Rugby Borough Council
Planning Policy
PO Box 16
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Warwickshire
CV21 2LA

Our ref: SV/2023/111853/CS-03/PO1-L01
Your ref:

Date: 19 May 2025

FAO: Neil Holly

Dear Sir

Rugby Borough Local Plan - Preferred Option Consultation

Thank you for notifying the Environment Agency of the above consultation. For completeness, we previously commented on the Issues and Options consultation in February 2024.

Based on the Preferred Option Consultation Document (March 2025) and Technical Evidence documents available at this time; we offer the following comments to assist in the progression of the Plan. To assist, the comments are structured using the headings in the Consultation Document, with additional sections at the end.

Strategy

- S4 Sites for Gypsies and Travellers
- S6 Residential Allocations and S7 Employment allocations Strategy for homes (Annex: Development site allocations)
- S8 South West Rugby
- S9 South West Rugby spine road network

We note the preferred option residential, employment and gypsy and travellers allocations set out in the above policies. The following comments relate to a need for further assessment to inform the consideration of their allocation suitability:

Flood Risk Sequential Test

Paragraphs 172- 174 of the National Planning Policy Framework (NPPF) set out the requirement for Local Plans to apply the flood risk sequential test to the selection of growth areas and sites. We specifically highlight paragraph 174; "*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding*."

Applying the sequential test early in the selection of growth strategies and sites, will provide the best chance of district wide or catchment climate change resilience. In the

spirit of the NPPF, it also means safer communities, less reliance on current flood risk and drainage infrastructure (and associated annual capital and maintenance investment) plus a decreased burden on emergency planners and emergency services. It makes practical sense to avoid flood risk where possible as an initial step which should inform spatial decisions and strategic policies. Please also consider that Defra's Flood Funding Policy (Flood and coastal resilience policy statement (publishing.service.gov.uk) will not count any new properties (residential or non-residential) or existing buildings converted into housing after 1 January 2012, under the categories which projects can attract Government funding. Therefore, the financial burdens that result from a flood event would be placed primarily on the local authority and landowners/occupiers of the properties.

Before the next consultation on the plan, your Council will need to provide evidence that the Sequential Test has been applied to the Local Plan. This can either be as part of the Sustainability Appraisal, or preferably a standalone document.

Level 2 Strategic Flood Risk Assessment

We note the inclusion of the Level 1 Strategic Flood Risk Assessment (SFRA (October 2022)) on your Council's website as an evidence base document.

In line with the recommendations set out in paragraph 1.3 of the Level 1 SFRA and the National Planning Practice Guidance (NPPG), where allocations are proposed in flood risk areas, a Level 2 SFRA is usually required to further inform the site allocations and development of local plan policies. It also enables the Council to address paragraphs 172, 178 and 179 of the NPPF which relate to the Sequential and Exception Tests. A Level 2 SFRA assists with part (b) of the Exception Test, in demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

A Level 2 SFRA assesses the site-specific risks informing the Councils determination on the overall deliverability and acceptability of the site allocations. It will help to determine what capacity of development will be possible within the site boundary. It will need to demonstrate that any potential mitigation measures could protect the site and would not increase flood risk elsewhere taking account of the latest climate change guidance. This may require the running of new or additional flood models in line with the EA's flood modelling guidance.

Your Council will need to ensure a Level 2 SFRA is prepared and the site assessment outcomes inform decisions on site deliverability, the Sequential and Exception Tests and site policies and design guidance. The SFRA consultants will need to screen sites requiring a Level 2 Assessment. Further guidance on preparing SFRAs is available at How to prepare a strategic flood risk assessment - GOV.UK (www.gov.uk).

You will also be aware that we have published new versions of the Flood Zones. As living documents, we would expect the Level 1 SFRA to be updated to include the new flood zone information. More information about the new NaFRA2 information can be found here: New national flood and coastal erosion risk information - GOV.UK

Furthermore, whilst considering the sustainable location for any new or extensions to existing gypsy and traveller sites, we recommend consideration of flood risk. The Level

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1 SFRA should be used to screen sites and inform the need for any further assessment of flood risk.

Ordinary Watercourses

Whilst many of the sites might not have been found to have Flood Zones 2 and/or 3 present, some may have unmodelled ordinary watercourses present. In such cases, we advise an assessment of flood risk associated with 'ordinary watercourses', as our Flood Zone Maps primarily show flooding from main rivers, not ordinary watercourses with a catchment of less than 3km^2. This could be addressed in the Level 2 SFRA, as recommended above.

Water Quality and Wastewater Infrastructure

As you are aware, we have previously commented on the Level 1 Water Cycle Study (WCS) 2024)) and understand it considers headroom capacity at the existing wastewater treatment works (WwTW) in Warwickshire in consideration of allocations in adopted local plans, residential and employment commitments, recent completions and windfall allowance. This does not appear to include the new allocations being considered in the Local Plan.

Bearing in mind the new allocations do not appear to be included in the headroom capacity assessment in the Level 1 WCS and whilst we note the policy requirements in CL3 (Part B), we recommend your Council carry out further assessment at this stage to determine whether there is sufficient capacity or planned capacity in the receiving STW(s) to serve Rugby's growth (in combination with growth proposed in neighbouring councils where applicable), without causing significant deterioration of receiving water bodies.

Where there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed or could be a possible future infrastructure upgrade) to help improve the capacity issue and enable the development to go ahead. This will require consultation with Severn Trent. The outcome of this may inform a 'phasing' policy within your plan or be included in the final version of the Infrastructure Delivery Plan (IDP) where necessary. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable.

Note: Government Guidance states that sufficient detail should be provided to give clarity to all parties on when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

Historic Landfill

We recommend historic landfill sites are considered, as these can be significant issues to sensitive development such as residential and can be a barrier to delivery as these sites require remediation/clean-up and can still have legacy issues such as landfill gas, water pollution and land stability.

Historic landfill data can be found here: Historic Landfill Sites | Catchment Based Approach Data Hub However, your Councils often hold the most detailed records of historic landfills and consequently we recommend you consult with the relevant departments at your Councils to understand if there is any additional information available.

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Nearby Industrial Sites

Allocating sensitive development such as residential use close to industrial sites can be problematic. Many industrial sites are unlikely to be completely odour, noise, etc. free and depending on the nature of the site, future residents may experience amenity issues on occasions. The effects of a new development will need to be considered alongside the residual effects of relevant existing development in a location, and it will be the responsibility of the applicant to provide the necessary mitigation to ensure there will be no significant adverse effects. This is an 'Agent of Change' principle, as per paragraph 200 of the NPPF.

For example, we note allocation Land South of Crick Road, Houlton has three Lower Tier COMAH facilities in the local area – one is less than 500m, one is less than 1.2km and one is less than 1.4km. Our records also indicate a historic landfill at West Leys; and Waste Management Licenses at Skipy Skip Hire Limited, Whites of Coventry and Tarmac Aggregates Ltd.

We recommend your planning policies ensure that appropriate assessment and mitigation can be carried out by the agent of change (i.e. residential allocations). Where any mitigation is not practical, we highlight the importance of providing a minimum distance buffer zone between land uses to protect neighbours from amenity impacts associated with waste activities (noise and vibration, dust, odour, litter, flies etc) and reduce tensions between conflicting land uses.

We understand your Council have allocated housing sites within the adopted 2019 Plan up to 2045, including the new homes at Houlton, South West Rugby (S8) and Eden Park.

Climate

We encourage all Local Authorities to identify climate change as an overall Development Plan priority and to align policies with national net zero targets and mitigation policies.

The UK has set out in law the target of achieving NZ by 2050. The Climate Change Act (2008) states that 'it is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.' To achieve this, the annual rate of GHG emissions will need to be cut by over 260 million tonnes (Mt) CO2e (carbon dioxide equivalent) from 2019 levels to less than 90 Mt CO2e in 2050 (CCC, 2019a).

There is a statutory duty on LPAs to include policies in their Local Plans designed to tackle climate change and its impacts. Section 19 of the Planning and Compulsory Purchase Act 2004 states that 'Local development plans must include policies designed to secure that the development of and use of land contribute to mitigation of and adaptation to climate change'. Paragraph 11 a) of the NPPF includes a requirement to promote a sustainable pattern of development, by mitigating climate change and adapting to its effects. Paragraph 134 of the NPPF goes on to state that enhanced local policies and government guidance on design should be given 'significant weight'.

The Environmental Assessment of Plans and Programmes Regulations 2004 creates a legal duty and requirement that a plan's cumulative climate impacts are assessed and taken into account. This includes assessing the consistency of proposed policies with all relevant climate objectives and targets.

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- CL1 Net zero buildings and CL2 Renewable energy and low carbon technology

We welcome policies focusing on renewable energy provision and net zero buildings. Renewable energy is an important part of the solution to reducing greenhouse gas emissions and meeting future energy needs. We are supportive of technologies and approaches that consider environmental risks early and comprehensively, that minimise the impacts and risks to people and the environment (air, land and water), and are fit for the future (resilient to climate change impacts).

Renewable energy technologies are key to tackling the climate emergency, so we will fully engage with all those we need to regulate. We do not specifically favour one over another. Our focus is on ensuring schemes comply with statutory standards for environmental quality, species and habitat protection. Investment needs to be future proofed and to recognise the constraints of the natural environment as it is impacted by the changing climate.

- CL3 Water supply, quality and efficiency

Part A

We note the policy includes *"New development shall minimise the need for new infrastructure by being located where there is a guaranteed and adequate water supply."*

It should be noted that we cannot 'guarantee' water supply. Through our permitting process for water resources licences, we can grant licences where we anticipate that a proposed abstraction will cause no further deterioration to the surrounding environment and where we anticipate that there is 'water available for abstraction' or 'restricted water available for abstraction'. If we anticipate that water is available for abstraction, that does not mean we can guarantee that the volumes of water applied for on the licence will be available all the time.

Part B

As outlined previously, water quality impacts of installing non-mains foul drainage should be assessed during the planning process, along with other considerations as outlined on our non mains foul drainage assessment form. The order of preference for foul wastewater, including non mains drainage, should be included. We recommend this is incorporated into policy and Part B would appear appropriate. The following wording is offered as an example: *"Development should follow the hierarchy (order of preference for foul drainage connection), as set out in the National Planning Practice Guidance. The Council requires non mains drainage proposals to assess the potential impacts upon water quality to ensure no detrimental impact on the water environment".*

Part C

It is important that new developments do not result in an unsustainable increase in water abstraction, deterioration of the water environment or compromise the Water Framework objectives. New developments should contain water efficiency measures that align with The Water Stress Classification which was updated in 2021 (EA assessment 2021). This can be viewed here: Water Stress.

We welcome the water efficiency target of 110 litres per person per day in line with regulation 36(2)(b) of the building regulations 2010. This is in line with the Water Stress Classification for the area in question which is operated by Severn Trent Water. Severn Trent Water is now considered to be operating in areas of serious water stress and the tighter water efficiency target of 110l/p/d should be adopted, so the Plans requirement of 100l/p/d meets this target.

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Part D
The Environment Agency recommend that for non-residential developments over 1000sqm, BREEAM 'excellent' standards for water consumption should be met when water resources are under pressure.

Environment
EN1 Biodiversity and geodiversity protection
We note the wording of Part B of Policy EN1 requires national policy and legislation to be applied to development that will potentially impact SSSI sites, protected species and irreplaceable habitats. National policy and legislation also apply to the protection of rivers through the Water Framework Directive. The Local Plan should highlight that development should set out to achieve objectives set out within the River Basin Management Plans (both Severn and Humber) whenever there is an opportunity to do so.

Part C of the policy highlights that development will not be permitted if there is an impact to Local Wildlife Sites (LWS), although this will include the River Avon and its tributaries LWS, this does not incorporate other watercourses in the Rugby area. This measure could be extended with specific mention to include the protection of waterways and to not permit development unless it can be demonstrated that there is no adverse impact to habitat connectivity. Development proposals that include the introduction of channels that will restrict channel flow (such as culverts) must not be permitted without substantial justification to do so.

EN4 Biodiversity net gain
We welcome the requirement for comprehensive assessments to be undertaken as part of BNG assessments, which will guide the development of mitigation plans that deliver benefit to local species and habitats.

We would encourage biodiversity mitigation to align with any goals outlined in the forthcoming Warwickshire Local Nature Recovery Strategies to ensure considered contributions to local priorities.

EN6 Flood risk
As recommended previously, the suggested policy wording requires significant amendment to fully account for the real risk to people, property and the economy that flood risk has. A flood risk policy that properly accounts for this should therefore be included in the local plan. We re-iterate our previous advice as follows, which is consistent with the SFRA:

All major developments must be assessed in respect of the level of flood risk from all sources taking into account the impact of climate change. If development in areas at risk of flooding is the only option following the application of the sequential test, it will only be permitted where the type of development is appropriate to the level of flood risk associated with its location with reference to the latest SFRA flood zone maps and advice on appropriate uses within these zones from the Environment Agency and/or Lead Local Flood Authority. The type of development must be appropriate both at the time permission is sought and at the end of the lifetime of the development, taking into account the latest climate change guidance. The NPPG refers to Environment Agency guidance on considering climate change in planning decisions which is available online: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances (new allowances were published on 27 July 2021). Please refer to our 'Area Climate Change Guidance' for more information on how to consider and incorporate allowances in development proposals. Other LPAs have found it useful to include the following table which summarises the climate change allowances for certain types of development:

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Development Vulnerability	Allowance (lifetime)
Essential Infrastructure	Higher Central - 2080's
Highly Vulnerable and More Vulnerable (residential), and some Less Vulnerable (commercial, and non-residential development where a period of at least 75 years is likely to form a starting point for assessment (see NPPG)	Central - 2080's
Water Compatible and temporary (shorter lifetime)	Central - 2050's

This advises that an allowance should be added to 'peak river flows' to account for 'climate change' which should be specific to a river 'management catchment'. The design flood level (1% with climate change) should then be used to inform the Sequential Test including appropriate location of built development and ensure 'safe' development.

The functional floodplain (Flood Zone 3b), taking into account the impacts of climate change and the lifetime of developments, should be protected from development and reinstated in brownfield areas wherever possible.

Single-storey buildings and basements will not usually be acceptable in Flood Zone 3 for the lifetime of the development taking into account the impacts of climate change. Furthermore, with reference to the NPPG *"Whilst the use of stilts and voids below buildings may be an appropriate approach to mitigating flood risk to the buildings themselves, such techniques should not normally be relied upon for compensating for any loss of floodplain storage. This is because voids do not allow water to freely flow through them, trash screens get blocked, voids get silted up, they have limited capacity, and it is difficult to stop them being used for storing belongings or other materials".*

Where overnight accommodation is proposed, policies should seek to ensure applications demonstrate that the development has safe, pedestrian access above the 1% river flood level plus climate change. Pedestrian access should preferably remain flood free in a 1% river flood event plus climate change. However, in cases where this may not be achievable, it may be demonstrated that pedestrian access is acceptable based on an appropriate assessment of 'hazard risk' including water depth, velocity and distance to higher ground (above the 1% river flood level plus climate change). Reference should be made to DEFRA Hazard risk (FD2320) – 'Danger to People for Combinations of Depth & Velocity' (see Table 13.1 – DEFRA/EA Flood Risk Assessment Guidance for New Development FD2320, page 118, at: https://assets.publishing.service.gov.uk/media/602d040fd3bf7f721a23a993/Flood_risk_assessment_guidance_for_new_development_-_phase_2_technical_report_Full_Documentation_and_Tools.pdf

All development must undertake an assessment on what environmental and flood risk betterment can be provided by the proposals. The assessment should include but not be limited to, river restoration, enhancement including de-culverting, removing

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unnecessary structures and reinstating a natural, sinuous watercourse and creation of flood alleviation measures

We recommend residential ground floor finished floor levels should be set no lower than 600mm above the 1% river flood level plus climate change with flood proofing techniques considered (where appropriate). For more information on property resistance and resilience techniques see the Ciria Guidance: New guidance: Code of practice for property flood resilience (C790) (ciria.org) and also: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

Some 'water compatible' and 'less vulnerable' development such as agricultural developments/structures, or stables etc, by their nature may be floodable and therefore the raising of floor levels may not be feasible/practicable. In these cases, we would suggest that any storage in these buildings, including any flood susceptible electrics, or items that may be damaged should be sited above possible flood levels, in order to prevent flood risk and associated pollution.

Unless shown to be acceptable through exceptional circumstances, development should be set back at least 8m (from the top of bank or toe of a flood defence (in certain areas, this may be increased to 20m) of Main Rivers and Ordinary watercourses for maintenance access, the creation of space for future flood risk management measures and to create habitat corridors. This easement includes existing culverted watercourses. This is required regardless of the extent and location of the floodplain and should be taken into account when considering the developable area.

Development shall be designed and located to minimise and reduce the risk of flooding to itself, third parties and be resilient and resistant to flooding. Developments must not impede flood flows, not increase the flood risk on site or elsewhere or result in a loss of floodplain storage capacity. An assessment of the ability of development to provide additional flood storage capacity and improve flow paths must be undertaken.

The opportunity must be exercised to maximise the absorption of surface water run-off by the ground where appropriate (see comments below). Sustainable Drainage methods shall be incorporated into new developments, including treatment for water quality. We note the Level 1 SFRA identifies three high risk catchments in the Borough:

a. Leam - confluence with River Itchen to confluence with River Avon
b. Leam – confluence with Rains Brook to confluence with River Itchen
c. Clifton Brook – source to confluence with River Avon.

In line with the recommendations in the SFRA, it is essential that the review include cross boundary considerations for allocations which drain into the above catchment to minimise cross boundary cumulative development issues.

When development occurs, a Flood Risk Assessment will need to be produced to appropriately consider the risk of flooding from all sources. Development must assess opportunities to reduce flood risk to third parties as part of its Flood Risk Assessment and implement those opportunities wherever possible.

All development must undertake an assessment and implementation plan on what Environmental and Flood Risk Betterment can be provided by the proposals. The assessment should include but not be limited to, river restoration, enhancement including de-culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse and creation of flood alleviation measures.

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Land that is required for current and future flood management will be safeguarded from development. Where development lies adjacent to or benefits from an existing or future flood defence scheme the developer will be expected to contribute towards the cost of delivery and/or maintenance of that scheme. As this may have an impact on the scope of what is possible to achieve in some areas it should be strongly highlighted at early stages and accounted for when completing the local plan.

EN7 Environmental protection and amenity

The area covered by the Local Plan is underlain by solid geology of the Mercia Mudstone Group in the north and west and by the Blue Lias and Charmouth Mudstone in the south and east. The central section of the area is underlain by the Rugby Limestone Member of the Lias Group. In terms of superficial deposits, these are mainly limited to the northern most two thirds of the site and predominantly comprise of the Dunsmore Sands and Gravels in the southern area and the Wolston Clay and Glacial Tills in the northern area.

There are no designated Principle Aquifers in Rugby Borough, however there are large parts of the area classified as Secondary Aquifer. These groundwater resources can be important for supporting local abstractions and supplying base flow to rivers. There are a number of licensed abstractions in Rugby Borough. However, there are no groundwater source protection zones designated.

The Borough has and will continue to have proposed development on sites that have been previously utilised for industrial purposes, including historic landfills. We welcome the re-development of brownfield sites through the planning regime and recommend a good awareness of these issues be demonstrated by the applicant prior to planning permission being sought for any particular site.

Any development should follow the policies set out in the NPPF. This would include assessing the suitability of sites for redevelopment based on the environmental setting as well as previous site history and potential for contamination to be present. When considering re-development of land, the NPPF includes policy to address this - *'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*

Planning policies and decisions should also ensure that: *The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.*

As such, should any development site currently or formerly have been subject to land-use(s) which have the potential to have caused contamination of the underlying soils and groundwater then any planning application must be supported by a Preliminary Risk Assessment. This should demonstrate that the risks posed to 'Controlled Waters' by any contamination are understood by the applicant and can be safely managed.

We note this requirement is partially addressed within the draft policies within the consultation document, namely CL3 Water supply, quality and efficiency and EN7

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Environmental protection and amenity. In planning any development within the Borough where impact to groundwater quality may occur, reference should be made to 'The Environment Agency's Approach to Groundwater Protection' document. This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps
- Cemetery developments

Land contamination can be a significant source of water pollution in the environment. In the worst cases pollution plumes can extend many kilometres and can also cause pollution that impacts on boreholes used for Public Water Supply or impact the quality of ecology in linked surface waters.

The local plan should seek to protect water quality through the various regulatory and advisory mechanisms with respect to land contamination. The aim should strongly encourage voluntary remediation or remediation of land contamination through the planning regime.

EN8 Air quality

Managing air quality is vital to protecting public health and the environment by providing clean air, conserving and enhancing the natural environment, and creating conditions for sustainable economic growth. It is an important element of reducing inequalities and protecting the most vulnerable in society. Air quality is also being influenced by the impacts of climate change, for example changes to atmospheric chemistry, increased risk of wildfires, and increasing emissions of ammonia from agriculture and natural sources.

There are legal duties to meet national/local air quality targets. As part of achieving government aspirations around air quality, strategic planning policies have a key role to play in delivering objectives through new development. As such, we welcome the inclusion of this planning policy.

Design

D5 Sustainable drainage

We welcome the requirement for a groundwater risk assessment where infiltration sustainable drainage techniques (SuDS) are proposed, to ensure no adverse impacts on groundwater quality.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our approach to managing and protecting groundwater: Groundwater protection position statements - GOV.UK (www.gov.uk)

We would encourage clean roof runoff to be directed away from the sewer system and into infiltration drainage or other SuDS system to reduce pressure on the sewer system and reduce instances of combined sewer overflows and associated pollution problems.

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You may wish to also consider rural SuDS and sedimentation control - For guidance on Water Storage Reservoirs and Rural SuDS to help meet Water Framework Directive objectives please see Rural Sustainable Drainage Systems (RSuDS)

Infrastructure

I4 Infrastructure and planning obligations

We welcome reference to water supply/wastewater and flood defences within the supporting text to this policy.

Waste

Government aspirations are to halve residual waste by 2042 - Defra commits to halving residual waste by 2042 - letsrecycle.com. Authorities that recognise the opportunities this presents and act early will not only reduce the burden of managing residual waste but could benefit from economic growth.

A Decarbonised and Circular Economy planning model will increasingly need to integrate how we treat the concept of waste and manage it as a resource, rather than as a largely separate and disconnected "disposal" process, that characterises a traditional linear economy.

We anticipate a circular economy being more land and infrastructure intensive, than a traditional linear economy, due to the various stages involved in the recovery and repurposing of materials (e.g. sorting, cleaning, processing, treating, storing, manufacturing etc).

Processing waste needs space for bulking and storage of both inward and outward materials as well as accommodating the processes themselves and can involve multiple handling stages (probably at different facilities,) to convert low-grade waste back into higher value raw materials.

In preparing your local plan, we encourage you to consider the following:

- Does the Plan define, explain and understand what a Circular Economy is?
- Does the Plan recognise the integration and benefits of delivering a Circular Economy regarding all of:-
    - Decarbonising,
    - Reducing the need, costs and impacts of a traditional "Disposal" infrastructure (WTE and LF,) including a process to "manage down" reliance on WTE,
    - The consequent increased need for manufacturing capacity based on recovered material streams,
    - Employment and economic growth from the above,
    - Potentially reduced impacts from transport (no empty lorries travelling long distances?), emissions to air, water and land and
    - Removing reliance on imports and long, vulnerable supply chains, as seen when there is conflict or other disruption?
    - What specific local issues or opportunities can be identified? (e.g. Industrial/manufacturing base, farmland, particular resource availability/demand?)
    - How to manage in practice the transition from a Linear to Circular Economy

In drawing up your plan, consideration should be given to what resources are available in and around the plan area including the demand for products and also local skills and capabilities to deliver processing and manufacturing facilities? Examples may include

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Plastics, Glass, reconstituted Wood products, insulation, ferrous and non-ferrous metals, batteries, textiles, and possibly more exotic products such as chemicals, and oils, Carbon Fibre and Graphene.

Cemetries

Since October 2023, Environmental Permitting Regulations (EPR) were amended to introduce new tools for us to use in its regulation of groundwater activities. The level of regulatory control that we apply to new cemetery developments is proportionate to the level of risk the cemetery poses to the environment. As a result of the EPR amendments, there are now 3 tiers of regulatory control:

- Exemptions (low risk)
- Standard Rules Permit (medium risk)
- Bespoke Permit (high risk)

A new cemetery development is defined as:

- A cemetery development requiring planning permission under section 57 of the Town and Country Planning Act 1990 which was granted on or after 2 October 2023.
- An extension to a cemetery requiring planning permission under section 57 of the Town and Country Planning Act 1990 which was granted on or after 2 October 2023.

Proposals for new cemetery developments for greater than 100 burials per year are considered to be high risk, even in a lower sensitivity groundwater scenario. Developers will be expected to demonstrate through detailed risk assessment that, given the site-specific setting and the engineering methods proposed, that groundwater pollution will be avoided.

Note that all cemetery developments and burials must maintain an unsaturated zone below the level of the base of the grave(s). Cemetery development will not normally be permitted within SPZ1, or 250 metres from a well, borehole or spring used to supply water that is used for human consumption, whichever is the greater distance.
You may wish to consider a specific policy in respect of cemeteries / burial developments or as a minimum add additional supporting text referring to the following position statements: Protecting groundwater from human burials - GOV.UK (www.gov.uk)

Whilst there does not appear to be any mention of cemeteries, we recommend inclusion of the above advice somewhere within the Local Plan to help determine future planning applications.

Following review of our comments and to progress your Local Plan you may find it useful to discuss points in greater detail, we would be able to offer a meeting / document review as part of our cost recovery service. Please contact WestMidsPlanning@environment-agency.gov.uk to discuss further.

Yours faithfully