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08/EW1-L01
Your ref:
Date: 16 November 2018

Dear Mr Mark Worringham

Reading Local Plan Examination - Outstanding actions

Thank you for your emails dated 17 and 29 October 2018 regarding the outstanding actions for the Reading Local Plan examination.

We have been asked to provide evidence on the 10 metre ecological buffer zone set from top of bank of the watercourse and provide evidence of its use elsewhere. This query arose from a discussion at the examination about one of the site allocations policy CR13d Gas holder and the requirement for a 10 metre ecological buffer.

We have also been asked to review changes to the local plan text about the definition of the functional floodplain and the use of climate change allowances for two town centre site allocations.

Ecological 10 metre buffer for river corridors

Whilst there may not be specific policy or guidance that says the ecological buffer zone must be 10 metres wide from the top of the river bank on either side of the river, our expert opinion is that 10 metres provides the minimum width of buffer for the function of wildlife habitats whilst being able to facilitate informal access for enjoyment of the river.

Rivers and the land adjacent to them form an important and effective part of a network of linked habitat corridors to allow the movement of species between suitable habitats, thus promoting the expansion of biodiversity.

It is important that rivers and their associated corridors are protected from development through the establishment and appropriate management of buffer zones, and that opportunities are taken through redevelopment and the planning process to enhance their wildlife and landscape value.

This approach is supported by the following legislation:

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The Environment Act 1995

Section 6 of the Environment Act 1995 states that is the duty of the Environment Agency :

- to promote conservation of inland and coastal waters;
- to promote the conservation of wildlife dependant on the aquatic environment;

By implementing this duty we have gained improvements to habitat and the aesthetic value of the river corridors while improving connectivity for people and wildlife and enhancing ecological networks.

The following national and local plan policy also promotes net gains in biodiversity and ecological networks including river corridors and their ecological buffers.

National Planning Policy Framework (NPPF)

The NPPF dated March 2012 recognises the importance of providing net gains for biodiversity in paragraph 109. Paragraph 109 also promotes establishing ecological networks. We believe river corridors and the provision of ecological buffer zones along these river corridors can provide habitats and networks for wildlife that are more resilient to current and future pressures such as climate change and development.

Paragraph 118 of the March 2012 NPPF says that opportunities to incorporate biodiversity in and around developments should be encouraged. The river corridors provide a great opportunity to do this because they are a natural existing habitat in the landscape and the ecological buffer zones would provide refuge for a variety of flora and fauna.

The revised NPPF dated July 2018 contains very similar paragraphs for biodiversity. We understand that the Reading local plan is being examined using the NPPF dated 2012.

Reading Local Plan Policy EN11

We are pleased to see that this policy says that waterspaces will be protected and enhanced. This includes rivers and watercourses. This policy also says that development needs to be set back from the watercourse by 10 metres “wherever practicable and appropriate in order to protect its biodiversity significance.” This provides the developers with flexibility as each individual development site will be assessed on its own merits.

Policy EN11 also asks for the protection and enhancement of habitats in line with national planning policy. It also recognises that there is a balance between habitat creation and access to rivers and urban uses. We are also pleased that Policy EN11 also asks for opportunities for deculverting of watercourses.

We expect to see this policy (EN11) and the 10 metre buffer requirement to be retained in the Reading local plan.

Reading Local Plan Site allocation CR13d – Gas Holder site

Regarding the 10 metre buffer, the Gas Holder site asks that:

“Development should be set back at least 10 metres for the river and allow for a wildlife corridor along the river”

By adding ‘in accordance with policy EN11’ at the end of this sentence it would reference the flexibility in relation to the buffer width as discussed in our response above.

Our expectations for the ecological buffer zone

What we will do at the planning application stage of a development is actively encourage developers to provide a 10 metre buffer zone. So having this written into local plan policy will help us to promote the national planning policy and legislation as discussed above and protect and enhance the river corridor environment for flora and fauna. Some of our expectations of these planning policies are already acknowledged and written in the supporting text of the Reading local plan in paragraph 4.2.50.

In addition to this we expect any planting within the 10 metre buffer zone should be locally native species of UK genetic provenance to enhance the ecological value of the river corridor and prevent the establishment of invasive non-native species. Any lighting should be directional and fitted with cowelling to reduce light spill into the river corridor and river channel and paths should be made of permeable materials and set towards the rear of the buffer, with more formal access to the top of the bank at a limited number of points.

Any fences need to be open in design so they don’t block flow paths and allow wildlife movement. Any bridge crossings need to be a clear span design and the soffit set above the 1 in 100 year plus climate change flood event. The buffer width also ensures that the river is buffered from land-based activities, e.g. reducing the levels of diffuse pollution reaching the watercourse.

The creation of open space in the middle of a development should not be seen as a substitute for protecting and enhancing a buffer zone alongside the river. Rivers act as important corridors through the landscape, urban or rural, ensuring corridors and networks for wildlife to move from one site to another. The importance of rivers as green networks has been recognised in Reading local plan policies EN11 Waterspaces and EN12 Biodiversity and the Green Network.

Please be aware the design and requirements for the buffer zone is not limited to these examples. We thought we should make you aware of what our expectations are so you understand how we want policy EN11 to be used.

Other local planning authorities and the 10 metre buffer zone

A development management policy using a 10 metre buffer was adopted in 2013 by Wycombe District Council (Policy DM15 Protection and Enhancement of River and Stream Corridors), requiring development proposals to provide or retain a ten metre buffer adjacent to watercourses and enabling ecological and landscape enhancements to the river and its associated river corridor. This is the Wycombe District Delivery and Site Allocations Plan For Town Centres and Managing Development.

Please see pages 75 and 76 of this document for Policy DM15 by using the link below.
<https://www.wycombe.gov.uk/uploads/public/documents/Planning/Planning-policy/DSA2012/Adopted-delivery-and-site-allocations-plan.pdf>

This policy has been used to influence planning applications and has been successfully tested a planning appeals.

We have actively encouraged other local planning authorities who are also reviewing their local plans to include a development management policy for watercourses and their associated corridors including the 10 metre ecological buffer zone. At least two of these councils have taken forward policies for a 10 metre buffer zones for watercourses to the submission stage these are Aylesbury Vale District Council and The Vale Of the White Horse District Council.

Please use the following link to the Vale of the White Horse - *The Local Plan 2031 Part 2: Detailed Policies and Additional Sites*. <http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/planning-policy/local-plan-2031-part-2>

Please use the following link to the Aylesbury Vale District Council – *Vale of Aylesbury Local Plan 2013-2033*. <http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/planning-policy/local-plan-2031-part-2>

In conclusion we expect to see the use of the 10 metre buffer zone as written in the Reading local plan policy EN11. We expect to see the reference to a 10 metre ecological buffer for the site allocations adjacent to watercourses to be included and retained. Each site will be assessed on its merits but the expectation will be to aim for the 10 metre buffer zone with the expectations we have set out above including long term management of that buffer zone. This reflects the principles set out in the NPPF.

Environmental Permitting Regulations and the 8 metre proximity from main rivers

Please note that a Flood Risk Permit maybe required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated ‘main rivers’. This is through the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016.

The permit covers keeping access to the main rivers for maintenance and regulates any structures which may obstruct flood flows within 8 metres of the river or structures which may culvert or cross the rivers. These permits also require consideration of biodiversity interests.

Flood Risk

Functional floodplain definition

I refer to your amended paragraphs attached in your email dated 17 October 2018. In paragraph 4.2.100 you have stated:

“4.2.100 The SFRA also defines the extent of the functional floodplain within Reading. The 2017 SFRA, in describing how this has been approached, distinguishes between Flood Zone 3b ‘Functional Floodplain’ and Flood Zone 3b ‘Developed’. For clarity, the final definition on the flood zone maps F4 in the SFRA incorporates both of these categories, and it is this combined area which should be considered as Flood Zone 3b for the purposes of applying policy.”

We are pleased that you have tried to address the definition of ‘developed land.’ However it’s still not clear to us that this ensures that the SFRA does not promote more vulnerable and highly vulnerable in Flood Zone 3b (Functional floodplain).

In our representation form we also raised the point about the definition of 'previously developed land' and the potential misinterpretation of this definition. Our concern was that developers may take this to mean that any new development on land that is in functional floodplain will be appropriate as long as there is already a structure on the land regardless of what the structure is.

For the purposes of clarity you should delete paragraphs 10.1.7 -10.1.9 for the Level 1 SFRA to avoid contradicting you above suggested paragraph.

Please confirm in the above paragraph you are now saying that any developed land as well as undeveloped land will be considered to be Flood Zone 3b. Therefore any proposed more or highly vulnerable development would not be permitted in accordance with Table 3 'Flood risk vulnerability and flood zone 'compatibility' of the Planning Practice Guidance? This needs to be clear for developers and applicants so they understand what to expect when proposing development.

In order to help you with this wording, we have the following suggested wording which we would provide clarity to see in the local plan supporting text for policy EN18: Flooding and Sustainable Drainage Systems and the SFRA:

“Development proposals in the ‘developed’ flood zone 3b will only be approved where the footprint of the proposed building(s) is not greater than that of the existing building(s). There must be no increase in development vulnerability or intensification in use and developers should proactively seek a reduction in risk.”

Site allocations CR 11g and CR11i

Regarding paragraph 5.4.12 we are pleased that you have acknowledged that an assessment of the 35% and 70 % allowances for climate change needs to be addressed but this needs to be assessed in the SFRA level 2 evidence base now so you can determine whether site allocations CR11g and CR11i are going to deliverable.

If the 35% or 70% allowances for climate change show that flood extents are increased then your site may not be deliverable. Please refer to our representation forms for sites AB005 –Riverside and AB099 – Network Rail land, Napier Road for further explanation.

Final Comments

Once again, thank you for contacting us. Please quote our reference number in any future correspondence.

If you have any queries please contact me.

Yours sincerely

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