

## CHAPTER 4 NATURAL & MAN-MADE ENVIRONMENT

### 4.4. THE WATER ENVIRONMENT

#### 4.4.1. SECOND LOCAL PLAN OBJECTIVE AND CHANGE NO 51

##### Conditionally withdrawn objection

797	Government Office for the South West
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##### Supporter of all Local Plan Objectives

913	Somerset County Council
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##### Objection to PC51

2573	Somerset Wildlife Trust
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##### Supporter of PC51

2157	English Nature
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#### Inspector's note

Objection 797 is conditionally withdrawn in response to the deletion of the Second Local Plan Objective by PC51 as the contamination of water courses is not relevant to the control of land use under the Town and Country Planning Act but is the responsibility of such pollution control bodies as the Environment Agency.

#### Issue

Whether the second Local Plan Objective in the deposit draft Plan should be retained in view of the rôle of pollution control in conserving biodiversity.

#### Inspector's reasoning and conclusions

The rôle of the planning system concerns whether a development itself is an acceptable use of land, rather than the control of processes or substances themselves. The latter fall within the ambit of pollution control and fall outwith the concerns of the Plan. I therefore support PC51.

#### 4.4.1.1. RECOMMENDATION

I recommend that the Plan be modified by PC51.

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#### 4.4.2. third local plan objective and CHANGE NO 52

##### Conditionally withdrawn objection

690	Environment Agency-South West Region
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##### Supporters

386	Country Landowners Association
598	Somerset Wildlife Trust

##### Supporters of PC52

2158	English Nature
2170	English Nature
2438	Council for the Protection of Rural England

### **Inspector's note**

Objection 690 is conditionally withdrawn in response to PC52, which I support and which amends the third Local Plan Objective by addressing the protection of groundwater sources and quantity.

#### **4.4.2.1. RECOMMENDATION**

I recommend that the Plan be modified by PC52.

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### **4.4.3. CHANGE NO 54**

#### **Objection to PC54**

2386	Environment Agency-South West Region
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#### **Supporter of PC54**

2160	English Nature
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#### **Issue**

Whether the third sentence of paragraph 4.4.2 should indicate the form of drainage, together with its future operation and maintenance, to be considered where connection to a public sewer is not feasible or practicable.

### **Inspector's reasoning and conclusion**

PC54, which I support, appropriately adopts the amended text on sewage treatment suggested by the objector.

#### **4.4.3.1. RECOMMENDATION**

I recommend that the Plan be modified by PC54.

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### **4.4.4. Para 4.4.2 & change no 55**

#### **Objection**

549	Wessex Water
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#### **Objection to PC55**

2387	Environment Agency-South West Region
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#### **Supporter of PC55**

2150	English Nature
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**Issue**

Whether sewage treatment package plants should be required in new development in locations where connection to a public sewer is not feasible or practical.

**Inspector's reasoning and conclusion**

DETR circular 3/99, the Water Industry Act 1991 and the Environment Agency discourage the provision of non-mains sewerage. I consider that PC54, which I recommend above, and PC55 meet the objections by considerably clarifying the explanatory text following Policy W/1.

**4.4.4.1. RECOMMENDATION**

I recommend that the Plan be modified by PC55.

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**4.4.5 Para. 4.4.3.**

**Objection**

546	Wessex Water
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**Objection conditionally withdrawn**

798	Government Office for the South West
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**Inspector's note**

Objection 798 is conditionally withdrawn in response to PC56, deleting paragraph 4.4.3. Reference in that paragraph to the Building Act 1984 is not relevant to planning control and I concur with the change.

**Issue**

Whether 4.4.3 correctly refers to criteria for the acceptability of a private sewage disposal plant for two or more properties notwithstanding the availability of mains drainage and technical feasibility of connecting to it.

**Inspector's reasoning and conclusion**

I consider the additional test introduced by PC55 and the deletion of paragraph 4.4.3 by PC56 accurately and appropriately meet the objection.

**4.4.5.1. RECOMMENDATION**

I recommend that the Plan be modified by PC56.

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**4.4.6. policy w/1 and PC57**

#### Objection

548	Wessex Water
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#### Conditionally withdrawn objections

691	Environment Agency-South West Region
914	Somerset County Council

#### Supporter

228	Mr R Darbyshire
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#### Supporter of PC57

2163	English Nature
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#### Inspector's note

Objections 691 and 914 are conditionally withdrawn in response to PC57 which is expressed in positive terms and restricts new development to locations where adequate drainage, sewerage, and sewage treatment facilities are available or can be satisfactorily provided.

#### Issue

Whether a more prescriptive Policy for waste water management is needed.

#### Inspector's reasoning and conclusions

I am satisfied that the more stringent tone of the replacement wording of Policy W/1 in PC57, together with the related changes in PC54 and PC55, requires account to be taken of local conditions in considering the arrangements for sewage disposal from new development. I consider that satisfies objection 548.

#### 4.4.6.1 RECOMMENDATION

I recommend that the Plan be modified by PC57.

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#### 4.4.7. PARA 4.4.5

#### Objection

229	Mr R Darbyshire
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#### Issue

Whether the Plan should include details of the improvement of the Watchet and Doniford sea outfalls.

#### Inspector's reasoning and conclusions

Annex 7 of PPG23 identifies proposals for sewage treatment works or plant as a county matter. It is therefore appropriate that such development be included in the County Waste Local Plan. In that case and given the deletion of Policy W/2 by PC58, which I deal with immediately below, I consider it appropriate to delete paragraph 4.4.5. Individual development proposals will then fall to be considered under Policy SP/5 (PC13) on a district basis taking into account essential infrastructure and public utilities. I conclude

that paragraph 4.4.5 should be deleted.

#### **4.4.7.1 RECOMMENDATION**

I recommend that the Plan be modified by the deletion of paragraph 4.4.5.

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#### **4.4.8. POLICY W/2**

##### **Objections**

369	Trustees of The Wyndham Estate
915	Somerset County Council

##### **Supporters**

692	Environment Agency-South West Region
550	Wessex Water

##### **Supporter of PC58**

2164	English Nature
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##### **Inspector's note**

Objection 915 is conditionally withdrawn in response to the deletion of Policy W/2 by PC58. The Policy deals with a matter falling to be dealt with in the Waste Local Plan produced by the County Council. As it is outside the scope of the District Local Plan I support its deletion. In the circumstances the advocacy of further detailing of the Policy raised in the outstanding objections is irrelevant to the District Local Plan.

#### **4.4.8.1. RECOMMENDATION**

I recommend that the Plan be modified by PC58.

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#### **4.4.9. POLICY W/3 AND CHANGE NO 59**

##### **Conditionally withdrawn objection**

916	Somerset County Council
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##### **Supporters**

515	English Nature
599	Somerset Wildlife Trust

##### **Objection to PC59**

2388	Environment Agency-South West Region
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##### **Supporters of PC59**

2165	English Nature
2439	Council for the Protection of Rural England

##### **Inspector's note**

Objection 916 is conditionally withdrawn in response to PC59, which expresses Policy W/3 in positive terms.

**Issue**

Whether development which would adversely affect the quantitative and qualitative aspects of surface, underground or coastal waters should only be permitted where acceptable mitigating works are undertaken as an integral part of that development.

**Inspector's reasoning and conclusions**

PC59 adopts the text suggested in objection 2388 regarding the undertaking of mitigating works to counteract problems of water quantity and quality. I support the entirety of the change.

**4.4.9.1. RECOMMENDATION**

I recommend that the Plan be modified by PC59.

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**4.4.10. para. 4.4.7 & change no 60**

**Conditionally withdrawn objection**

693	Environment Agency-South West Region
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**Objection to PC60**

2389	Environment Agency-South West Region
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**Supporter of PC60**

2166	English Nature
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**Inspector's note**

Objection 693 is conditionally withdrawn in response to PC60 which provides a suitable explanatory text for seeking the protection of groundwater.

**Issue**

Whether the 3 types of Protection Zone identified in objection 2389 should be cited in the Plan.

**Inspector's reasoning and conclusion**

I support the amendment of paragraph 4.4.7 by PC60 which meets the objection by appropriately detailed reference to the Source Protection Zones.

**4.4.10.1. RECOMMENDATION**

I recommend that the Plan be modified by PC60.

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#### 4.4.11. Policy w/4 & change no 61

##### Objections

92	Council for the Protection of Rural England
694	Environment Agency-South West Region

##### Conditionally withdrawn objection

917	Somerset County Council
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##### Supporters

551	Wessex Water
601	Somerset Wildlife Trust

##### Objection to PC61

2390	Environment Agency-South West Region
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##### Supporter of PC61

2167	English Nature
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##### Inspector's note

Objection 917 is conditionally withdrawn in response to PC61.

##### Issue

Whether the Policy should explicitly refer to groundwater, to minor water sources not shown on the Proposals Map, and to the possibility of development resulting in the inability of a source to maintain the public supply.

##### Inspector's reasoning and conclusions

Policy W/4 is directed at Groundwater Source Protection Areas which are identified and mapped by the Environment Agency. Any development proposed in the vicinity of Groundwater Source Areas is checked against the Environment Agency's maps but the zones may vary periodically in shape and size. Hence I accept it is not appropriate to map minor sources as advocated by objection 92.

As to objections 694 and 2390 I concur with the mention of groundwater in the replacement of the text of Policy W/4 by PC61 and the correction of an infelicity of wording in the change. The wording of PC61 appropriately takes account of the matters raised by these objectors concerning the quality and quantity of water sources and supplies.

##### 4.4.11.1. RECOMMENDATION

I recommend that the Plan be modified by the deletion of the text of Policy W/4 and its substitution by PC61, subject to the deletion of 'ability' and its replacement by 'inability'.

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#### **4.4.12. Para. 4.4.8 & CHANGE NO 62**

##### **Supporter**

695	Environment Agency-South West Region
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##### **Objection to PC62**

2252	House Builders Federation
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##### **Supporters of PC62**

2168	English Nature
2391	Environment Agency-South West Region
2440	Council for the Protection of Rural England

##### **Issue**

Whether the Plan should explicitly recognise the potential problems associated with the adoption and maintenance of sustainable drainage systems.

##### **Inspector's reasoning and conclusions**

Policy RE10 of the Regional Planning Guidance provides a clear focus for the promotion of such safeguards in general terms. It is not necessary to incorporate such detail in the Local Plan but the overall principles, embracing Best Management Practice, are introduced by PC62, which I support.

##### **4.4.12.1. RECOMMENDATION**

**I recommend that the Plan be modified by PC62.**

#### **4.4.13. Policy omission – water resource management**

##### **Objection**

754	Environment Agency-South West Region
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##### **Inspector's note**

Objection 754 is conditionally withdrawn in response to PC62, which I support above. It inserts an additional paragraph in the Plan text advocating the conservation and reuse of water resources in connection with development together with the use of Best Management Practice in disposing of surface water.

##### **4.4.13.1. RECOMMENDATION**

**I recommend that no further modification be made in response to this objection.**

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#### 4.4.14. POLICY W/5 & CHANGE NO 63

##### Conditionally withdrawn objection

918	Somerset County Council
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##### Supporters

387	Country Landowners Association
603	Somerset Wildlife Trust
696	Environment Agency-South West Region

##### Objection to PC63

2253	House Builders Federation
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##### Supporters of PC63

2140	English Nature
2574	Somerset Wildlife Trust

##### Inspector's note

Objection 918 is conditionally withdrawn in response to PC63, which mitigates the negative tone of Policy W/5 in the deposit draft Plan.

##### Issue

Whether the Policy should deal flexibly with local issues and not address matters more appropriately to be considered at a strategic level.

##### Inspector's reasoning and conclusion

I consider the approach to water resource management in the wording of Policy W/5 as amended by PC63, which I support, is consistent with but does not duplicate strategic policy. Its stance respects sustainability and aligns with Policy STR1 of the Structure Plan and Policy VIS 2 of the Regional Guidance.

#### 4.4.14.1. RECOMMENDATION

I recommend that the Plan be modified by PC63.

#### 4.4.15. Para 4.4.9 & Change No 64

##### Objection

93	Council for the Protection of Rural England
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##### Supporter

919	Somerset County Council
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##### Objection to PC64

2441	Council for the Protection of Rural England
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##### Supporter of PC64

2161	English Nature
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## Issues

Whether the Plan should explicitly encourage the collection and reuse of rainwater and the recycling of waste water.

(ii) Whether 'ideally' should be deleted from PC64.

## Inspector's reasoning and conclusions

Issue (i)

I accept that while measures to mitigate on site the surcharging of watercourses will obviously be the preferred course of action that will not always be the case although such a remedy may appear feasible. In that context it appears to me that PC64 is realistic and I support it. At the same time I note that measures to conserve water in connection with development are dealt with in Policy BD/9 (PC102) to which I refer in Chapter 5 of this report.

Issue (ii)

I consider PC64 is adequately clear and realistic without the additional word advocated in objection 2441.

### 4.4.15.1. RECOMMENDATION

I recommend that the Plan be modified by PC64.

## 4.4.16. Para 4.4.9 & CHANGEs NOs 65 & 66

### Objection

600	Somerset Wildlife Trust
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### Conditionally withdrawn objections

697	Environment Agency-South West Region
698	Environment Agency-South West Region

### Objection to PC65

2254	House Builders Federation
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### Supporters of PCs 55 and 56

2131	English Nature
2159	English Nature
2392	Environment Agency-South West Region

## Inspector's note

The identical objections 697 and 698 are conditionally withdrawn in response to PC66 which essentially introduces into paragraph 4.4.9 the subject of Best Management Practices in surface water disposal in the form which the objections advocate.

### **Issues**

Whether there should be a presumption in favour of mitigation measures that maintain as closely as possible the normal hydrological régimes of water courses affected by development.

Whether 'imposition' should be replaced by 'to negotiate' in PC65.

### **Inspector's reasoning and conclusions**

Issue (i)

I consider the essence of the advocacy in objection 600 of a presumption in favour of mitigation measures is met by PC64.

Issue (iii)

The text of PC65 meets objection 2254 by recognising that planning obligations cannot be imposed.

In sum, I consider PCs 65 and 66 deal with objectors' concerns in ways appropriate to the Plan.

#### **4.4.16.1. RECOMMENDATIONS**

I recommend that the Plan be modified by PCs 65 and 66.

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#### **4.4.17. Policy w/6 & change no 67**

##### **Objections**

1060	Hon R T Lytton
1061	Hon R T Lytton

##### **Conditionally withdrawn objections**

699	Environment Agency-South West Region
920	Somerset County Council

##### **Supporter**

552	Wessex Water
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##### **Objections to PC67**

2086	Hon R T Lytton
2393	Environment Agency-South West Region

##### **Supporters of PC67**

2132	English Nature
2282	Somerset County Council

### **Inspector's note**

Objections 699 and 920 are conditionally withdrawn in response to PC67 which expresses Policy W/6 in a more positive form and covers both on-site and off-site flooding.

### **Issues**

- (i) Whether 'significant' should be deleted from PC67.
- (ii) Whether in view of the advent of global warming and more violent weather occurrences the Policy is sufficiently firm in indicating that developers will as a matter of course be expected to attenuate surface water run-off from within their sites.

### **Inspector's reasoning and conclusions**

#### Issue (i)

I consider the deletion of 'significant' from PC67 would alter the meaning of the Policy rather than clarify it. As advocated in objection 2393 it would bar any development resulting in any volume of surface water run-off. That is not consistent with the minimisation of cumulative adverse impact required of development in floodplain areas by Policy RE2 of the Regional Planning Guidance. However, I consider the change could be made more explicit by relating the reference to potential flooding to land within the boundaries notified by the Environment Agency which are to be shown on the Proposals Map.

#### Issue (ii)

Objections 1060, 1061, and 2086 advocate a compulsory requirement that developers mitigate surface water run-off from sites, pointing out that there is no guarantee that with global warming and increasingly violent weather occurrences, flooding could not occur in the future particularly at the downstream end of the Parks in Minehead. However, it seems to me that, bearing in mind that the EA is a statutory consultee on applications for planning permission, PC67 goes as far as is practical to meet these objections which I accept arise from a profoundly reasonable concern.

#### **4.4.17.1. RECOMMENDATION**

I recommend that the Plan be modified by PC67, further modified to refer to areas liable to flooding as notified by the Environment Agency.

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#### **4.4.18. PARA. 4.4.11 & CHANGE NO 68**

**Conditionally withdrawn objection**

700	Environment Agency-South West Region
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**Supporter**

921	Somerset County Council
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**Supporters of PC68**

2133	English Nature
2133	
2394	Environment Agency-South West Region.

**Inspector's note**

Objection 700 is conditionally withdrawn in response to PC68 which appropriately recognises the possibility that streams may flood both upstream and downstream of sites.

**4.4.18.1. RECOMMENDATION**

I recommend that the Plan be modified by PC68.

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**4.4.19. Para. 4.4.12 & Change No 69**

**Conditionally withdrawn objection**

701	Environment Agency-South West Region
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**Supporters**

602	Somerset Wildlife Trust
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**Supporters of PC69**

2134	English Nature
2395	Environment Agency-South West Region
2575	Somerset Wildlife Trust

**Inspector's note**

Objection 701 is conditionally withdrawn in response to PC69 which appropriately requires that flood protection schemes be environmentally acceptable. I concur with the change.

**4.4.19.1. RECOMMENDATION**

I recommend that the Plan be modified by PC69.

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**4.4.20. policy w/7 & ChangeS nOs 70 & 72**

**Objection**

560	Bourne Leisure Group Ltd
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**Supporter**

604	Somerset Wildlife Trust
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**Objections conditionally withdrawn**

702	Environment Agency-South West Region
703	Environment Agency-South West Region
704	Environment Agency-South West Region
922	Somerset County Council
1062	Hon R T Lytton

**Objections to PC72**

2398	Environment Agency-South West Region
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**Objection to PC72 conditionally withdrawn**

2087	Hon. T R C L Lytton
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**Supporters of PC70**

2135,	English Nature
2137	English Nature
2396	Environment Agency-South West Region

**Inspector's note**

Policy W/7 attracted a diverse range of objections. Of those, objections 702, 703, 704, 922, 1062, and 2087 are conditionally withdrawn in response variously to PCs

**Issues**

- (i) Whether, in view of its duplication of Policy CO/4, Policy W/7(a) should be deleted.
- (ii) Whether the flood plain area at Doniford Holiday Village should be shown on the Proposals Map.

**Inspector's reasoning and conclusions**

Issue (i)

The LPA agrees that (new) Policy W/7(a) duplicates Policy CO/4. I concur with its deletion by PC72.

Issue (ii)

It is proposed to amend the Proposals and Inset Maps to show 'land liable to flood' based on Section 105, Water Resources Act 1991, flood envelope data supplied by the Environment Agency. It will be published as proposed modifications to the Plan as noted in PC71.

#### 4.4.20.1. RECOMMENDATION

I recommend that the Plan be modified by PCs 70 and 72.

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#### 4.4.21. para. 4.4.13 & change no 71

##### Supporter

923	Somerset County Council
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##### Objection to PC71

2187	Bourne Leisure Group Ltd
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##### Supporters of PC71

2136	English Nature
2397	Environment Agency-South West Region

##### Issue

Whether, in the absence of cartographic information on land liable to flooding, PC71 satisfies objection 2187.

##### Inspector's reasoning and conclusions

PC71 states the intention to show on the Proposals and Inset Maps which will accompany the Proposed Modifications of the Plan the extent of flood plains defined by the Environment Agency. I consider that publication will meet the objection to their omission from the draft deposit Plan.

#### 4.4.21.1. RECOMMENDATION

I recommend that the Plan be modified by PC71.

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#### 4.4.22. para. 4.4.14

##### Objection

924	Somerset County Council
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##### Supporter of PC73

2138	English Nature
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##### Issue

The provision of cross-references to the appropriate Nature Conservation and Landscape policies.

##### Inspector's reasoning and conclusion

The objection is appropriately met by the cross-referencing in PC73.

#### 4.4.22.1. RECOMMENDATION

I recommend that the Plan be modified by PC73.

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#### 4.4.23. Policy w/8 and change no 74

##### Objection

605	Somerset Wildlife Trust
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##### Conditionally withdrawn objections

516	English Nature
705	Environment Agency-South West Region
799	Government Office for the South West
799	
925	Somerset County Council
1063	Hon R T Lytton

##### Supporter

43	English Sports Council - South West
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##### Objection to PC74

2255	House Builders Federation
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##### Supporters of PC74

2149	English Nature
2399	Environment Agency-South West Region
2500	Sport England

#### Inspector's note

Objections 515, 705, 799, 925 and 1063 are conditionally withdrawn in response to PC74. The change sets out in positive terms the conditions under which planning permission will be granted; protects all watercourses rather than only rivers; qualifies the recreational interests it seeks to protect; and refers to compensatory measures where development may affect river corridors.

#### Issues

- (i) Whether the Policy should refer to the need for compensatory measures where development may adversely affect river corridors.



(ii) The need to express PC74 grammatically.

**Inspector's reasoning and conclusions**

Issue (i)

I support the appropriate reference to compensatory measures in the revision of Policy W/8 by PC74, subject to my conclusion on Issue (ii) below.

Issue (ii)

I concur with objection 2255; although I agree with the intention of PC74 it is incomprehensible. I shall recommend a reordering of it.

**4.4.23.1. RECOMMENDATION**

**I recommend that the Plan be modified by PC74, subject to its reordering as follows:**

**Development which would harm the landscape, nature conservation, fisheries or the recreational interest of watercourses, wetlands and the surrounding landscape will only be permitted where suitable mitigation measures are undertaken to ensure that any damage is kept to a minimum and complementary measures, including enhancement and habitat restoration, are secured.**

