

Marton Moss Neighbourhood
Forum

Our ref: NO/2012/103892/OT-03/PO1-L01
Your ref:
Date: 19 April 2022

[Sent via email: enquiries@martonmossforum.org]

Dear Marton Moss Neighbourhood Forum

**MARTON MOSS NEIGHBOURHOOD PLAN CONSULTATION – REGULATION 14
DRAFT PLAN CONSULTATION**

Thank you for consulting us on the above.

We are a statutory consultee in the planning process providing advice to Local Authorities and developers on pre-application enquiries, planning applications, appeals and strategic plans. We aim to reduce flood risk, while protecting and enhancing the water environment.

We have reviewed the consultation draft of the Neighbourhood Plan, insofar as it relates to our remit, and our comments are set out below. We have also considered each of the sites put forward for development and we have done a high level screening exercise to identify key issues and opportunities for the Environment Agency. We have also screened the two additional sites which were put forward, but were not included. This information with this letter as Appendix A.

Flood risk

Several of the proposed site allocations are within Flood Zone 2 on the [Flood Map for Planning \(rivers and sea\)](#). We would have concerns if development is allocated in this flood zone without the Sequential Test being undertaken.

In accordance with the National Planning Policy Framework (NPPF) paragraphs 159 - 165, we recommend the Sequential Test is undertaken when allocating sites to ensure development is directed to the areas of lowest flood risk.

It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward. Without this understanding we are unsure how your Plan can demonstrate compliance with the NPPF.

If a site is sequentially acceptable, any mitigation measures necessary to make the development safe should be identified and need to be secured through the plan. The proposed allocation must be supported by evidence to demonstrate that the site can be

Environment Agency
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

safely developed.

The Sequential Test should be informed by the Local Planning Authority's latest Strategic Flood Risk Assessment (SFRA).

Please note that our screening exercise takes no account of flooding from other sources (surface water, sewer, reservoir, etc), so sites may still be at risk from other sources that we have not considered.

Statutory main river watercourses

Any development or works within 8 metres of the top of the bank of a main river will be subject to the Environmental Permitting Regulations (England and Wales) 2016. We usually require that an 8 metre wide, unobstructed strip is retained next to the main river for access and maintenance to the watercourse. This will have potential implications for site layouts and could reduce the number of dwellings that may be deliverable on a particular site.

New buildings, walls, private gardens and other features which restrict access to the watercourse will not be permitted.

We are likely to object to any planning applications which do not address the above issue, therefore we suggest that the Plan is updated to highlight this.

Further guidance is available here on GOV.UK: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Climate change

We would suggest that climate change is given stronger emphasis in the Plan, with particular regard to adaptation and mitigation.

Further useful guidance is available at: <https://neighbourhoodplanning.org/toolkits-and-guidance/how-to-write-a-neighbourhood-plan-in-a-climate-emergency/>.

Biodiversity

Paragraphs 174 and 179 of the National Planning Policy Framework recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. We therefore recommend that opportunities to enhance biodiversity in and around the development are identified and incorporated into the proposed development sites in accordance with the latest Planning Practice Guidance on how biodiversity net gain (BNG) can be achieved (<https://www.gov.uk/guidance/natural-environment>).

An accepted methodology has been developed by Natural England, the Defra Biodiversity Metric 3.0, which can be applied to assess the baseline range and condition of impacted habitats, and demonstrate how development proposals will achieve net gain. Opportunities for biodiversity net gain should be identified at an early stage in the design of any proposal, to be incorporated as the design of the scheme develops. This should be highlighted in the Plan.

Development in close proximity to activity regulated by an Environment Agency permit – Pig or poultry farms

New development within 400 metres of an existing intensive pig or poultry farm could result in the nearby community being exposed to impacts including odour, noise, dust and flies. The severity of these impacts will depend on the size of the facility, the animals it houses and prevailing weather conditions.

Planning policy requirements (paragraph 187 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing pig or poultry farm could have significant adverse effects on new development (including changes of use), the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring pig or poultry farm and/or through financial contributions to the operator of the farm to support measures that minimise impacts.

Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 187 of the National Planning Policy Framework. When a new development is built near to an existing intensive pig or poultry farm this does not automatically trigger a review of the permit.

Nearby historic landfill sites

Sites adjacent to historic landfill sites could be affected by the migration of landfill gas, which is an issue under the remit of the local authority. In this regard, we would recommend that you consult the local authority's Environmental Health / Environmental Protection Department for further advice on generic aspects of land contamination management.

You should ensure that the Neighbourhood Plan is in conformity with the National Planning Policy Framework and Blackpool Council's Local Plan.

Together with Natural England, Historic England and the Forestry Commission, we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/wp-content/uploads/How-to-consider-the-environment-in-Neighbourhood-plans-2021.02.26.pdf>

Yours faithfully

Mr Alex Hazel
Planning Advisor – Sustainable Places Team

E-mail: CLPlanning@environment-agency.gov.uk

Appendix A

Proposed site allocations

Key to Environment Agency constraints							
Flood Zone 3 (rivers and sea)							
Flood Zone 2 (rivers and sea)							
Main River							
Adjacent to / on EA regulated site							
Adjacent to / on historic landfill or other site with suspected contamination							
Adjacent to / on ordinary watercourse / pond (aquatic net gain opportunity)							

NP ref.	AECOM ref.	EA constraints						Comments
								
A	MM29			X			X	Eastern boundary is adjacent to a main river (Kitty Lane Watercourse). Ordinary watercourses
B	MM19						X	Ordinary watercourse
C	MM26							No identified constraints/opportunities
D	MM20						X	Ordinary watercourse
E	MM27						X	Ordinary watercourse
F	MM21			X			X	North east corner is adjacent to a main river (Kitty Lane Watercourse). Ordinary watercourse
G	MM18					X	X	Adjacent to two historic landfills: - Ashley Nursery – north western boundary. Inert waste. - Midgeland Farm – east of Midgeland Road. Inert, industrial, commercial and household waste. Ordinary watercourse
H	MM13			X		X		Southern boundary is adjacent to a main river (Kitty Lane Watercourse). Adjacent to historic landfill known as Ashley Nursery – eastern boundary. Inert waste.
I	MM22						X	Ordinary watercourse
J	MM23							No identified constraints/opportunities

K	MM25		X			X	Flood Zone 2 Ordinary watercourse
L	MM24					X	Adjacent to historic landfill (northern boundary) – see comments for site MM4
M	MM9		X			X	Flood Zone 2 Ordinary watercourse
N	MM16		X		X	X	Flood Zone 2 Approximately 400m south west of EA regulated intensive pig farm Ordinary watercourse
O	MM17b				X	X	Former industrial site. Within 400m south west of EA regulated intensive pig farm
P	MM14a						No identified constraints/opportunities
Q	MM14b				X	X	Adjacent to historic landfill known as Dickies Lane – eastern boundary (south). Inert, industrial and commercial waste. Within 400m south west of EA regulated intensive pig farm
R	MM10						No identified constraints/opportunities
S	MM5						No identified constraints/opportunities
T	MM31				X	X	Within 400m south west of EA regulated intensive pig farm Pond
U	MM30				X		Within 400m south west of EA regulated intensive pig farm

Additional sites

Site Ref.	EA constraints						Comments
08 Stan's Mowers,		X				X	Flood Zone 2 – site proforma fails to identify this constraint.

New Hall Avenue						Ordinary watercourse adjacent to site.
08A Grazing Land Jubilee Lane North Blackpool			X			Within 400m of EA regulated intensive pig farm (to the east) Within 250m of two historic landfill sites (to the south west and south east)