

Ms Emma Lundberg - The Programme
Officer
Richmondshire District Council
Mercury House
Station Road
Richmond
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Our ref: RA/2012/123000/CS-
02/EW1-L01

Your ref:

Date: 11 December 2013

Dear Ms Lundberg

Examination Statement - Richmondshire Local Plan Core Strategy

The purpose of this statement is to clarify the Environment Agency's position in relation to Richmondshire Local Plan Core Strategy (LPCS). Subsequent to our formal response to the Council's LPCS proposed Submission (August 2012) submitted on the 14 September 2012, further discussions have recently taken place with Richmondshire District Council resulting in the resolution of Water Framework Directive concern regarding the soundness of the document that we had raised in our formal response.

We can confirm that we have reached a position where we are satisfied that the soundness issue raised in representation reference 9112 has now been resolved. Further detail is given below.

Background

Throughout the various consultation stages associated with the preparation of the LPCS, we were concerned that the Strategy may not be found sound if Richmondshire District Council had not made clear how the Water Framework Directive (WFD) had been considered in drawing up policies for the Core Strategy. Without this clarification, we considered that the soundness of the Core Strategy in relation to its conformity with the National Planning Policy Framework could be called into question

Subsequently, the policy team at Richmondshire District Council and the Environment Agency have created a joint statement with agreed minor amendments relating to the consideration of WFD. Unfortunately the Proposed Core Strategy Modifications document dated November 2013 preceded the joint statement.

Nevertheless we can confirm that our concern relating to issue of soundness raised in 9112 of our submission consultation response dated 14 September 2012 is resolved.

Whilst we are satisfied that our comments can be dealt at the Examination as a written representation, we will also attend the hearings to support Richmondshire District Council in the minor amendments.

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Duty to Co-operate

The Environment Agency is identified under Regulation 4 of the Local Planning Regulations 2012 with regard to the Duty to Co-operate. This duty is detailed under Section 33A (1)(c) and requires local authorities and other bodies to work together to effectively address strategic issues.

We can confirm that we consider there are no outstanding strategic issues raised by the Richmondshire Local Plan Core Strategy document which necessitate attention under the duty to co-operate.

Yours sincerely

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Joint Statement – Richmondshire District Council & Environment Agency (9112) – Water Framework Directive

This is a joint statement produced by Richmondshire District Council and the Environment Agency following a representation (9112-5084) made by the Environment Agency on the proposed submission Local Plan Core Strategy (LPCS) regarding the lack of reference made to the Water Framework Directive and Humber River Basin Management Plan in the LPCS and its sustainability appraisal. This joint statement sets out the agreed relationship between the WFD objectives, the Humber RBMP actions and the planning policies in the proposed LPCS. It also identifies the proposed minor amendments which both parties agree will enhance the relationship between the WFD objectives, the Humber RBMP actions and the proposed LPCS which will also enhance the soundness of the LPCS in this regard.

Water Framework Directive & Humber River Basin Management Plan

The Water Framework Directive (WFD) is a substantial piece of European legislation that aims to achieve ‘good ecological and chemical status’ in surface waters and ‘good chemical and quantitative status’ in groundwaters by 2027. It aims for an integrated system of water protection, improvement and sustainable use achieved by partnership working with many people and organisations.

WFD introduces a system of regional River Basin Management Plans across England and Wales. Under the WFD (England and Wales) Regulations (SI 2003 No. 3242) all public bodies must have regard to River Basin Management Plans (RBMPs). In the Richmondshire District the relevant Plan is the Humber RBMP which was adopted in December 2009.

The objectives of WFD can be summarised as follows:

1. to achieve ‘good’ status for all water bodies by 2015 (or later dates of 2021 or 2027 subject to criteria set out in the Directive);
2. to prevent deterioration in the status of water bodies;
3. to reduce pollution from priority polluting substances;
4. to prevent and/or limit pollution input into groundwater;
5. to conserve aquatic ecosystems, habitats and species;
6. to mitigate the effects of floods and droughts;

7. to promote sustainable use of water as a natural resource, and balance abstraction and recharge.

The Directive sets a target for all surface water and groundwater bodies to reach 'good status' by 2027. This includes the River Swale, River Ure and their tributaries as they flow through the Richmondshire District. From the Humber RBMP, the actions to deliver WFD objectives (annex C) which are applicable to the Core Strategy and spatial planning are shown in the table below.

Pressures	Description of the action			Lead organisation and partners
	What will happen	Where it will happen	Start date	
Agricultural and rural land management				
Sediments (as a direct pollutant); Nutrients; Organic pollutants	Work in partnership to deliver habitat improvements through land management solutions. For example the Esk Pearl Mussel and Salmon Recovery Project aims to improve river habitat, restore the pearl mussel population and increase populations of salmon and trout through the promotion of good land management in the catchment and includes a demonstration farm.	Humber RBD	2012	Land managers and owners; National Farmers' Union; National Park Authorities; Natural England; Water companies; Environment Agency
Temperature; Physical modification; Organic pollutants; Nutrients; Abstraction and other artificial flow pressures; Microbiology	Large scale restoration of peat moorlands to benefit biodiversity, water resources, water quality and potentially help manage peak flows. For example, Yorkshire Peatscapes.	Humber RBD	2012	Environmental NGOs; National Park Authorities; Environment Agency; Water companies
Angling and conservation				
Physical modification; Habitat Manipulation (restoration/improvement)	Joint working across the river basin to identify opportunities for ecological enhancement through restoration of a more natural inundation regime in washlands and / or wider river restoration projects resulting in a more natural flow regime and ecological functionality.	Humber RBD	2012	British Waterways; Environment Agency; Environmental NGOs; Land managers and owners; Local Authorities; Natural England
Local and regional government				
Abstraction and other artificial flow pressures	Promote water efficiency in new development through regional strategies and local development frameworks. A Water Cycle Study may be used to identify policy advice on water efficiency measures.	Humber RBD	2012	Local Authorities; Regional Planning Authority
Microbiology; Nutrients; Organic pollutants; Priority Hazardous Substances, Priority Substances and Specific Pollutants	Work to increase awareness of the implications of WFD and promote sustainable drainage systems in new and existing developments, re-use of grey and storm water and the value of green infrastructure in urban developments.	Humber RBD	2012	Environment Agency; Local Authorities; Regional Assemblies

In undertaking its functions as Local Planning Authority the Council will aim to safeguard water resources and to protect and improve water quality with an overall aim of getting water bodies to 'good' status under WFD. Proposal for development will only be acceptable where there is no adverse impact on water bodies and groundwater resources, in terms of their quality, quantity and the ecological features they support.

How are the objectives of the Water Framework Directive embedded in Richmondshire's Core Strategy and Sustainability Appraisal scoping report?

The elements of the WFD objectives including water quality, water contamination/pollution, abstraction and flood mitigation were included in the environmental baseline of the Sustainability Appraisal Scoping Report (2008, TE018). All 7 of the objectives of the WFD are also embedded within the sustainability appraisal objectives that were formulated in the Sustainability Appraisal Scoping Report (2008, TE018) which the spatial principles, sub area strategies and core policies within the submission LPCS has been assessed against in the Sustainability Appraisal (2012, SD002). The 5 sustainability appraisal objectives within which the WFD objectives (numbered in brackets against each objective) are embedded are:

9. Minimise greenhouse gas emissions and a managed response to the effects of climate change (6, 7)
10. Reduction of flood risk to people and property (1,2,6,7).
12. Minimal pollution levels (1,2,3,4,5)
13. Bio-diverse and attractive natural environment (1,5)
14. A quality built environment that protects and enhances its historic assets and efficient land use patterns, that make good use of derelict sites, minimise travel and promote balanced development (1,6,7).

The sustainability options appraisal (2012, SD002) demonstrates in relation to each of these objectives that the selected approach within the LPCS delivers the best sustainability outcomes.

The objectives of the WFD and the actions of the HRBMP are also embedded within the LPCS. It seeks to protect and enhance water quality and prevent the deterioration of watercourses through Core Policy CP2 part 2e, Core Policy CP4 part 3b and Core Policy CP12 part 1, part 2c and 2d.

In terms of supporting habitat improvements and restoration projects identified in the HRBMP Policy CP12 seeks that the biodiversity and geodiversity of the plan area including water bodies are maintained, enhanced and where appropriate are restored to a sustainable future for the natural environment.

Core Policy CP1 (Proposed Modification M030) seeks to reduce and minimise flood risk by steering development away from areas of flood risk; not building over or culverting

watercourses; encouraging the opening of existing culverts and; through the incorporation of SuDS. SuDS will also assist in protecting waterways by minimising pollution and providing ecological benefits.

In terms of water efficiency Core Policy CP2 seeks development that conserves and reduces the use of scarce resources which includes water and encourages its re-use. In addition to these areas where the WFD objectives and HRBMP are embedded in to LPCS policies the following agreed minor amendments will enhance this further.

CP4: Delivering development

3. Development should be consistent with the requirements of Core Policies CP11 and CP12, and should not:

- B . lead to the loss of, or adverse impact on, **or cause deterioration of** important nature conservation, **water bodies** or biodiversity or geodiversity sites;

CP12: Conserving and enhancing environmental and historic assets, part c

the biodiversity and geodiversity of the plan area will be maintained, enhanced and, where appropriate, restored to ensure a sustainable future for the natural environment in support of the Yorkshire and Humber Regional Biodiversity Strategy, the North Yorkshire Biodiversity Action Plan, the Richmondshire Biodiversity Action Plan and the Humber River Basin Management Plan;

Monitoring and review

Table 7: Spatial principles and Core Policies: Indicators and Targets

Spatial Principle/ Core Policy	Indicator	Target or direction of travel
CP1	Proportion of development incorporating Sustainable Drainage Systems (SuDS)	Maximise until SuDS Approval Body (SAB) sets a target
CP12	Contribute to or deliver Humber RBMP actions	Maximise opportunities

To conclude, the proposed Core Strategy has taken into account the objectives of WFD and the actions recommended in the Humber RBMP as far as they relate to planning controls. There are also specific policies, as described above, which have direct benefits towards achieving the objectives of WFD.