

STROUD DISTRICT LOCAL PLAN: PROPOSED MODIFICATIONS MAY 2005

3. GENERAL POLICIES

;/Proposed Modification M/03/01/T; Modify paragraph 3.2.1 to reflect the recommendation 3.3 of the Inspectors Report.

3.2.1. The effect of a development on the amenities of any residents or occupiers of adjacent land who may be affected is a material planning consideration. The likelihood of development on particular sites causing harmful or disturbing effects will vary greatly, depending on the nature of the development proposed, and the number and proximity of nearby residential properties and other occupied property. The important point is that such effects should be considered when putting forward a scheme, to avoid these effects rising to an unacceptable level. These effects will be a consideration where sensitive new development is proposed in a location where that new development might be affected by an existing site which gives rise to smell, noise, vibration, etc. In such a situation, consideration must be given to the need for the protection of the existing use from future complaints from the occupiers of the new development.

Proposed Modification M/03/02/T; Modify paragraphs 3.4.1, 3.4.2 and 3.4.2a to reflect the recommendation 3.6 of the Inspectors Report.

3.4. Flooding

3.4.1. Flood Plains and areas of low lying land adjacent to watercourses provide storage and conveyance capacity to floodwater by flooding under certain conditions. These areas can also make an important contribution to the operation of ecosystems by sustaining species and habitats dependent on seasonal flooding. Proposals adjacent to watercourses will be assessed to determine their impact on nature conservation. Development can reduce the capacity of the floodplain, impede the flow of water and increase the risk of flooding elsewhere. The development itself can also lead to increased surface water run off, which can exacerbate flooding and drainage problems beyond the floodplain.

3.4.2. The District Council will consult with the Environment Agency about proposed

~~development in their defined 'Areas Liable To Flood'. Within other areas, development which would result in or increase the risk of flooding may be permitted subject to certain conditions. It is acknowledged that, in some cases, the level of increased flood risk may be so small as to be insignificant. The District Council must be satisfied that development proposals within certain flood risk areas incorporate mitigation measures which are themselves environmentally acceptable. Developers should have regard to the consultation draft of PPG25: Development and Flood Risk 2000 and the Environment Agency's 'Policy and Practice for the Protection of Flood Plains'. Developers will also be expected to meet appropriate costs, through Section 106 Legal Agreements, for providing any appropriate measures to mitigate the effects of water discharge, surface water drainage impact and providing long term management.~~

POLICY G4

Development will not be permitted on land liable to flood, or where the surface water run-off from such development would result in, or increase the risk of flooding, or involve loss of access to watercourses for future maintenance, unless all the following criteria are met:

1. approved measures are undertaken, or financial contributions are made, to obviate these risks and accommodate the increased run off;
2. satisfactory measures are proposed to ensure that existing land drainage systems on the site are not adversely affected; and
3. adequate land drainage is provided for the site once it is developed.

3.4.3. Developers should always seek the advice and, when required, consent of the Environment Agency before any works are carried out around or affecting watercourses.

3.4 Flooding

3.4. Flood plains are the generally flat areas adjacent to a watercourse, tidal length of a

STROUD DISTRICT LOCAL PLAN: PROPOSED MODIFICATIONS MAY 2005

3. GENERAL POLICIES

river or the sea where water flows in times of flood or would flow but for the presence of defences. Development in such areas can reduce the storage capacity of the floodplain, impede the flow of water, increase the risk of flooding elsewhere and put life and property at risk. These areas also make an important contribution to the operation of the ecosystem by sustaining species and habitats dependent on seasonal flooding.

3.4.2 The Environment Agency provides advice on flooding issues and produces indicative flood plain maps for stretches of watercourses where such information is available. The Environment Agency should therefore be consulted by developers, before submitting a scheme where proposals fall within, or will drain to, areas where development could contribute to flooding problems. For all such proposals an appropriate flood risk assessment (FRA), as set out in Planning Policy Guidance Note 25 "Development and Flood Risk" (Appendix F), must be carried out by the developer. The FRA will identify the likely frequency and impact of flooding, taking into account the adequacy of flood defences, the effect the development will have both on and off site and an assessment of the impact of climate change. When a planning application is received, where development could contribute to flooding problems, the District Council will consult the Environment Agency, and the FRA will inform the planning decision and may identify appropriate design and mitigation measures.

3.4.3 PPG 25 sets out that local planning authorities should apply a risk-based approach to their decisions through the application of a sequential test. Three zones are identified according to degree of flood risk, ranging from little or no risk, through to sites at high risk. Within the high risk flood zone there are 3 sub-divisions: functional flood plain, undeveloped and sparsely developed areas, and developed areas. Within high risk areas, the functional flood plain is defined as the unobstructed or active areas where water regularly flows in times of flood. Built development in such areas should be wholly exceptional and limited to essential transport and utilities infrastructure that has to be there. Built

development should also be exceptional in undeveloped or sparsely developed areas unless that particular location is essential. In developed areas, there may be more scope for development provided that the appropriate minimum standard of flood defence can be maintained for the lifetime of the development.

3.4.4 Where flood defences and related engineering works are proposed, the developer should ensure that recognised ecological, geomorphological, archaeological, landscape and recreational interests associated with a watercourse or the land physically or visually linked to it are fully taken into account and, where appropriate, mitigation provided. In areas at lower risk the opportunities for development are greater but measures may still be required to mitigate potential flood risk. It is important for developers to discuss their proposal with both the Council and the Environment Agency at the earliest practical opportunity to assess the risks and to identify, in appropriate cases, what design criteria are necessary to mitigate flood risk problems. In all cases where the FRA reveals that mitigation works are necessary, these must be incorporated within the development itself, or at least be capable of being secured through conditions or a planning obligation. Where additional flood defences, other mitigation works or warning measures are required, they must be fully funded by the developer including on-going maintenance through a dedicated sum as advised in PPG25. In formulating development proposals or mitigation measures, a minimum access strip of 8 metres on main rivers and 5 metres on ordinary watercourses should be provided for the purposes of maintenance and emergency access.

3.4.5 The areas of flood risk are shown on the Proposals Map, correct at May 2005. Updates indicating these areas will be available on the Environment Agency's web site.

Proposed Modification M/03/02/P; Modify Policy G4 to reflect the recommendation 3.6 of the Inspectors Report.

Policy G4

STROUD DISTRICT LOCAL PLAN: PROPOSED MODIFICATIONS MAY 2005

3. GENERAL POLICIES

Planning applications within areas at risk of flooding must be accompanied by a flood risk assessment in accordance with PPG25, Annex F. Development will be permitted where an appropriate flood risk assessment has been carried out and the proposed development meets all the following criteria:

1. There are no other reasonable options available in a lower risk zone.
2. It will not itself be at unacceptable risk from flooding and will not increase the risk of flooding to third parties within the floodplain or in adjoining areas, so that the risk to human life and property is acceptable.
3. Provision is made for a minimum access strip of 8m on main rivers and 5m on ordinary watercourses.
4. Existing flood defences and other existing or potential flood alleviation measures are adequately safeguarded.
5. It would not result in extensive culverting.
6. Where additional flood defences, other mitigation works or warning measures are required, provision is made for them to be fully funded, including adequate provision for ongoing maintenance through an appropriate dedicated commuted sum.
7. The proposal does not involve significant and unsustainable additional flood defences in undeveloped or sparsely developed areas or within the functional floodplain.

Proposed Modification M/03/03/T; Modify paragraph 3.5.1 to reflect the recommendation 3.7 of the Inspectors Report.

3.5.1. Most highway related issues are dealt with in the Transport chapter of this Plan. However, highway safety is another material planning consideration which should be taken into account when dealing with any proposal for development, and it is therefore appropriate to include a policy. Again, the likely severity of any effect on highway safety will vary from proposal to proposal, and upon its location. It is also important to note that highway safety, as expressed in Policy G5, includes the safety of all

users of **public** highways and **public rights of way (PROW)**, including pedestrians, cyclists and horse riders, as well as the drivers and passengers of private cars, motorcycles, goods vehicles and buses. When considering the effect any development proposal has on highway safety, this will always have to be compared against the effect an existing authorised use already has, or would have. **In applying this policy, the Council would take into account any mitigating measures that would overcome highway safety concerns and these would be secured through the use of Section 106 agreements or planning conditions.**

Proposed Modification M/03/03/P & M/03/07/P; Modify Policy G5 to reflect the recommendation 3.7 of the Inspectors Report and to improve clarity.

POLICY G5

Permission will not be granted for any development that would be ~~likely to be~~ detrimental to the highway safety of any user of ~~public highway~~ any highway or public right of way.

Proposed Modification M/03/04/T; Modify paragraph 3.6.1a to reflect the recommendation 3.8 of the Inspectors Report.

3.6.1a. The reuse of previously developed land is one of the main objectives of sustainable development. However, many previously developed sites have given rise to historic ground contamination. Sites that are most likely to suffer from ground contamination include those that have previously accommodated industrial activity or have been subject to landfill. Contamination can pose a threat to the health of prospective users of a site and can also harm the wider environment if the development itself results in the release of contaminants through land disturbance. Although few sites are so badly contaminated they cannot be used at all, the extent and nature of the contamination may limit the range of potential future uses. **Likewise, it is acknowledged that the costs associated with the remediation of contaminated land can influence the viability of any development proposal on that land. In an attempt to address this issue, the Urban White Paper 2000 makes reference to a**

STROUD DISTRICT LOCAL PLAN: PROPOSED MODIFICATIONS MAY 2005

3. GENERAL POLICIES

number of new initiatives relating to the cleaning up of contaminated land. The District Council recognises the contribution previously developed land can make towards more sustainable patterns of development, but it also recognises that this objective needs to be evaluated against the risks of developing contaminated land. The District Council will encourage the redevelopment of appropriate contaminated sites, provided there is no unacceptable risk to human health or the environment.

Proposed Modification M/03/05/T; Modify paragraph 3.6.1b to reflect a factual update.

~~3.6.1b. Paragraph 4.10 of PPG23: Planning and Pollution Control 1994 states that developers, primarily, are responsible for providing information on whether land is contaminated or not. Paragraph 23 of Planning Policy Statement 23: Planning and Pollution Control states "The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments".~~ Where it is known or suspected that land is contaminated, the District Council will require the developer to undertake a detailed site survey to provide information on the extent, nature and location of the contamination present, together with suitable mitigation measures. The District Council will consult pollution control agencies, such as the Environment Agency, when evaluating any development proposal which involves contaminated land. If remedial measures are required, the District Council will consider the use of planning conditions and/or obligations to ensure necessary remedial measures are undertaken prior to the commencement of the development. On assessing the need for remedial works, the District Council will also take into account the proposed future use of the site.

Proposed Modification M/03/06/T; Insert paragraph 3.7 to provide supporting text to deal with Planning Obligations.

3.7 Service Amenities and Infrastructure requirements for development.

It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to provide necessary statutory services. An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life of new and existing residents.

Proposed Modification M/03/06/T; Insert Policy G7 to provide a general policy to deal with Planning Obligations.

POLICY G7

Where development is acceptable in principle under the policies of this plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities.

Where development gives rise to the need for the provision of new or extended public and community services, the Council will assess the nature and extent of planning obligations required as a result of new development in accordance with National Planning Guidance.

Planning Permission will not be granted until the Planning Authority is satisfied, by imposing conditions, or where these are not appropriate or adequate, by seeking a legal agreement, that an appropriate level of infrastructure, services and amenities required as a consequence of and directly related to, the development is capable of being, and will be, provided within the timescale of the proposed development and in accordance with an agreed phasing programme.