

**Delivery and Site Allocations Plan  
Examination  
Supporting Document**



**CD7.9**

**Statement of Common Ground between  
Wycombe District Council and the  
Environment Agency**



Wycombe District Council  
Planning, Transport & Development  
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**Our ref:** WA/2006/000248/SL-  
03/SB8-L01  
**Your ref:**  
**Date:** 03 December 2012

Dear Ms Morgan

**DELIVERY AND SITE ALLOCATIONS PLAN: FOR TOWN CENTRES AND  
MANAGING DEVELOPMENT. STATEMENT OF COMMON GROUND. NOVEMBER  
2012.**

Thank you for your email dated 29 November 2012.

Your email includes:

- *A Statement of Common Ground between Wycombe District Council and The Environment Agency. Prepared in advance of the Hearings of the Public Examination of the Delivery and Site Allocations Plan for Town Centres and Managing Development, dated November 2012, version 3.*

We agree with proposed amendments as set out in the above Statement of Common Ground. We would not wish to appear at the examination in public dated 18 -21 December as long as the changes to the policy, text, figures and maps of the *Delivery and Site Allocations Plan: For Town Centre's and Managing Development, Proposed Submission Document* dated June 2012 as set out in the above Statement of Common Ground and our letter dated 29 November 2012 are made.

Yours sincerely

**Ms Michelle Kidd**  
**Planning Liaison Officer**

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**Statement of Common Ground**

**between**

**Wycombe District Council**

**and**

**The Environment Agency.**

**Prepared in advance of the Hearings of the  
Public Examination of the  
Delivery and Site Allocations Plan  
for Town Centres and Managing Development**

**December 2012**

## 1. Introduction

1.1. This Statement of Common Ground (“the Statement”) has been prepared by Wycombe District Council (“the Council”) in conjunction with The Environment Agency.

1.2. The purpose of this statement is to set out the agreed position between the Council and The Environment Agency on policies as set out in the Delivery and Site Allocations Plan Proposed Submission Document (published June 2012), in order to identify the issues that continue to separate the parties in respect of these proposals.

1.3. Policies covered by this Statement of Common Ground:

High Wycombe Town Centre

HWTC2 Town Centre Environment (parts 2c and 5)

HWTC19 Rapid House

HWTC20 Oxford Road (west)

Desborough

HW2 Delivering New Open Space and River Corridor Improvements

Development Management

DM14 Protection and Enhancement of River and Stream Corridors

DM16 Planning for Flood Risk Management

DM17 Carbon Reduction

Map1

Sustainability Appraisal

Sequential Test

## 2. Context

### ***The Delivery and Site Allocations Plan***

- 2.1. The Delivery and Site Allocations Plan (DSA) includes site specific proposals for the three town centres in Wycombe District, including the High Wycombe town centre Masterplan and proposals for Marlow and Princes Risborough town centres. It also includes a series of key policies to manage development across the District to secure more sustainable development in the future.
- 2.2. Preparatory work and public consultation on the DSA began in 2004 alongside the preparation of the Council's Core Strategy, which was adopted in July 2008. The DSA has been subject to a number of further rounds of public consultation in 2007, 2009, 2010 and 2011.<sup>1</sup>
- 2.3. The Proposed Submission version of the DSA was published on Friday 1<sup>st</sup> June 2012. The deadline for comments to be submitted to the Council on the proposed plan was Friday 20<sup>th</sup> July 2012. In total 49 responses were received.<sup>2</sup>
- 2.4. The DSA was submitted to the Planning Inspectorate on Friday 21<sup>st</sup> September 2012. The DSA will now be subject to examination by a Planning Inspectorate, with public hearings on the DSA anticipated to be held in December 2012.

### ***Engagement with the Environment Agency on the Delivery and Site Allocations Plan***

- 2.5. The Environment Agency is a specific consultation body and as such has been consulted at each stage of the DSA. The Council have worked with the agency in producing the Strategic Flood Risk Assessment, the sequential assessment paper and on the detailed drafting of DM14 Protection and Enhancement of River and Stream Corridors.
- 2.6. The Council has attempted to resolve the soundness issues raised by the Environment Agency by identifying changes that could be made to the document and seeking agreement from the Environment Agency.

<sup>1</sup> See the following Core Documents – CD4.4.1 & CD4.4.5 (2007); CD4.5.1 & CD4.5.4 (2009); CD4.6.1 & CD4.6.4 (2010); CD4.7.1 & CD4.7.5 (2011)

<sup>2</sup> See Core Documents CD1.14 and CD1.15

### 3. Agreed Areas of Common Ground

3.1. The following sets out those areas where the Council and the Environment Agency have agreed proposed changes to policies to resolve issues of soundness raised in the Environment Agency's response.

<b>Area 1 - Policy HWTC2 Town Centre Environment</b>
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3.2. The Environment Agency objected to the reference in this policy being restricted to "inner source protection zones", requesting that the policy referred to "source protection zones" and that three additional sites be listed in this policy.

3.3. Both parties agree that Clause 5 and paras 3.26 and 3.27 of the policy could be changed to reflect this as follows:

Policy HWTC 2 part 5)

*Development proposals which are located within the ~~inner~~ Source Protection Zones (SPZ4) for the Pann Mill Public Water Abstraction (Principal Aquifer in the New Pit Chalk) should be designed to ensure no impact on the function of the ~~inner~~ Source Protection Zones.*

Paragraphs 3.26 and 3.27

3.26 *The following town centre sites are located within the ~~inner~~ Source Protection **Zones** (SPZ4) for the Pann Mill Public Water Abstraction (Principal Aquifer in the New Pit Chalk):*

- *HWTC7 Easton Street*
- *HWTC8 Council Offices and Royal Mail Sorting Office*
- *HWTC9 Land off Duke Street*
- *HWTC10 Swan Frontage*
- **HWTC11 Wycombe General Hospital**
- *HWTC12 Chilterns Shopping Centre & Frogmoor East*
- **HWTC13 Lily's Walk (Former Gas Works Site)**
- **HWTC16 Oxford Road Roundabout**

3.27 *In discussion with the Environment Agency development proposals within the **Source Protection Zones** SPZs4-need to be designed to allow for:*

- *the potential to encounter shallow groundwater and the restriction on the use of soakaways*
- *avoiding direct discharge of hazardous substances to groundwater*
- *the potential for historic contamination to be encountered during development*
- *the restrictions on deep penetrative foundation methods if contamination is encountered.*



3.4. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing on this issue.

**Area 2 - HWTC1 Delivering the Town Centre Vision – Figure 2 and associated representations on Figures 3, 7 and Map 1**

The Environment Agency's position

3.5. The Environment Agency has stated that they believe figure 2 "Our plan for delivering the vision" (page 9) should show the lines of the River Wye and the Hughenden Stream in relation to key points of infrastructure and proposed allocated sites. This should show open and culverted sections to identify where opportunities for de-culverting are. The agency has further commented that this would make the plan deliverable and consistent with policy DM14 Protection and Enhancement of River and Stream Corridors.

3.6. Both parties have agreed that showing the culverted sections of the River Wye and the Hughenden Stream on Map 1 and Map13, and the culverted sections of the River Wye on Figure 2, removes the need to show it on figures 3 and 7.

3.7. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing on this issue.

**Area 3 - HWTC2 – Town Centre Environment – part 2c)**

The Environment Agency's position

3.8. The Environment Agency has stated that this policy is unsound as it is not effective in maximizing the potential place-making opportunities of the River Wye. The Environment Agency proposed for the policy to be changed to say "when they arise" instead of "if they arise, and for a cross reference to be added to policy DM14 Protection and Enhancement of River and Stream Corridors.

3.9. As a result of ongoing dialogue the Environment Agency has accepted that the policy wording should not be changed and acknowledges that there is already an existing cross reference to DM14 in paragraph 3.25 and as such no longer seeks any changes to this policy.

#### **Area 4 - Policy HW2 Delivering New Open Space and River Corridor Improvements**

- 3.10. The Environment Agency sought for this policy to be made consistent with policy DM14 and for references to conserving and enhancing biodiversity to be added to the policy.
- 3.11. Both parties agreed that the following change be made to part e) of the policy and the supporting text:

*HW2 – add following to policy*

***Development should seek to conserve and enhance the biodiversity, landscape and recreational value of the watercourse and its corridor through good design in line with policy DM14.***

*Paragraph 3.152*

*... creating a number of linked open spaces as well as improving **the biodiversity, landscape and recreational value of the river.***

- 3.12. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing.

#### **Area 5 - DM14 Protection and Enhancement of River and Stream Corridors**

##### The Environment Agency's position

- 3.13. The Environment Agency has stated that that this policy is unsound as it is not effective due to the deletion of the following bullet points that were in the 2011 draft of the DSA<sup>3</sup>.

*Planning proposals should not impact adversely on the functions of a watercourse and its associated corridor and must address the following:*

- *provision and/or maintenance of a buffer zone between the watercourse and the development, and a long term landscape and ecological management plan for this buffer*
- *conservation and enhancement of biodiversity, including opportunities to deculvert watercourses and remove barriers to fish movements*
- *improvements in water quality and site run-off rates through the use of SuDS*
- *whether the development respects the scale of the riverside setting opportunities to enhance recreational use sensitive to the other functions of the river corridor*

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<sup>3</sup> See Core Document CD4.7.1

### The Council's position

- 3.14. It is the Council's opinion that the above text is expressed in terms that make it more akin to policy wording rather than supporting text. It does not serve to explain the policy or the different clauses within it. It is also the Council's position that the above text on the whole repeats what is in the policy wording – apart from on two issues; that of barriers to fish movements and the use of SuDS.
- 3.15. The issue of barriers to fish movement can be addressed through clause 2) of the policy and through engagement with the Environment Agency during the preparation of scheme proposals and at the application stage and through the use of the River Wye Advice note (referred to in the supporting text at para.6.94).
- 3.16. The issue of SuDS is one that both parties have agreed be included in policy DM16 Flood Management and Reducing Flood Risk (see Area 3 above) and in effect because this will apply to any application in flood zone 2 or 3, this will also capture schemes that DM14 would apply to.
- 3.17. In the light of further discussion the Environment Agency has accepted that most of the text above is contained within the DSA, apart from reference to removal of barriers to fish movement. Both parties agree that the addition of reference to this issue in paragraph 6.94 of the supporting text for policy DM14 will resolve the issue of soundness raised by the Environment Agency.

Add the following text to paragraph 6.94

***Where barriers to fish movement are present in a watercourse adjacent to development proposals, the design should include measures to allow for the natural movement of fish within the watercourse. Further guidance is available in the River Wye Advice note<sup>56</sup> which also contains principles that can also be applied to other watercourses.***

- 3.18. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing on this issue.

## **Area 6 - Policy DM16 Planning for Flood Risk Management**

3.19. The Environment Agency identified that this policy required greater clarification in terms of when a Flood Risk Assessment is required and the scope of a Flood Risk Assessment

3.20. Both parties agreed that the following changes be made to part 1b) and part 2) of the policy.

*Part 1b)*

*In such circumstances the requirements of 2a) to 2d)g) below will also need to be fulfilled.*

*Part 2) Applications on allocated sites greater than 1ha and **or** that are in Flood Risk Zones 2 or 3 will need to be supported by:*

- a) A flood risk assessment which demonstrates that the most appropriate layout of development on site in terms of flood risk has been applied; and*
- b) Demonstration that a sequential approach has been taken within the site, directing the most vulnerable uses to the areas of lowest flood risk; and*
- c) Demonstration that resilient and resistant construction methods for managing residual risk and delivering an overall reduction in flood risk have been assessed; and*
- d) The provision of space for flood water storage through the use of open space or areas above ground (where appropriate).*
- e) Demonstration that flood risk is not increased elsewhere and where possible reduced, and***
- f) Demonstration that all forms of flooding are taken into account including groundwater and surface water flooding, and***
- g) Demonstration that Sustainable Urban Drainage Systems (SUDS) are incorporated.***

3.21. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing.

## **Area 7 - Policy DM17 Carbon Reduction**

- 3.22. The Environment Agency sought to have water efficiency standards included in the policy that are higher than those required under building regulations. The justification for this is that the water resources for High Wycombe are “over licensed” and at a time of low flow could lead to environmental damage.
- 3.23. Subsequent to a meeting and confirmation from Thames Water, both parties have agreed to the following additions to the policy.

*Change to Policy name*  
**Carbon Reduction and Water Efficiency**

*New part 5)*

**5) New developments shall be designed to a water efficiency standard for new homes of 105 litres/head/day (l/h/d), equivalent to levels 3 and 4 for water, within the Code for Sustainable Homes and setting a water efficiency standard for new non-household development, such as BREEAM (BRE Environmental Assessment Method) ‘Excellent’ with a maximum number of ‘water credits’.**

*New Para 6.118*

**Setting water efficiency standards for both residential and commercial developments will contribute towards a sustainable use of water resources by reducing the demand for drinking water.**

- 3.24. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing.

## **Area 8 - Sequential Assessment<sup>4</sup>**

The Environment Agency’s position

- 3.25. As set out in letter dated 24th September 2012:

*“We are satisfied that the sequential test has been undertaken for this DPD. It is not our role however to determine whether the flood risk sequential test is passed (or “satisfactorily demonstrated”), or not. This is the role of the decision maker - i.e. the planning authority for planning applications, and the inspector for planning policy documents. We therefore make no further comment about the acceptability or otherwise of the sequential test, but leave it to the Inspector to assess robustness and suitability of the sequential test document which sits alongside this DPD.”*

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<sup>4</sup> See Core Document CD3.5.3

### The Council's position

- 3.26. The Council has drafted both the original sequential test paper and update in consultation with the Environment Agency. The Agency originally provided the Council with a letter confirming their acceptance of the sequential test in accordance with national policy (PPS25 at the time). Upon requesting whether the test required updating in light of the changed scope of the DSA, the Agency confirmed that it did require updating.
- 3.27. A number of drafts of the update have been shared with the Agency, and the Council has incorporated all the comments made by the Agency on the drafts. The Council is of the opinion that the sequential test has met the requirements of the National Planning Policy Framework and supporting technical guidance. We note that the Agency are not objecting to the contents of the updated sequential test paper or saying that it is not robust evidence.
- 3.28. The Environment Agency confirms that the revised Sequential Test Background Paper dated August 2012 demonstrates that a sequential test as required by the National Planning Policy Framework (NPPF) and its accompanying technical guidance has been undertaken.

## **Area 9 - Sustainability Appraisal**

### The Environment Agency's position

- 3.29. The Environment Agency had indicated their disappointment that the Sustainability Appraisal does not include reference to the Thames River Basin Management Plan (RBMP) and question the soundness and deliverability of the DSA in the light of it not being based upon appropriate evidence.
- 3.30. The Environment Agency is now satisfied that the Council has acknowledged the Thames River Basin Management Plan and the error in the wording of Objective 8. The Environment Agency has indicated that the Council has not used the most up-to-date data, but estimate that the amendments agreed above go towards meeting the objectives of Water Framework Directive (WFD) and improve the SA compliance.

### The Council's position

- 3.31. It is the Council's position that the omission of a specific reference to the management plan does not compromise the SA process. The management plan's central objectives are the improvement of river basin management and, specifically, the improvement of the ecological status of surface waters, in line with the 2000 European Water Framework Directive.

- 3.32. Objective 8 of the SA Framework<sup>5</sup> is: “To provide for sustainable levels of water use supply, and management including quality of water sources.” Under this objective, indicator number one is: “Rivers of good chemical and ecological status”.
- 3.33. In the Scoping Report Update, the Council accepted wording proposed by the EA, however due to an error, the specific wording of this individual indicator has not been translated into the wording of the SA Framework itself, which retains the previous wording of this indicator as “Rivers of good/fair quality”. Nevertheless, the Council contends that this does not affect the outcome of the SA process, given that the overall objective is the same, and also given that this is one indicator amongst seven under this objective (with the other indicators also contributing towards the objectives of the management plan, including those measuring water conservation, control of effluent and quality and quantity of groundwater).
- 3.34. It is therefore the Council’s view that even in the absence of specific reference to the management plan the objectives of the Sustainability Appraisal are in line with the of the management plan.
- 3.35. Policies DM16 and DM17 (including the proposed changes) also include measures and requirements that clearly contribute to delivering the objectives of the RBMP and the Water Framework Directive.
- 3.36. Both parties agree that the proposed changes to these policies will contribute towards the implementation of the RBMP and as such the lack of reference to the RBMP is not one that makes the DSA unsound or undeliverable.
- 3.37. The Environment Agency confirm that if these changes are proposed to be included in the Plan they would withdraw their objection and not wish to appear at the hearing on this issue.

**Areas 10 - HWTC19 Rapid House and HWTC20 Oxford Road (west)**

- 3.38. The following area relates to references to the River Wye in site-specific policies.

The Environment Agency’s position

- 3.39. The Environment Agency have recognise the proposals to mark the lengths of culverted river onto Map1, 13 and Figure 2, and feel that, in conjunction with Policy DM14, most of their concerns with regard to Policy HWTC 19 and HWTC 20 have been met. They are prepared to withdraw the soundness points they had on these policies. This is subject to the

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<sup>5</sup> See CD1.6, p23

amendments proposed in the SOCG being incorporated into the final document.

- 3.40. If and when these two plots come forward for redevelopment, the EA will seek opportunities to incorporate safeguarded areas alongside the culvert/road to enable deculverting within an enhanced river corridor.

#### The Council's position

- 3.41. The Council's position is that the culverted river runs directly under the West Wycombe and Oxford Road, which is adjacent to both of the sites. As such it would not be practical or reasonable to seek an individual site to investigate the possibilities of de-culverting the river as part of a redevelopment proposal when the river does not run through the site. Proposals for de-culverting in this location would only realistically come forward if the Highways Authority or Wycombe District Council were to bring them forward.