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Your Ref : JW/PL

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Dear Sir

CONSULTATION ON LEICESTER AND LEICESTERSHIRE WASTE DEVELOPMENT FRAMEWORK

Thank you for your letter and enclosures dated 14th August 2006 and for the opportunity to comment on the above documents.

Core Strategy & Development Control Policies

The Agency agrees with the statement at section 9.14 and supports **Policy 21** to minimise the impact on the environment and to work towards sustainable development.

The Agency fully supports the statement made in section 9.20 and the contents of **Policy 26**. It is pleasing to see a document that is inclusive of flood risk within its framework.

The Agency welcomes **Policy 28** and the information that is required in support of a planning application, in particular items 24, 25 and 26.

The Agency approves of statement 10.16 and **Policy 31**. Policy 31 includes a list of general headings for conditions that may be included within planning applications and we note that the list is not exhaustive. Item 19 "protection of the water environment" is more aligned with water quality, and the Agency requests that an additional item is added to the list to specifically address the issue of flood risk. Conditions could seek, for example, to implement a scheme for flood risk compensation work. The provision of a waste management facility could divert flood flow, enhancing flood risk to properties in a locality. The item could be headed "Prevention of Flood Risk".

Statement 10.18 and **Policy 32**:- it is noted that a planning obligation may be entered into to monitor the water environment. There may be the need for flood risk compensation works associated with a waste management activity that can only be secured through the implementation of off-site works. PPG25 Paragraph 61 and Circular 05/05 provide appropriate guidance.

Site Allocations - Preferred Options

Site No.1 - Whetstone RHWS

The site lies adjacent to the floodplain of the River Sense and is near to the confluence with the River Soar. The following additional planning requirement should be added for this site:

Floodplain

A flood risk assessment should be submitted with any application to develop the site to ensure that a) no loss of floodplain occurs, and b) no increase in surface water runoff occurs as a result.

Site Nos. 2 & 4 - Loughborough RHWS and Land off Coventry Road, Narborough

The Agency agrees with the comments as the sites are adjacent to the Hermitage Brook and River Soar respectively and their associated floodplains.

Site No. 3 - Swains Park

The site does not lie within a floodplain but does have the potential to increase flood risk associated with surface water run off. The following additional planning requirement should be added for this site:

Floodplain

A flood risk assessment should be submitted with any application to develop the site to ensure that no increase in surface water runoff occurs as a result. The flood risk assessment should investigate the use of Sustainable Drainage Systems and also the effects of climate change.

Site No. 9 - Ulverscroft Road

It should be noted that the Willow Brook runs in culvert at some depth under the site. Potential impact on the culvert from structures sited in close proximity should be considered in the flood risk assessment.

Site 10 - Sunningdale Road

The site lies at the headwaters of either the Lubbethorpe Brook/Braunstone Brook. Both are heavily engineered channels which have been a source of flooding in the past. It is essential therefore that the following planning requirement is added:

Floodplain

A flood risk assessment would be required for the management of surface water runoff from the site. There should be no overall increase in surface water discharge from the site with additional flows being attenuated prior to discharge.

Site No. 11 - Hemington Quarry

We note that the proposal is for the continued use of an existing recycling facility. It should be noted that the Agency would be likely to **OBJECT** to any proposal to significantly increase the capacity of the site due to the high level of flood risk from the River Trent. We note the requirement for a flood risk assessment, but given that the entire site appears to lie within the floodplain, the only possibility would seem to be to rearrange existing site activities.

Site No. 12 - Little Wigston

The site does not lie within a floodplain but does have the potential to increase flood risk associated with surface water run off. The following additional planning requirement should be added for this site:

Floodplain

A flood risk assessment should be submitted with any application to develop the site to ensure that no increase in surface water runoff occurs as a result. The flood risk assessment should investigate the use of Sustainable Drainage Systems and also the effects of climate change.

Site No. 13 - Lockington Quarry (Site A)

We note that the proposal is for the continued use of an existing recycling facility. It should be noted that the Agency would be likely to OBJECT to any proposal to significantly increase the capacity of the site due to the high level of flood risk from the River Trent. We note the requirement for a flood risk assessment, but given that the entire site appears to lie within the floodplain, the only possibility would seem to be to rearrange existing site activities.

Site No. 14 - Lockington Quarry (Site B)

The land falling between the River Soar and the M1, in which the proposal site lies, is within the floodplain of the River Soar/ Trent and is an important washland feature. The Agency is highly concerned activities in this area, since temporary stockpiles/ bunds may increase flood risk, and ancillary buildings and infrastructure may be at risk of flooding.

Fluvial flood risk is not identified. The Agency OBJECTS to the allocation as a waste site in the absence of a flood risk assessment. Subject to the issue of flood risk in respect of mineral extraction being demonstrated to be acceptable, reinstatement of the site with inert waste may be acceptable to the Agency in principle. In respect of this allocation, the planning requirement on 'floodplain' should be re-written as follows in order to be accurate:

Floodplain

A flood risk assessment would be required in support of any proposal to use the site for landfill purposes. This assessment should demonstrate that:

- a) there is no reduction in floodplain capacity measured against the pre-extraction topography, and;**
- b) there is no impedance of flood flows when compared to the pre-extraction topography, and;**
- c) that the designated main rivers running through the site are not adversely affected, and;**
- d) that surface water runoff is controlled to pre-extraction rates.**

Site No. 16 - Brooksby Quarry

It should be noted that a significant (normally 30m) stand-off must be given to the watercourse between any landfill with the potential to pollute the water environment. Over time watercourses exhibit geomorphologic change which can alter the line of the channel. We do not wish to see non-inert waste deposited into the floodplain and this issue should be properly considered as part of the Flood Risk Assessment.

General Comments - Site Allocation Pages for Each Site

Under the section "**Water Quality**" for each allocation it states that:- "Appropriate protection measures must be provided to ensure that the water environment is not at risk from contamination". Previous comments made by the Environment Agency have suggested that at a number of the identified sites there may be a requirement for drainage to be directed to a sealed system.

It would be useful if the general statement detailed in the Water Quality section for the Sites No.1 - 14 could be amended to include "this may include the need for surface water or foul drainage from the site to be directed to a sealed system".

Under the section "**Ecology**" the Agency supports the proposals for an ecological assessment to be undertaken at the sites identified. An ecological assessment should include enhancement opportunities as well as an assessment of the potential adverse effect of a scheme and associated mitigation. Enhancement opportunities should focus on the priority habitats and species as outlined in the local Biodiversity Action Plan.

The implications for any watercourse, resulting from proposed works on the allocated sites must be fully assessed and mitigated. There must not be any negative impacts on a watercourse that cannot be mitigated adequately, and where possible opportunity for enhancement should be explored.

From a waste management perspective the Agency has no objection in principle to the proposed location of Waste Transfer Stations or recycling centres. Appropriate pollution prevention measures will be required and can be enforced through the Waste Management Licence required for such proposals.

Alternative Allocation Options & Site selection Process

We note in Section 4.1 in the Alternative Allocation Options and Site Selection Process detailing sites which have not been selected as preferred allocations, site B5 refers to Sapcote and Granitethorpe Quarries. In previous consultations Sapcote and Granitethorpe Quarries were identified as site B6, B5 in previous consultation related to Coventry Road, Narborough. It appears that the site number for Sapcote and Granitethorpe Quarries needs to be changed to Site B6.

Sapcote and Granitethorpe Quarries will require an authorisation under PPC.

Sustainability Appraisal and Strategic Environmental Assessment - Sustainability Reports

The Agency advises that the following documents should be considered in Tables 3-1 of the Sustainability Appraisal and Strategic Environmental Assessment Sustainability Appraisal Report for both the Core Strategy and Development Control Policies and the Site Allocations documents.

International Plans and Programs

EC Groundwater Directive (80/68/EC)

National Plans and Programs

Water Resources Act 1991

The Groundwater Regulations 1998

Water Act 2003

Water Industry Act 1991

Waste Management Licensing Regulations 1994

I will be pleased to further discuss any of the matters raised.

Yours faithfully

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**ENVIRONMENT
AGENCY**

Our Ref : LT/2006/026710-1/1
Your Ref : JW/PL

Date : 02 October 2006

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Dear Sir

**CONSULTATION ON LEICESTERSHIRE MINERALS DEVELOPMENT
FRAMEWORK - PREFERRED OPTIONS**

Thank you for your letter and enclosures dated 14th August 2006 and for the opportunity to comment on the above documents.

Core Strategy & Development Control Policies

Policy 30

The Agency accords with the statement at **Section 9.13** and supports **Policy 30** and in particular minimisation of water consumption.

Increasing quantities of water for dust suppression, mineral washing, or concrete production may be needed with the development of new sites and the expansion of existing ones.

For Information:

Under the terms of the Water Resources Act 1991, an Abstraction Licence may be required from the Agency for the abstraction of water from any inland or underground strata. This is dependent on water resource availability and may not be granted.

De-watering of quarries has traditionally been exempt from abstraction licensing. The Water Act 2003 removed this exemption. The changes brought in by the Water Act 2003 are being implemented in stages, it is currently expected that the de-watering exemption will be lifted in April 2008 although this is subject to change.

The policy for the River Soar catchment defined in the Catchment Abstraction Management Strategy (CAMS) published in July 2006 allows abstraction in the catchment however all surface water abstraction licences issued with a net loss of water resources to the environment will be subject to a flow restriction and will be time limited to 31st March 2013. New groundwater abstractions will be assessed individually for their impact on the environment and other lawful users.

Policy 34

The Environment Agency fully support the statement made in **Section 9.18** of the document that development within the floodplain or on land at high risk of flooding, leading to a loss of floodplain storage or obstruction to flood flows, is unacceptable. **Policy 34** succinctly addresses the Agency's concerns.

For Information

A full Flood Risk Assessment (FRA) will be required in support of any planning application for those sites located within the floodplain. The Environment Agency should be consulted regarding the requirements of a FRA at the earliest opportunity.

As a minimum the following will need to be demonstrated:

- That the physical integrity of any watercourses will be safeguarded by allowing adequate margins between the banks of the watercourse and the excavation.
- That the effectiveness of local land drainage systems will be preserved
- That the functioning of the natural floodplain will be preserved.

The following issues will also need to be considered:

- The storage and movement of spoil and topsoil to minimise the temporary loss of floodplain storage and obstruction to flood flows. Any storage bunds etc will need to be aligned parallel to flood flows, on higher ground where possible, and removed as soon as feasible.
- Ancillary buildings, batching plants, settlement lagoons, etc. associated with quarrying will need to be located on higher ground. Appropriate compensatory works may be required if floodplain capacity is significantly reduced.
- The reinstatement of the worked area. A ground level survey will be required prior to the commencement of works and upon completion, ground levels will need to be re-aligned to no higher than pre-development levels, unless otherwise agreed.
- The easement required to ensure that the river channel does not break into the void.

Surface Water Drainage - Potential increased flood risk as a result of storm water run-off from major earthworks, overburden mounds, ancillary buildings and other operations will need to be considered in a FRA / Drainage Strategy for all sites (even if located outside of the floodplain). The Environment Agency will recommend the imposition of conditions to ensure that there is no increase in the rate of surface water run-off to the receiving catchment from that which presently exists, and that a betterment is achieved wherever possible.

It will also be necessary to demonstrate that there will be no interruption to the surface water drainage system of the surrounding land as a result of the operation, including restoration, on site. Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected (i.e. no increase in surface water run-off).

Should any land drainage problems be created by the operations and restoration of the site they will need to be quickly rectified by the applicant.

Under the Water Resources Act 1991 and associated Byelaws, works in, over, under or adjacent to Main Rivers require the Consent of the Environment Agency. In addition, all culverting, damming, weir construction, infilling, diverting or other works with an effect on the flow of any watercourse require Consent under Section 23 of the Land Drainage Act 1991. This is to ensure that they do not adversely affect the environment, fisheries, wildlife and flood defence in the locality.

Water Quality - A separate consent is required from the Agency under the terms of the Water Resources Act 1991 for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters, and may be required for discharge to a soakaway. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries, and coastal waters).

Site Allocations - Preferred Options

A number of the sites identified within the Preferred Options paper are subject to flood risk. The Agency requests that the following amendments are made:

Brooksby

Rearsby Brook bisects the existing and proposed area of working. Inappropriate ground raising/ altering can affect the quality of the Brook and increase flood risk. Flood risk is not identified in the Criteria for the Brooksby site and as such the Agency **OBJECTS** to the allocation. The objection would be addressed by the inclusion of the following additional criterion:

(v) The submission of a flood risk assessment which demonstrates that flood risk will not be unacceptably increased.

For Information

An adequate stand-off from the watercourse will be required, and any temporary stockpiling will need to be orientated such that flood risk is not increased. Reinstatement will need to be sympathetic to the watercourse and must not result in an increase in ground levels. Opportunities to increase floodplain storage through appropriate wetland creation should be maximised.

Lockington

The land falling between the River Soar and the M1, in which the proposal site lies, is within the floodplain of the River Soar/ Trent and is an important washland feature. The Agency is highly concerned about the proposal to extract in this area, since temporary stockpiles/ bunds may increase flood risk, and ancillary buildings and infrastructure may be at risk of flooding. Flood risk is not identified in the Criteria for the Lockington site and as such the Agency **OBJECTS** to the allocation. The objection would be addressed by the inclusion of the following additional criterion:

(v) The submission of a flood risk assessment which demonstrates that flood risk will not be unacceptably increased.

The flood risk assessment will need to ensure, *inter alia*:

- that flood flow paths are not blocked (note that the A453 has large openings to allow

floodplain flow),

- that stockpiling of materials causes minimal effect on floodplain capacity,
- that an adequate stand-off is given to all watercourses. A 30m buffer is normally required from 'main rivers', two of which are located at the site- Hemington Brook and Lockington Brook.
- That runoff rates are not increased.
- That reinstatement will not reduce the capacity of the floodplain and will make positive improvements where practical.

The Sustainability Appraisal / Strategic Environmental Assessment (Appendices), incorrectly classifies Lockington in terms of flood risk, although the identified 'negative impact' is correct . According to the output from the River Trent Fluvial Strategy hydraulic model the site area lies within the 1 in 100 year floodplain, not outside the 1 in 200 year floodplain as stated. The implications of this should be fully appraised.

Alternative Sites

Flash Farm

The Agency concurs with the comments made in relation to Flash Farm, which lies within the floodplain of the River Soar. Any future proposal to utilise this site would need to be accompanied by a comprehensive flood risk assessment

Donington Island

The Donington Island quarry is not located within a floodplain. However, it drains to the Hooborough Brook which has known flooding problems. The means of surface water limitation should be fully considered in relation to any new equipment, buildings, stockpiles etc associated with the new clay stocking and blending facility.

Objection - Strategic Flood Risk Assessment

PPG25 and emerging guidance in Draft PPS 25 advises of the need for Strategic Flood Risk Assessment. Flood risk is a significant issue to mineral extraction, and should be addressed by the undertaking of a Strategic Flood Risk Assessment. This will identify the scale of flood risk issues and will provide essential baseline data for the supporting sustainability appraisal, required to demonstrate the soundness of the document. A Strategic Flood Risk Assessment would have identified flood risk issues associated with the sites at Brooksby and Lockington.

I will be pleased to further discuss the issues raised in this letter.

Yours faithfully



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