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01/IC1-L01
Your ref:
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Dear Ms MacLeod

**Leicestershire Minerals Development Framework & Leicester and
Leicestershire Waste**

“In respect of the water environment, and in areas without a strategic flood risk assessment, should there be a requirement for site specific flood risk assessments for waste development in Zones 2 or 3? [EA]”

Thank you for consulting us on the above document, which was received on the 4 November 2008. With regard to the question posed by the planning inspector the answer is yes, there is a requirement for a site specific flood risk assessment for waste development in Zones 2 or 3.

PPS 25 clearly states that flood risk should be given consideration at all stages of the planning process to avoid inappropriate development in areas at risk of flooding. Furthermore, paragraph D4 explains that "Where a SFRA is not available, the Sequential Test will be based on the Environment Agency Flood Zones". The related advice indicates that, where possible, sites should be steered towards locations in Flood Zone 1, but if no such locations are available, the Sequential Test may give consideration to locations in Zone 2 and then Zone 3. Obviously the Vulnerability Classification, as detailed in PPS 25 table D2, of the proposed usage is key to the consideration of whether the development is considered appropriate in Zones 2 and 3. It is noted that sites for "Landfill and sites used for waste management facilities for hazardous waste", are considered to be classified as "More Vulnerable", and as such, would only be considered appropriate in Flood Zone 3a should they pass the Exception Test and should not be permitted in Flood Zone 3b. Waste treatment facilities (excluding landfill and hazardous waste facilities) are considered to be "Less

Vulnerable" and hence can be considered appropriate in Flood Zone 3a as long as it can be shown to be sequentially preferable and should not be permitted in Flood Zone 3b.

Minerals working and processing is considered to be a "Less Vulnerable" classification, and sand and gravel working is considered to be "Water-compatible Development", however both are appropriate uses for Zone 3a, with sand and gravel extraction appropriate in Zone 3b, as long as the location is sequentially preferable.

However, in the above situations, PPS 25 paragraph E9 confirms that "all proposals for new development located in Flood Zones 2 and 3 should be accompanied by a FRA", and only if this is able to show that flood risk is not increased by the development, both on the site itself and to third parties, should the site be considered acceptable in terms of flood risk. The potential for pollutants from waste facilities to be transferred by flood waters needs to be given appropriate consideration, in line with the source - pathway - receptor model detailed within PPS 25, as part of any FRA.

We would, therefore, reiterate our view that it is essential for there to be "a requirement for site specific flood risk assessments for waste development in Zones 2 or 3", to be included in the Waste and Minerals Plans.

If you have any further questions please do not hesitate to contact me at our Trentside office.

Yours sincerely



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