

RESPONSES TO PROPOSED POLICIES

| CHAPTER: 5 | | POLICY NUMBER: AP7 | POLICY NAME: Flood Risk | | |
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| MAIN ISSUES RAISED | | COUNCIL RESPONSE | ACTION | RESPONDENTS ID | RESPONDENTS NAME |
| Support Policy | | | | | |
| We welcome the inclusion of this section, including the Draft Policy. | | Noted. | No change. | 404 | Environment Agency |
| The requirements of Paragraphs 157 and 159 of the NPPF are outlined. Overall, it is considered that this Draft Policy is in broad accordance with the requirements set out in the NPPF. | | Noted. | No change. | 214 | Scarlett Lambeth (Bloor Homes Midlands and Taylor Wimpey Strategic Land) |
| (1) Flood risk will be managed by directing development to areas with the lowest probability of flooding with reference to the Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) unless a Sequential Test and, if necessary, an Exception Test demonstrates the development is acceptable. | | | | | |
| Support the policy approach to ensure development is located in areas at the lowest risk of potential flooding, and relevant mitigation is in place to protect the longer-term risks. | | Noted. | No change. | 188 | Chris Green obo The Cadwallade Family |
| No comment on the paragraphs preceding the policy test. Part 1 of the policy mimics national policy. | | Noted. Since the Policy was drafted the NPPF has been updated, as such it is proposed the policy wording is amended to require applications to be consistent with the requirements of the NPPF rather than repeating the NPPF. | Proposed to reword Part (1) of the Policy to read: Wherever possible development should take place within Flood Zone 1, the area of land deemed at least risk of flooding. Flood risk will be managed by directing development to areas with the | 341 | Leicestershire County Council |

APPENDIX A

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| | | lowest probability of flooding with reference to the Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA). In terms of Flood Risk applications should be consistent with the requirements of the National Planning Policy Framework, or its successor. Unless a Sequential Test and if necessary, an Exceptions Test demonstrates the development is acceptable. | | |
| (2) Proposals will be supported where: (a) A site-specific Flood Risk Assessment (if required), fully considers the issues of flooding from sewers, canal infrastructure failure, groundwater rising from former coal mining areas, and watercourses; | | | | |
| NWLDC's Detailed Water Cycle study 2012 referred to ground water issues arising from disused coal working highlighting the mining areas that are in the River Mease catchment. Perhaps these concerns should now be considered. With regards to part 2a, it is considered that the 'groundwater risk from former coal mining areas' is a very specific | The 2024 SFRA identifies that the Coal Authority is responsible for monitoring rising groundwater. Monitoring has indicated that minewater is still rising and rebound is incomplete across the Coalfield. The Local Lead Flood Authority (LLFA) are aware of the associated risks with the Coalfield minewater rising, specifically within | Add a section to the supporting text relating to minewater rising in former coal mining areas. | 199, 214 | Louis Della-Porter (Long Whatton and Diseworth Flooding working Group), Scarlett Lambeth (Bloor Homes Midlands and Taylor Wimpey Strategic Land), |

APPENDIX A

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| <p>requirement and it is unclear within the Draft Policy as to how this would be specifically addressed without a detailed site investigation / ground investigation being completed at the same time as a FRA. As such, it is considered that further clarification should be provided on this matter.</p> | <p>Oakthorpe and Donisthorpe although they have not received any reports of associated flooding. The SFRA sets out that potential risk from this source should be considered during the design phases of associated development proposals. As such consideration will be given to adding a policy requirement relating to minewater rising to site allocation policies for development sites within Donisthorpe and Oakthorpe.</p> <p>Part (a) of this Policy already requires site specific Flood Risk Assessments (if required) to fully consider the issues of flooding from, where relevant, minewater rising. It is considered that additional supporting text could be added to provide further information on this matter.</p> | | | |
| <p>Part 2a - The listed source of flood risk should include surface water and be worded to state that all potential sources should be considered.</p> | <p>To reflect the NPPF the Policy needs updating to refer to all sources of flooding, this would include surface water flooding.</p> | <p>Reword Part (2)(a) to read: A site-specific Flood Risk Assessment (if required), fully considers the issues of flooding from all sources, including, where relevant, from sewers, canal infrastructure failure,</p> | <p>341</p> | <p>Leicestershire County Council</p> |

APPENDIX A

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| | | ground-minewater rising from former coal mining areas, and watercourses, | | |
| Considering the level of existing flooding a flood risk assessment should be mandatory and not 'if required'. | The National Planning Policy Framework (NPPF) sets out the requirements for when a Flood Risk Assessment is necessary. The Local Plan needs to be consistent with the requirements of the NPPF, it is proposed that Part (1) of the Policy is amended to reflect the revised NPPF that was published after the policy was drafted. | See above proposed change to Part (1) of the Policy. | 597 | Sue Bull |
| (2) Proposals will be supported where: (b) Flood protection / mitigation measures appropriate to the level and nature of flood risk and are agreed and secured and measures put in place for their implementation and maintenance; | | | | |
| Support option 2 (to retain a food risk policy but to amend the policy wording). However, Para 2b of the proposed policy needs amending as the first clause currently contains no verb. Maybe it just needs the deletion of "and". | Noted and agree the wording needs amending. | Delete 'and' between 'risk' and 'are' in Part (2)(b) of the policy. | 92 | Ashby de la Zouch Town Council |
| Part 2b - No comment | Noted. | No change. | 341 | Leicestershire County Council |
| (2) Proposals will be supported where: (c) The development does not place itself or existing land or buildings at increased risk of flooding. For a greenfield site the rate of runoff from the developed site should be no greater than the existing rate of runoff from the site. For a development on previously developed (brownfield) land, the rate of runoff should not exceed the runoff from the site in its previously developed condition | | | | |
| Demand the policy is tightened up and the wording in bold be included in part (2)(c) of the policy: <i>"The development does not place itself or existing land or buildings within the water catchment area at increased risk of flooding..."</i> | Noted, see response below. | See suggested policy amendment below. | 199 | Louis Della-Porter obo Long Whatton and Diseworth Flooding working Group |

APPENDIX A

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| The proposed developments in the north of the district will lead to overdevelopment which will bring long term structural and environmental difficulties to this rural region, which will have to be rectified in the future. | | | | |
| We consider that an additional point under (2) of the Draft Policy should be included and which states the following: “(d) Wherever possible the development helps to reduce flood risk elsewhere, for example downstream of the development site”. | Noted and consider that the suggested text could be added to Part (c) of the policy. | Amend Part (c) to read: The development does not place itself or existing land or buildings at increased risk of flooding. Where possible the development should help to reduce flood risk elsewhere, for example downstream of the development site. | 404 | Environment Agency |
| NWLDC should consider the opportunity to require that development offers betterment on existing runoff rates. NWLDC may be able to request that all, or large-scale development must provide a betterment (e.g. 20% reduction or more on greenfield discharge rates). Part 2c does not consider the volume of discharge in relation to greenfield sites. In regard to brownfield sites, it is unclear whether the run-off rate is as it's predeveloped (greenfield) state, or pre-developed as in the existing rate before redevelopment? The Policy should be | Since the consultation NWLDC have received further advice from the Local Lead Flood Authority advising that they are hoping to impose a requirement that all new development limit surface water runoff to the Qbar greenfield rate minus 20%. This would ensure that new development has the effect of reducing flood risk overall by limiting the rate of runoff during heavy rainfall to less than the site was prior to development. This requirement will mitigate against | Create a new Part (d) that reads: For all development (including brownfield), demonstrate that the peak surface water runoff rate is limited to the Qbar greenfield rate (minus 20%) (or equivalent), or to a rate which mitigates the risk of blockage, whichever is greater. | 341 | Leicestershire County Council (Lead Local Flood Authority) |

APPENDIX A

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| amended to require all development to discharge at greenfield rates and volumes where viable (in line with the DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015)). Where reduced discharge volumes to the existing rate are not possible to maintain, mitigation in line with national industry guidance should be provided (for example DEFRA Rainfall runoff management for developments Report SC030219 and the SuDS Manual CIRIA C753). Where it is not viable to reduce discharge volumes to greenfield rates, the runoff volume must be discharged at a rate that does not adversely affect flood risk. | future climate change and go some way to offsetting the impacts of existing development. This requirement has already been included or requested to be included in a number of other Leicestershire Authorities Local Plans. As such it is considered that the policy should include the recommended wording from the LLFA. | For a greenfield site, the rate of runoff from the developed site should be no greater than the existing runoff rate from the site. For a development on previously developed (brownfield) land, the rate of runoff should not exceed the runoff from the site in its previously developed condition. | | |
| While policy S1 mentions climate change, consideration should be given to including climate change within Policy AP7 Part 2c. | Noted, as part of the Regulation 19 Local Plan consideration will be given to how to show linkages between policies. | No change. | 341 | Leicestershire County Council |
| OTHER COMMENTS | | | | |
| Oppose building on flood plain | | | | |
| Strongly in favour of not building on flood plains. However, the water must go somewhere creating concerns over subsidence with the potential for houses sinking and sink holes opening. Developers also need to heed local existing advice with regard to flood risk and the effect any new builds might have on the water table and existing properties. There are examples advice | Noted. National Planning Policy sets out strict tests to protect people and property from flooding. The sequential risk-based approach to development and flood risk applies at all levels of the planning process whether allocating land or when considering planning applications, meaning new development should be steered | No change. | 175 + 180 | Oakthorpe, Donisthorpe and Acresford Parish Council + Ashby Wouds Town Council |

APPENDIX A

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| has gone unheeded, with unfortunate and undesired consequences. | towards areas with the lowest probability of flooding and must not exacerbate flood risk elsewhere. | | | |
| Strategic Flood Risk Assessment | | | | |
| Support the Council's intention to undertake an updated Strategic Flood Risk Assessment. This evidence used to inform Local Plan policy will be the most up to date data and modelling. Also support directing development to areas with the lowest probability of flooding in line with national policy. | Noted. A revised SFRA was published in March 2024. We have since commissioned an update to the SFRA which is underway and will consider the changes made to the NPPF. We will take the updated SFRA into account at the next stage of the Local Plan. | No change. | 185, 186 | Marie Stacy obo Clowes Developments (UK) Ltd, Marie Stacey (Pegasus) obo Wilson Bowden Developments Ltd |
| Concerned that the Strategic Flood Risk Assessment (SFRA) (2015) has considerable shortcomings and welcomes the proposal to commission a new SFRA in conjunction with the New Local Plan. The Parish Council expects NWLDC to have full regard to Paragraph 165 of the NPPF (2023 Edition), especially regarding development not increasing flood risk elsewhere. | Noted. A revised SFRA was published in March 2024. We have since commissioned an update to the SFRA which is underway and will consider changes made to the NPPF. We will take the updated SFRA into account at the next stage of the Local Plan. Part (2)(c) of the policy requires that development does not place itself or existing land or buildings at increased risk of flooding. | No change. | 389 | Clifton Campville with Thorpe Constantine Parish Council |
| Welcome and support the decision to commission a new Strategic Flood Risk Assessment (SFRA). Information and guidance on writing SFRAs can be found in the Adept SFRA guidance. As part of their representation the Environment Agency provided the latest fluvial flood model data it holds for the district. | Noted. | No change. | 404 | Environment Agency |

APPENDIX A

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| NWLDC previous SFRA failed to acknowledge the consequences of development within its District. The upper catchment area for the River Mease is wholly within NWL District and is considerably impacted by development, yet adverse consequences to the River Mease occur outside the District within the Parishes of Clifton Campville, Harlaston and Edingale. The 'average level' of the River in the winter months has increased in recent years which have been causing significant disruption within the Parishes referred to above. | Any development permitted within the district would have had to accord with advice from the Environment Agency in regard to its potential impact on the River Mease. | No change. | 389 | Clifton Campville with Thorpe Constantine Parish Council |
| Mitigation of the cumulative effects of multiple developments | | | | |
| Long Whatton & Diseworth Flood Working Group (FWG) outline the frequency and severity of flooding in Diseworth primarily, but also in Long Whatton. The FWG raise deep concerns regarding the allocation of Isley Woodhouse and large scale B8 developments (EMAGIC/SEGRO) and the unintended increased flood risk to both villages. As the proposed developments are so disproportionate in scale to the locale, it is imperative that in planning consultation and decision-making that all developments around the village need to be considered in their totality to understand and mitigate the cumulative effect to flood risk. Developers underestimate the scale of mitigation required as such demand NWLD planners commission | Noted. National Planning Policy sets out strict tests to protect people and property from flooding. The sequential risk-based approach to development and flood risk applies at all levels of the planning process whether allocating land or when considering planning applications, meaning new development should be steered towards areas with the lowest probability of flooding and must not exacerbate flood risk elsewhere. The need for flood mitigation measures will be determined at the application stage. | No change. | 199 | Louis Della-Porter (Long Whatton and Diseworth Flooding working Group) |

APPENDIX A

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| independent baselines audits to ensure impacts are not underestimated. As a minimum, all water runoffs should be measured over a full yearly cycle both on site and directly in Diseworth. To comply with [Reg 18 5.61], the Local Plan should clearly set out a policy framework to assess, model and manage the cumulative effects of multiple large-scale developments and support a single system level water catchment evaluation, as defined by SCIMAP from which any single or separate planning application must be impact assessed against. | | | | |
| Diseworth already suffers from repeated flooding due to land run-off from a large catchment area plus discharges from East Midland Airport holding ponds. This is already well documented with LCC Flood Management team. Any proposed development in the catchment area (not just the village boundary) should help eliminate this risk by design. | | No change. | 336 | Kevin Walker |
| Groundwater/surface water flooding | | | | |
| Para 5.57. With the exception of the northern most area, large parts of the district lie within Flood Zone 1 and are not at particular risk of fluvial flooding but may instead be at greater risk from surface water flooding. | Noted. Paragraph 5.60 of the supporting text acknowledges the increasing risk from surface water flooding. | No change. | 404 | Environment Agency |
| The consideration of flood risk seems to apply for the risk of new developments flooding. Little consideration of how flood risk increases for others as new | Noted. National Planning Policy sets out strict tests to protect people and property from flooding. The sequential risk- | No change. | 651 | Amanda Hack |

APPENDIX A

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| developments remove protections for existing homes. There are so many flood risk areas in NWL, the impact on current homes/businesses has to figure. | based approach to development and flood risk applies at all levels of the planning process whether allocating land or when considering planning applications, meaning new development should be steered towards areas with the lowest probability of flooding and must not exacerbate flood risk elsewhere. Part (2)(c) of the policy requires that development does not place itself or existing land or buildings at increased risk of flooding. | | | |
| Assured by planning staff at different times at the Local Plan Consultation events that new development, particularly large-scale new development, should improve or at least not make worse surface water runoff and that new sites should keep the absorption and drainage characteristics of a "Greenfield" site acting the same as before the development. Being local we are particularly interested who and how this is calculated and checked that it has worked and who and how they continue to check and how they can change the situation to meet the no worse water runoff rule. | Noted. The adopted Local Plan (Policy Cc2) requires the runoff for development on greenfield sites to be no greater than the existing (undeveloped) runoff rates. Draft Policy AP7 is proposed to be amended in respect of the requirement relating to runoff rates. Leicestershire County Council are the Lead Local Flood Authority (LLFA), responsible for the coordination and management of flood risk across Leicestershire. Their duties include acting as a statutory consultee for planning which includes reviewing surface water drainage for developments. | Create a new Part (d) that reads: For all development (including brownfield), demonstrate that the peak surface water runoff rate is limited to the Qbar greenfield rate (minus 20%) (or equivalent), or to a rate which mitigates the risk of blockage, whichever is greater. For a greenfield site, the rate of runoff from the developed site should be no greater | 381 | Robert Adey |

APPENDIX A

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| | | than the existing runoff rate from the site. For a development on previously developed (brownfield) land, the rate of runoff should not exceed the runoff from the site in its previously developed condition. | | |
| Query what the water drainage pathways are for development near Junction 11 of the M42 and close by villages. South Derbyshire and Lichfield District councils should satisfy themselves that the proposals meet the "Greenfield" drainage test as these districts are very close and landscape and topography lead to local concerns. What has been the process for developments recently and what are the results and follow up to ensure the aims were met. | In regard to the Mercia Park development at J11 of the A42 the requirements relating to water drainage were dealt with as part of the planning application (reference 18/01443/FULM). As part of the planning application process all relevant stakeholders were consulted. | No change. | 381 | Robert Adey |
| General comments | | | | |
| Representation relates to how site CD10 will adhere to Policy AP7. The landowners intend to integrate surface water attenuation into the scheme to reduce the risk of flooding from surface water generated by the proposed development. During extreme storm events, attenuation basins will hold additional volumes of water and reduce the flow from the site to the equivalent greenfield run-off rate. | Noted. The need for flood attenuation measures will be determined at the application stage. | No change. | 183 | Philip Ivory (Clowes Developments (Ltd), Redrow Homes Ltd and Wilson Enterprises Ltd) |

APPENDIX A

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| The allocation at Money Hill has carried out all necessary evidence in relation to flood risk demonstrating that the site is not at risk of flooding and will not increase the risk of flooding elsewhere. | Noted. | No change. | 214 | Scarlett Lambeth (Bloor Homes Midlands and Taylor Wimpey Strategic Land) |
| Overwhelmed sewers is a regular occurrence in River Sence. | Water companies are responsible for maintaining public sewers. Utilities companies have a statutory duty to provide water and sewage to all new developments. It is their responsibility to ensure that there is sufficient capacity in the system to accommodate new development, even if this involves having to undertake improvements to existing infrastructure. The inclusion of Sustainable Urban Drainage Systems in new developments will control and manage surface water run-off. | No change. | 487 | Mary Lorimer |
| Building on all our Green Spaces increases the chances of major flooding in the area. | National Planning Policy sets out strict tests to protect people and property from flooding. The sequential risk-based approach to development and flood risk applies at all levels of the planning process whether allocating land or when considering planning applications, meaning new development should be steered towards areas with the lowest probability of flooding and must | No change. | 578 | Ronald Ingall |

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| | not exacerbate flood risk elsewhere. | | | |
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