Wolverhampton Local Plan: Environment Agency Notes 02-03 October 2024

Pre-regulation 19 review as part of cost recovery agreement - ENVPAC/1/WMD/10085

SFRA – the SFRA updates all sound satisfactory. Will review reports at reg 19 stage. Only recommend Wolverhampton confirm they are satisfied their allocations pass the Sequential Test i.e. Council has directed development to sites at the lowest risk of flooding based on SFRA mapping. This could be inserted into Sustainability Appraisal as a small paragraph. Last review at regulation 18 consultation, we found only 2 site allocations with medium and high risk of fluvial from Flood Map for Planning, it appears a genuine attempt has been made to direct most development to areas of lowest fluvial risk (Flood Zone 1).

Severn Trent Water Information from email 25/9/24

On basis that Wolverhampton currently rely on Black Country WCS (2020) and additional up-to-date information from Severn Trent Water on wastewater network capacity as Local Plan evidence base (JBA not available to provide WCS).

Wastewater Treatment Works and discharges

INFORMATION SUPPLIED BY SEVERN TRENT WATER

- Barnhurst STW – has spare capacity but watercourse constraints are very high. No comments as to whether there are any planned interventions e.g. AMP7, AMP8 or AMP9 in table itself but in main part of document STW comment that proposed growth is likely to be accommodated within the current treatment capacity of the works to the end of AMP8 (2030), subject to growth information/assumptions for other LPAs served by Barnhurst remaining valid. Further analysis beyond this time horizon.

- Coven Heath STW **–** same as Barnhurst STW in terms of estimated spare capacity and watercourse constraint comments – being considered for investment to increase treatment capacity to accommodate West Midlands interchange in AMP8 (2025-2030).

- Minworth STW – marginal concerns on capacity and limited scope to provide additional capacity in terms of watercourse constraints. However, Minworth from Dudley's WCS states no significant deterioration expected as a result of combined growth from all the catchments it serves (water quality modelling chapter). Interventions planned for AMP9 (2030-2035). STW say they don't know about Sandwell? but JBA's WCS should have included all potential combined growth.

Water quality modelling and WFD test

The only element missing at this stage is the water quality modelling which JBA would include as part of a Water Cycle Study, based on Environment Agency guidance.

Under Water Framework Directive (WFD) a waterbody is not allowed to deteriorate from its current WFD classification and an increase in the discharge of effluent from Wastewater Treatment Works (WwTW) because of new developments can lead to a negative impact on the quality of receiving watercourse. The water quality assessment is therefore a 'no deterioration' test looking at Phospate, Ammonia and Biochemical Oxygen Demand, and whether growth proposed in a Council's Local Plan (plus growth from other LPAs) may lead to a deterioration. If

deterioration is possible, this then looks at whether this could be addressed by applying stricter discharge limits or Technically Achievable Limits (TAL)/upgrades to treatment processes. A "green" assessment is given if deterioration ies less than 10% and no change in WFD class is predicted. An "amber" assessment is given where a 10% deterioration or change in WFD class is predicted but this could be prevented by improvements to treatment technology (upgrades may therefore be required). A "red" assessment would be given where a significant deterioration in water quality is predicted, and it cannot be prevented by improvements in treatment processes.

It should be borne in mind that this does not investigate the feasibility of upgrading individual WwTWs. The feasibility should be performed by Severn Trent Water who have the detailed knowledge of their assets and the Environment Agency who are responsible for setting permit limits at WwTW.

However, and ideally, if Barnshurst and Coven Heath STW have already been assessed by neighbouring WCS, Wolverhampton could make use of the overall conclusions (provided the WCS did consider all the growth that the STW would have to serve).

We can provide detailed comment on the information supplied by STW during the Regulation 19 consultation and provide a technical view early in the consultation process. Unable at this stage to confirm if the information provided is sufficient, as it depends on whether there are any current concerns regarding these STWs and feasibility of adjusting current permits to accommodate further growth from an EA perspective.

Wastewater network

The Table looking at potential impact on sewerage infrastructure looks ok but there are 3 sites with 'medium' RAG ratings for impact on sewerage infrastructure. So would recommend there is policy wording in ENV12 or allocation requirements stating that early conversations required with STW to ascertain what, if any, sewer infrastructure upgrades/network connections are required prior to commencement of development, and to ensure that can happens prior to occupancy of development.

Water resources

Ideally a WCS would investigate but this is less of an issue that water quality and wastewater, and Wolverhampton's policies already have requirements for water efficiency.

Observations on Regulation 19 Draft Local Plan document.

- Issue 7 the natural and built environment – no change

This now includes reference to the 'extensive waterbody and canal network' and the Water Framework Directive and 'moderate status' and that the Plan can help deliver RBMP measures and objectives for these waterbodies by protecting and enhancing water quality. Page 27

This has taken on board our previous feedback.

Mentions Smestow Valley and Wyrley and Essington Canal Local Nature Reserves, as well as Ancient Woodlands such as Tettenhall Ridge.

- Issue 8 – Infrastructure – no change

Mentions that new housing will put pressure on existing services such as wastewater treatment.

However, doesn't mention 'environmental infrastructure' in general e.g. flood risk assets, new wastewater infrastructure. A minor point as the policies are more important.

Our previous comment was:

Environmental infrastructure should also be mentioned. Existing and future upgrades to flood risk assets, water supply and/or wastewater infrastructure may be required to support the growth over the Plan period. The outcomes of the Water Cycle Study and SFRA work will determine this for certain, but it would be good to reference this generally.

- Strategic Priority 3 is good – no change

To mitigate and adapt to climate change in a way that protects the people, environment and economy of Wolverhampton and meets wider national and international obligations by reducing carbon emissions, maximising use of low carbon energy solutions, actively reducing flood risk and enhancing green and blue infrastructure. Has taken on board feedback from our previous.

- Policy CSP1 – Spatial Strategy (minor changes?)

2 e is ok protecting and enhancing Wolverhampton's environmental assets including natural habitats.

2f could be stronger to give an overall strategic framework. Minimising should be swapped to '**reducing**' and recognising the benefits of blue and green infrastructure' there could be a more active/doing type word included in here such as 'recognising and **delivering** the multifunctional benefits of green and blue infrastructure.

- Policy ENV3 – Nature Recovery and Biodiversity Net Gain – no change

  This is good as has taken on board our feedback.

  Paragraph 10.31 in justification includes in last paragraph the importance of the aquatic environment and the role BNG can play in improving water quality, water resources, flood protection and other benefits, including restoring natural processes. Government guidance is clear that River Basin Management Plan mitigation can contribute towards BNG for a development.

- ENV10 – High Quality Design – no change.

  3 a and b are good (protecting, improving and creating green and blue infrastructure (such as landscaping, open space, water features, habitats, green roofs and walls, trees, hedgerows).

  B and maximising blue and green infrastructure for urban cooling, shading, air quality, flood risk management.

- ENV12 – Flood Risk and Water Quality – minor changes.

6) a. Support the stance on functional floodplain 3b as this indicates an area that is frequently flooding and acts as flood storage. Does the Council want to add '**water compatible**' as a

development vulnerability classification in addition to essential infrastructure to clarify the uses acceptable in 3b. However, this is in NPPF and PPG.

Minor practical point - will the Council know where the 3b areas are when reviewing /screening applications? Will officers have access to the SFRA 3b layers. For example, a housing extension is normally screened out by the EA by use of the Flood Map for Planning and FRSA applies.

9) Support 9 where it states a flood risk assessment is required and will set out how the development will **provide a wider betterment in flood risk terms** i.e. help to reduce flood risk both on and off the site. We strongly support the 'wider betterment' element as it was justified in the Black Country SFRA from the cumulative impact assessment and Council can also use updated SFRA documents to justify.

11) is good – mentions wider betterment, overall flood risk reduction. Providing partnership contribution towards wider community schemes.

14) this is strong but concerned the caveat 'wherever possible' could give a developer effectively a get out clause rather than attempting or at least considering it at an early stage. Recommend removing the words 'wherever possible' or if retaining it, adding some words to supporting text to clarify the meaning of 'wherever possible' for example, 'applicants should positively explore and consider opportunities for deculverting, watercourse renaturalisation or partial renaturalisation, and should fully justify where it is not considered to be practicable or viable.'

Support 15, 16, 17. Would add to 17 or in supporting text 'a larger easement to the watercourse may be required to accommodate river restoration or mitigate for other potential impacts such as shading from tall buildings and providing climate change resilience.'

18. that's ok.

19. Water quality - we support the text - all dev should be designed to protect and enhance water quality and deliver the relevant RBMP measures and objectives for WFD water bodies.

This is good. However, does there need to be any further specific measures required in this section of the policy e.g. recommendations from STW.

ENV13 already has maximising SuDS which should help to alleviate pressure on sewer network. Any other practical measures – separation of combined sewers, ensuring infrastructure upgrades are in place and aligned to development timescales.

- ENV14 Energy and Sustainable Design – no change

This is fine. Incorporates the 110 litres per head per day from building regs and acknowledges successor standards. Also has the BREEAM excellent requirement for all new buildings that create 1,000 sqm gross floor space or more for non-residential.

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