and land to standards which are practical and appropriate. A 'residual flooding hazard' is left after completion of any flood alleviation scheme.

The NRA Anglian Region Land Drainage and Sea Defence Byelaws specify a number of activities on sea defences that require the prior consent of the NRA and inter alia give the NRA powers to protect the sea defences from interference or damage.

Policy 1/6 Planning permission will not be granted for development which would adversely affect the integrity of tidal or fluvial defences.



Policy 1/7 In order to minimise the effects of tidal flooding, there will be a presumption against development on land to the seaward side of sea defences, including the siting of temporary holiday chalets and caravans. On land between a first line sea defence and the main defence, the siting of holiday chalets, caravans and camping sites may be permitted following consultation with the NRA. Time-limited occupancy conditions will be imposed and enforced preventing occupation during the period from November - March inclusive when the risk of tidal inundation is greatest.

Policy 1/8 On the landward side of sea defences and behind embanked watercourses, there will be a presumption against development in areas liable to flood unless the standard of defence is appropriate to the development proposed.

Policy 1/9 Where development is permitted in areas having substandard protection, appropriate increased protection must be provided in advance of the development as defined by the local planning authority in consultation with the NRA and funded by the developer.

Funding of Works

Lack of money means the NRA can only undertake flood defence schemes which are of the highest priority, those designed to protect life and property. Others, such as projects which would enable new development to take place, have the lowest priority and will not be carried out unless the developer pays for them. The NRA strongly recommends that if any work is needed to reduce the risk of flooding, the developer enters into a formal agreement with it or the local planning authority to provide the necessary flood protection work.

Policy 1/10 Developers will meet the cost of the physical infrastructure and facilities within the sites and the off site costs occurring as a direct result of the development. Developers and landowners will normally be expected to enter into a legally binding agreement with the NRA or local planning authority to provide the necessary flood protection work.

2. CONSERVATION AND ENHANCEMENT OF THE WATER ENVIRONMENT

AIM

To protect the water environment from any detriment due to development.

To enhance the water environment in conjunction with development.

SUMMARY POLICY STATEMENT

Conservation of the Water Environment

Policy 2/1 The conservation and enhancement of wildlife, landscape and archaeological features associated with rivers, ponds, lakes, estuaries etc will be encouraged.

KEY ISSUES AND POLICIES

Water Environment

The NRA has a statutory responsibility under Section 16 of the Water Resources Act 1991 to manage the water environment so as to:

- further the conservation and enhancement of the natural environment;
- promote facilities for sport and other forms of recreation, including public access;
- further the conservation of buildings, sites and objects of archaeological, architectural or historic interest.

The NRA also has a duty under the Water Resources Act 1991 to maintain, improve and develop fisheries.

Policy 2/2 The Planning Authority, in consultation with the NRA, will seek to promote river corridors as important areas of open land by:

- conserving existing areas of value within river corridors and, wherever possible, seeking to restore and enhance the natural elements of the river environment;
 - supporting initiatives which will result in improvements to water quality;
 - where appropriate promoting public access in river corridors;
- and
- identifying appropriate locations for water related recreation along river corridors.



Policy 2/3 There will be a general presumption against any development which will have an adverse environmental impact on the water environment, particularly in relation to rivers, ponds, wetlands, public access in river corridors, and appropriate water-related recreation.

Environmental Assessment

All types of works in, under, over and adjacent to watercourses and sea defences need to be properly evaluated since uncontrolled works may lead to effects such as an increased risk of flooding, erosion of the watercourse or defence, increased danger to the public, restricted access for maintenance purposes, and damage to the water environment. The particular sensitivity of watercourses to drainage works is recognised by Statutory Instrument No. 1217 'The Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988'. This SI states that the drainage authority – NRA on main river and the District Council on non-main river – should not carry out any improvement works unless they have first completed the procedure prescribed by these regulations.

Policy 2/4 The planning authority, in consultation with the NRA, will seek to ensure that all works in, under, over and adjacent to watercourses and sea defences are appropriately designed and implemented. There will be a general presumption against the culverting of watercourses except those to enable reasonable access over a watercourse. When acting as the drainage authority, the planning authority, in consultation with the NRA, will consider the likely impacts of drainage proposals in accordance with the provisions of Statutory Instrument No. 1217 'The Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988'. Where works are proposed by an interested party which is not the drainage authority, the planning authority consultation with the interested party, will consider the likely impacts of drainage proposals in accordance with the same regulations.