

# Core Strategy Review - Inspectors' Action Points

**Matter 11- Other Policies - Policy CSD5: Water  
and Coastal Environmental Management**

25 January 2021



# **Contents**

Matter 11 – Other Policies - Policy CSD5: Water and Coastal Environmental Management.....	2
1. Introduction.....	2
Appendix 1: Proposed Modifications to Policy CSD5: Water and Coastal Environmental Management and supporting text.....	4

# **Matter 11 – Other Policies - Policy CSD5: Water and Coastal Environmental Management**

## **1. Introduction**

- 1.1. During the hearing session for Matter 11, Other Policies, the council undertook to review Policy CSD5: Water and Coastal Environmental Management.
- 1.2. Proposed modifications were identified to:
  - Review the wording in the Statement of Common Ground with Natural England (EB 13.95) in respect of ‘securing’ rather than ‘providing’ mitigation where this may not be possible on-site but off-site solutions are feasible;
  - Consider whether the policy will apply to all forms of development (i.e. whether as drafted it would require minor household development to pass a Habitats Regulations Assessment) and how the policy may be practically addressed through the development management process;
  - Reflect BREEAM ‘Outstanding’ standard as an aspiration, with ‘Excellent’ as a requirement;
  - Reflect in criterion c. where incorporating Sustainable Drainage Systems (SuDS) may not be technically feasible; and
  - Amend the wording to reflect the Statement of Common Ground with Kent County Council (EB 13.10) in respect of surface water runoff matching greenfield rates and development on previously developed land to reduce discharge rates and volumes where feasible.
- 1.3. Proposed modifications to Policy CSD5 addressing these points are set out in Appendix 1 to this note.

## **Core Strategy Review Examination – Inspectors’ Action Points**

- 1.4. Regarding nutrient neutrality, the council considers that the policy has to be applied to all applications to ensure that the interests of the internationally protected sites are not harmed, but proposes adding explanatory material to the supporting text, drawn from Natural England’s Advice Note, to illustrate the types of development that are likely to need assessment for their impacts on the Stodmarsh sites.
- 1.5. Modifications to the supporting text are also shown to:
- Reflect the Statement of Common Ground with the Environment Agency (EB 13.70);
  - Delete outdated text regarding standards of water usage; and
  - Reflect the hearing sessions for the new garden settlement regarding water efficiency standards.

**Core Strategy Review Examination – Inspectors' Action Points**

**Appendix 1: Proposed Modifications to Policy CSD5: Water and Coastal Environmental Management and supporting text**

## **Core Strategy Review Examination – Inspectors' Action Points**

*This page is left intentionally blank*

## Core Strategy Review Examination – Inspectors’ Action Points

### Water and Coastal Environmental Management

- Primary aims: *B1, B3, B4, B5, B6, B7, C4, D4, D9* (see section 3.1).
- Main local evidence base studies: *Sustainability Appraisal, Water Cycle Report, Strategic Flood Risk Assessment*.

- 5.56 The policy covers a range of issues relating to water, supplementing SS3 which focuses on strategic flood risk by addressing flooding, water and coastal issues.
- 5.57 The populous South East England already suffers incidents of water stress and low rainfall. This will be further exacerbated with climate change and more extreme weather events intensifying summer drought or flooding in the winter period. Given the district’s natural characteristics it is covered by a special Water Scarcity Status (formally designated in 2006) and the careful management of the water cycle is critical to ensure reliable supply and protection of the district’s key environmental assets.
- 5.58 The Water Framework Directive<sup>1</sup> presents a serious challenge to deliver sufficient upgrades in the quality of water bodies (including groundwater) in a relatively rapid timescale, and one where local planning decisions can assist. The protection of water supply and quality falls under the jurisdiction of a number of bodies: notably the Environment Agency, Kent County Council, the council, the Romney Marshes Area Internal Drainage Board and water companies.
- 5.59 The district’s coastal location means that it is susceptible to maritime flooding and therefore requires significant flood defences. However, coastal land contributes positively to the district’s ecology and natural networks while, more accessible coastal environments are subject to both developmental and recreational pressures. Consequently, an integrated and strategic approach to the water cycle and coastal environments is required.
- 5.60 The district’s hydrology presents a contrast between the river basins of the Stour in the north and Rother in the south, as shown in Figure 5.3. The chalk and greensand geology underneath the rolling countryside in the north provides for the district’s principal aquifers, vital assets for the district. In the south, the Romney Marsh has a dense network of drainage channels and the Royal Military Canal, and some particularly sensitive ecological attributes.
- 5.61 Climate change will increase the risk of flooding from all sources. The key requirements in relation to major flooding risks and the location of development are included in policy SS3. In particular, all development at risk of flooding should be subject to a site-specific flood risk assessment (appropriate to the scale and type of development), and developers will be required to contribute to mitigation and/or relief measures which will reduce the overall risk of flooding.
- 5.62 In addition, developers should strive to reduce the risk of flooding from surface water and foul water and its contribution to fluvial flooding, reducing the amount of water

---

<sup>1</sup> And the Environment Agency’s (December 2015) South East River Basin District: River Basin Management Plan

## Core Strategy Review Examination – Inspectors’ Action Points

discharged to foul water drainage. The Flooding and Water Management Act (2010) requires developers to consider Sustainable Drainage Systems (SuDS), and this should include provisions for their long-term management. In all instances developers should aim to reduce the rate of water runoff from sites.



**Watercourses of the District**

1	East Stour	6	Brockhill Stream		Watercourses
2	Nailbourne	7	Royal Military Canal		District Boundaries
3	Pent Stream	8	New Sewer		Kent
4	Seabrook Stream	9	White Kemp Sewer		Settlement
5	Saltwood & Mill Leese Stream	10	Jury's Gut Sewer		

**Figure 5.3: District Watercourses**

5.63 In terms of supply, Affinity Water currently serves all the major centres of population in district, including the strategic sites and broad locations of the Core Strategy



## Core Strategy Review Examination – Inspectors’ Action Points

Review. The local Water Resources Management Plan<sup>2</sup> sets out how a positive supply/demand balance will be maintained. The company has investigated the way in which it can encourage its customers to use water more efficiently through measures including leakage reduction and a tariff-based system of demand management charges.

- 5.64 As the district falls within a designated Water Scarcity Status Area, water efficiency measures are necessary in new developments and supported by the Environment Agency. The Water Cycle Report<sup>3</sup> assesses the implications of the spatial strategy on water resources; as part of this, planning policy will support efforts to significantly reduce average domestic consumption.
- 5.65 ~~All new homes already have to meet the mandatory national standard for water usage set out in Building Regulations of 125 litres per person per day. As set out in national planning practice guidance, where there is clear local need, local planning authorities can set out local plan policies requiring new dwellings to meet tighter standards set out in Building Regulations of 110 litres per person per day. Most of the district’s recent residential planning permissions have required Code for Sustainable Homes standards, predominantly at what was level 3. This level (and Code level 4) required design features to enable a maximum consumption of 105 litres of water per person per day. Since the adoption of the 2013 Core Strategy, there have been significant changes to the planning and building regulations systems relating to energy efficiency and low carbon development. Following the Housing Standards Review, the Code for Sustainable Homes was withdrawn (effective from 26 March 2015). As a result of this, local planning authorities can no longer stipulate compliance with Code levels or require Code assessments in planning policy. In place of this, the government introduced a number of changes to building regulations standards, along with some new standards. These included for water (Part G), a new optional standard (110 litres per person per day) for water-stressed areas that has been added to the baseline standard of Part G (125 litres per person per day).~~
- 5.66 ~~Given the area’s Water Scarcity Status, t~~The council requires that all new homes development ~~meets~~ the new optional standard of water use of 110 litres per person per day. Proposals that achieve the water-related elements of good design standards and exceed the optional standard will be encouraged, ~~and will be required for the new garden town to ensure it fully meets the principles at the heart of the garden settlement movement.~~ For non-residential developments, the Building Research Establishment’s Environmental Assessment Method (BREEAM) is the most commonly accepted assessment tool by which to judge and require increased sustainability standards. In relation to water, non-residential developments will be expected to reach a minimum of the BREEAM ~~‘Outstanding’~~‘Excellent’ standard, with the aspiration to reach ‘Outstanding’ where meet this standard would be feasible and viable.
- 5.67 These standards will support wider measures (including through CSD4), encouraging the more efficient use of water through fully integrated water management practices that significantly reduce pressure on water resources and

---

<sup>2</sup> Affinity Water (June 2014) ‘Our Plan for Customers and Communities’ Final Water Resources Management Plan 2015-2020 (The Water Resources Management Plan 2020-2080 is currently in preparation)

<sup>3</sup> Water Cycle Report, Folkestone & Hythe District Council

## Core Strategy Review Examination – Inspectors’ Action Points

also decrease discharges. These opportunities can all contribute to climate change mitigation measures.

### Policy CSD5

#### Water and Coastal Environmental Management

Development should contribute to sustainable water resource management which maintains or improves the quality and quantity of surface and ground water bodies, and where applicable, the quality of the coastal environment and bathing waters.

This will be achieved by protecting or enhancing natural water reserves through sustainable design and construction, managing development in relation to wastewater infrastructure, and promoting long-term resilience to climatic pressures on the coast and water systems. Proposals must be designed to contribute to the maintenance of a sustainable supply of water resources in the district; the achievement of water management plans for the district; and the maintenance of coastal ecological habitats (through seeking to avoid the inhibition of natural coastal processes).

Development will be permitted where the following criteria are met:

- a. All developments should incorporate water efficiency measures appropriate to the scale and nature of the use proposed. Planning applications for the construction of new dwellings should include specific design features and demonstrate a maximum level of usage to meet the higher water efficiency standard under Regulation 36(3) of the Building Regulations to achieve a maximum use of 110 litres per person per day (including external water use). Proposals should demonstrate that water efficiency and water re-use measures have been maximised and should seek to significantly exceed this standard.
- b. For non-residential development, the development achieves BREEAM 'excellent'~~outstanding~~ standard addressing maximum water efficiencies under the mandatory water credits, where technically feasible and viable; ~~and~~
- c. New buildings and dwellings must be delivered in line with wastewater capacity, and designed so as to ensure that in relation to greenfield development, peak rate of surface water runoff from the site is not increased above the existing greenfield surface water runoff rate, incorporating appropriate sustainable drainage systems (SuDS) where feasible and water management features, with full consideration given to integration of water management. The quality of water passed on to watercourses and the sea must be maintained or improved, and flood risk must not be increased by developments within the district; ~~and~~
- d. Development which could have an impact on water quality in the Stodmarsh European-designated sites through increased nutrient levels from wastewater discharges into the River Stour catchment will be required to provide evidence of the likely nutrient impacts of the proposed development. Planning permission will only be granted if:
  - (i) The applicant can demonstrate, subject to meeting the tests of the Habitat Regulations, that the development would not have a significant effect on the

## Core Strategy Review Examination – Inspectors’ Action Points

Stodmarsh European sites either alone or in combination with other plans and projects; and

- (ii) The applicant can demonstrate that the development will provide and secure all requisite on-site or off-site mitigation measures to avoid any likely significant effect on the Stodmarsh European sites as may be necessary for the life of the development through a design, implementation and maintenance plan to be submitted to and approved by the Council.

Water reserves and the coastal environment will be maintained and enhanced through the council working with partners to manage development and upgrade water infrastructure and quality, and through green infrastructure provisions (policy CSD4).

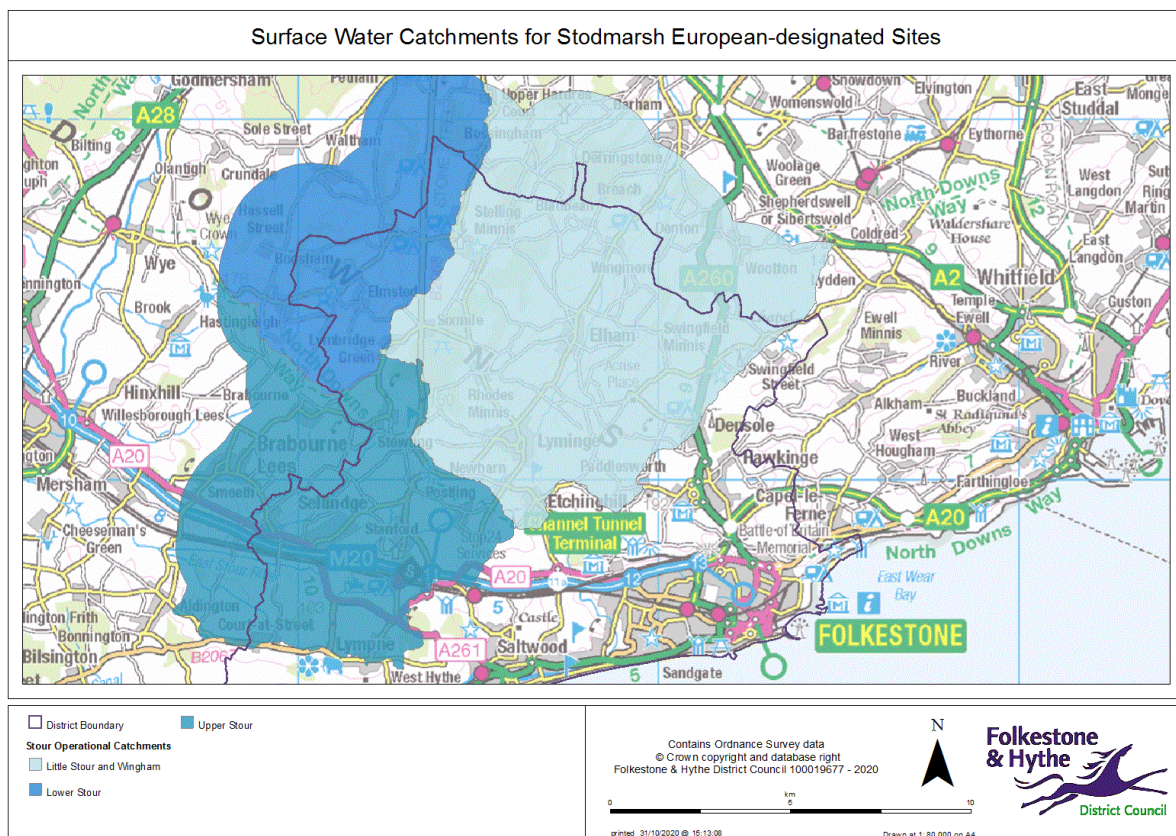
- 5.68 Policy CSD5 highlights that the objectives of efficient water management and measures such as sustainable drainage systems (SuDS) need to be balanced with long-term coastal management and planning decisions.
- 5.69 It will also be necessary to ensure that development on brownfield land includes an appropriate strategy for addressing past contamination, where present, on a risk assessed basis. In practical terms this could lead to conflict with the objective to the implementation of SuDS, as infiltration drainage is not always appropriate on brownfield sites.
- 5.70 When planning new development and growth it is important to consider both local and strategic wastewater infrastructure. Local infrastructure generally comprises local sewers funded by the development, whereas strategic infrastructure encompasses trunk sewers, pumping stations and wastewater treatment works and is normally funded by the water company. Specific construction features (such as separate and adoptable quality foul and surface water sewers) are important to new developments.
- 5.71 Capacity in the sewerage system is finite and the spare capacity available (headroom) varies from location to location. If there is insufficient capacity in the sewerage system to accommodate the increased volumes of flow arising from a new development, the development will need to connect off-site to the nearest point of adequate capacity or provide appropriate on-site solutions. The council will consider applying appropriate planning conditions when granting planning permission.
- 5.72 Most of the district’s water supply comes from groundwater sources. Water resources must be maintained, and proposed developments must not have a negative impact to public water supplies or their associated Source Protection Zones and ground source protection zones must be effective. Pollution prevention measures are required in areas of high groundwater (in consultation with the Environment Agency and Natural England). A key target of the Water Framework Directive is to aim for a ‘good’ status for all water bodies by 2015, where this is not possible the aim is to achieve ‘good’ status by 2021 or 2027. The aim is also to achieve ‘good’ ecological potential and ‘good’ surface water chemical status for heavily modified water bodies and artificial water bodies.

## Core Strategy Review Examination – Inspectors’ Action Points

- 5.73 New developments should explore options other than a reliance on tank storage; for example the incorporation of open water storage and conveyance (including swales and wetlands) as a positive design feature of developments.

### Nutrient Neutrality

- 5.74 New development in the North Downs area of the district has the potential to increase nutrient flows into the River Stour, flowing into the Stodmarsh system of European designated sites (Special Area of Conservation, Special Protection Area and Ramsar site), north east of Canterbury. Damage to the water quality of these sites (eutrophication) has been caused by high nutrient levels, particularly phosphorus but also nitrogen. Figure 5.4 below shows the likely extent of the affected catchments and the administrative boundary of Folkestone & Hythe district.



**Figure 5.4: Stour Operational Catchments**

- 5.75 The council will work with Natural England to assess the likely impacts of development proposals, in line with the Conservation of Habitats and Species Regulations 2017, using Policy CSD5 d. In assessing proposals, the council will have regard to Natural England’s ‘Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites’ (July 2020, or subsequent updates) and applicants should follow this advice in developing their proposals.
- 5.76 In operating Policy CSD5 d. the council will have regard to Natural England’s advice note which states (paragraphs 4.9-4.12):



## Core Strategy Review Examination – Inspectors’ Action Points

- All types of development that would result in a net increase in population served by a wastewater system, including new homes, student accommodation and residential institutions will have inevitable wastewater implications;
- Tourism attractions and tourism accommodation attract people into the catchment and are likely to generate additional wastewater and consequential nutrient loading on the designated sites. This includes self-service and serviced tourist accommodation such as hotels, guest houses, bed and breakfasts and self-catering holiday chalets and static caravan sites. Other developments that generate overnight stays, such as conference facilities, would need to be considered on their merits; and
- Commercial development not involving overnight accommodation is not likely to have wastewater implications, as it is generally assumed that anyone working in, or making use of, the commercial development also lives in the catchment, and therefore wastewater generated by that person can be calculated using the population increase from new homes and other accommodation. This removes the potential for double-counting of wastewater arising from different planning uses.

5.77 Developers will need to demonstrate, either that their proposals will not have a significant effect on the Stodmarsh sites, or that mitigation measures can be delivered on-site, or secured off-site, to avoid any impact. Developers are encouraged to have early discussions with Natural England and the district council when preparing their proposals.

### Coastal management

5.748 Coastal areas face issues of specific economic development pressures and opportunities, and risks from changing physical conditions<sup>4</sup>. Beaches along the district's central and eastern coastline are important for leisure and fishing. Elsewhere, there are a number of prominent coastal areas in addition to Dungeness, for example the Dover–Folkestone Heritage Coast, requiring flexible management that balances conservation and public access.

5.759 This applies both to impacts from the possible overall growth of recreational pressures (see Appropriate Assessment provisions for Dungeness<sup>5</sup>, policy CSD4) and developments in the immediate vicinity. The strategy's green infrastructure approach offers principles for integrated management.

5.7680 Coastal defences provide essential security for many parts of the district. In terms of flood risk and development proposals on the coast, under policy SS3, a site-specific flood risk assessment (FRA) will be required due to over-topping risks close to the coast. Policy CSD5 sets out that development should avoid adverse impact on coastal habitats and allow species adaptivity ('coastal squeeze'), and maintain the integrity of existing defences (including with sufficient access or development set back to allow maintenance and improvement of defences). Core Strategy Review policy may also require that developments strengthen the green infrastructure network through measures such as the improvement of watercourses, coastal

---

<sup>4</sup> Halcrow for South East Coastal Group (2007) South Foreland to Beachy Head Shoreline Management Plan and The Environment Agency (February 2015) Folkestone to Cliff End Flood and Erosion Management Strategy

<sup>5</sup> URS/Scott Wilson (2012) Habitat Regulations Assessment for Dungeness

## **Core Strategy Review Examination – Inspectors’ Action Points**

environmental management, or flood prevention; developer contributions for these purposes will be explored in line with SS5.