

# BILATERAL MEMORANDUM OF UNDERSTANDING

BETWEEN

STEVENAGE BOROUGH COUNCIL (SBC)

AND

ENVIRONMENT AGENCY (EA)

IN RESPECT OF

THE STEVENAGE BOROUGH LOCAL PLAN, SUBMISSION VERSION, JUNE 2016

## Summary

- SBC and the EA agree that Stevenage Borough's draft Local Plan is sound having worked together to find solutions for the issues that the EA identified as being unsound.
- 1.1 We, the undersigned, set out in this memorandum those matters of joint interest to both the Authority and the Statutory Consultee as they are dealt with in the Stevenage Borough Local Plan (SBLP), Submission Version, May 2016 (hereinafter 'the plan') in accordance with paragraph 181 of the National Planning Policy Framework, March 2012 (hereinafter 'the NPPF').
- 1.2 This statement identifies, specifically, those areas upon which SBC and the EA agree (marked in **bold**) and those areas of disagreement (marked in text boxes). Where the Authority and Statutory Consultee are in disagreement, potential routes to resolution are identified, where possible.
- 1.3 All matters where SBC and the EA perceive that there is a joint or strategic interest are detailed in this memorandum. Matters which are not considered to be of joint or strategic interest are excluded. It may, therefore, be taken as read that the Authority and Statutory Consultee are content on those other matters.

## Strategic Issues

- 2.1 Paragraph 178 of the NPPF states that "*public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities...*"
- 2.2 Paragraph 156 states that the strategic priorities are strategic policies to deliver:
- *"the homes and jobs needed in the area;*
  - *the provision of retail, leisure and other commercial development;*
  - *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk...and the provision of minerals and energy (including heat);*

- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaption, conservation and enhancement of the natural and historic environment, including landscape.”*

2.3 The Authority and the Statutory Consultee **agree** that, in their view, the plan has been prepared in accordance with:

- the Duty to Co-operate;
- legal requirements;
- procedural requirements; and
- that it is sound.

2.4 In respect of the latter, the Authority and the Statutory Consultee **agree** that the plan has been:

- positively prepared;
- is justified;
- is effective; and
- is consistent with national policy.

### **Preamble**

3.1 Stevenage is tightly bounded by its administrative boundary and Green Belt. Its neighbour, to the north, east and south Stevenage is North Herts District Council. To the east, Stevenage is neighboured by East Herts District Council.

3.2 The SBLP sets out the allocation and delivery proposals for homes, jobs and infrastructure in Stevenage.

3.3 Stevenage has a small number of watercourses that could result in fluvial flooding within the Borough boundary.

3.4 Surface water runoff from existing and new development in Stevenage could result in increased surface water flooding if climate change is not taken into account.

3.5 The EA is a non-departmental public body, established in 1996 and forms part of the Department for Environment, Food and Rural Affairs (DEFRA), with responsibilities relating to the protection and enhancement of the environment in England.

3.6 Within England the EA are responsible for:

- regulating major industry and waste
- treatment of contaminated land
- water quality and resources
- fisheries
- inland river, estuary and harbour navigations
- conservation and ecology
- managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

- 3.7 SBC and the EA have worked constructively, actively and on an ongoing basis to maximise the effectiveness of the plan and its supporting evidence contained within the Strategic Flood Risk Assessment document.

### **Detailed Memorandum**

The detailed memorandum now follows, broadly in the order set out in paragraph 156 of the NPPF:

#### **Flood risk**

- 4.1 SBC and the EA **agree** that the Strategic Flood Risk Assessment Update (SFRA), 2016, which includes both a Level 1 and Level 2 assessment of flood risk in the Borough of Stevenage (with the updated climate changes allowances published by the EA in February 2016), is sound. The SFRA does not preclude development of any of our allocated sites. SBC confirm that the SFRA will form part of the supporting evidence base for the SBLP submission in July 2016.
- 4.2 SBC and the EA **agree** that Policy SP2 should not add the use of SuDS systems, including green/brown roofs, to the criteria in the policy. Criterion 'm' refers to the avoidance and prevention of harm from flood risk which would include the use of all mechanisms to reduce all forms of flooding in the Borough, including flooding from surface water. More detailed criteria for development is set out in the detailed policies section of the SBLP.
- 4.3 SBC and the EA **agree** that para 13.4 does not require the addition of wording to clarify why stringent water management systems should be incorporated into new developments. The para explains that Stevenage is in an area of 'water stress' and it is reasonable to conclude that stringent water management systems will result in water efficiency.
- 4.4 SBC and the EA **agree** that Policy FP3 should be clarified in respect of points ii), iii) and iv). SBC confirm the submission of potential rewording to the Planning Inspector for them to consider as part of the examination process.
- 4.5 SBC and the EA **agree** that para 13.26 should not include information about how FSRs should be managed to provide biodiversity value. This para is a statement of intent for the SDC when the New Town was being planned. SBC do note that FSRs provide essential habitat.

#### **Community infrastructure**

- 5.1 SBC and the EA **agree** that Policy SP8 should not include the requirement for new development and regeneration to include SuDS and green spaces which connect to create ecological corridors or available habitat for wildlife. Policies SP11, FP2 – FP4 and NH1 – NH5, and their supporting text, address these requirements.
- 5.2 SBC and the EA **agree** that amendments are not required to para 8.19. The SBLP follows the 'avoid, mitigate and compensate' hierarchy set out in the NPPF.

## **Climate change mitigation and adaption**

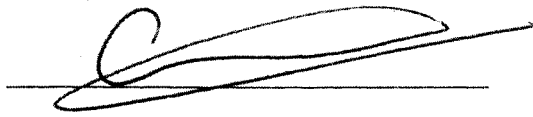
- 6.1 SBC and the EA **agree** that Policy SP11 should not include the addition of 'wildlife and biodiversity, watercourses and open water' to point a). The policy is clear, under point a) that new development should 'consider matters relating (but not necessarily limited) to...'. It is not reasonable for the strategic policy to list every consideration that new development should take into account.
- 6.2 SBC and the EA **agree** that para 5.135 should not include the creation of new habitats and the provision for biodiversity. The para discusses how new developments in the Borough can limit the negative impacts on the environment. The incorporation of SuDS in new development, will, in itself help create new habitat and make provision for biodiversity.
- 6.3 SBC and the EA **agree** that para 5.139 should not include considerations for biodiversity enhancement in any new FSR's. Any proposed FSR's, as a result of new development to the north, west or south of Stevenage, will be on greenfield sites. Policies HO3 – HO5 all require development to incorporate a network of green infrastructure, with an emphasis on high quality landscaping within and around the development to reduce the impact of the development on the surrounding greenfield / Green Belt land.
- 6.4 SBC and the EA **agree** that Policy FP1 should not include wording stronger than 'encouraged'. 110lpppd is the tighter Building Regs optional requirement. We are unable to replicate Building Regs requirements in Policy.

## **Natural environment and landscape**

- 7.1 SBC and the EA **agree** that the SBLP should make more explicit reference to the EU Water Framework Directive (Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy) (WFD).
- 7.1.1 SBC confirm the submission of potential rewording to the Planning Inspector for them to consider as part of the examination process with regard to Policy SP11 and paras 5.149 and 13.23. The policy and paras should include explicit reference to how development in Stevenage can contribute to the objectives of the WFD for waterbodies within the Borough.
- 7.1.2 Specific works identified in the response from the EA, to SBC's consultation on the Publication version of the SBLP, will be a matter for Development Management at the planning application stage however.
- 7.2 SBC and the EA **agree** that the SBLP does make aspirations based around environmental enhancement and improvement of biodiversity. SBC require new development, particularly in the three main urban extensions, to incorporate a network of green infrastructure that will make provision for the creation of new habitats in the town. The concept of 'Green Infrastructure', referred to in the SBLP, includes river corridors and the contribution that these corridors make to the overall Green Infrastructure on a town-wide basis. The requirement for new developments to

provide bat and bird boxes/bricks, is a matter for Development Management at the application stage however.

- 7.3 SBC and the EA **agree** that para 4.26 should not also give consideration to river corridors and their importance for biodiversity. The vision and objectives section cannot cover all of the issues, hence this issue is dealt with in Policy FP3 through the provision of natural buffer zones adjacent to watercourses in the Borough.
- 7.4 SBC and the EA **agree** that para 5.54 should not include the additional wording 'loss of environmental biodiversity will be mitigated wherever feasible'. The para already states that the environmental impacts resulting from the implementation of infrastructure in the Borough will be reduced and mitigated against. The SBLP follows the 'avoid, mitigate and compensate' hierarchy set out in the NPPF.
- 7.5 SBC and the EA **agree** that Policy SP12 should not include reference to blue infrastructure, river corridors and riparian ownership. Policies FP2 and FP3 provide protection of river corridors through the requirement of an eight metre buffer zone adjacent to water courses in the Borough.
- 7.6 SBC and the EA **agree** that Policy FP7 should include reference to water pollution. SBC confirm the submission of potential rewording to the Planning Inspector for them to consider as part of the examination process.
- 7.7 SBC and the EA **agree** that para 13.44 should not make additional reference to maintaining suitably low lighting background levels at night to prevent the disturbance to nocturnal animals. Policy FP7, and the supporting text thereafter, already make reference to ensuring that development will not unacceptably impact on the natural environment.
- 7.8 SBC and the EA **agree** that Policy NH2 does not require the addition of point c) to address the creation of new buffers around or linkage wildlife corridors between existing sites. It is considered that the proposed amendment is covered by point b) in the same policy.
- 7.9 SBC and the EA **agree** that Policy NH3 does not require an alteration to the Policy name to 'Green and Blue Corridors' and the proposed addition of Stevenage Brook and Aston End Brook to the proposals map. It is considered that the meaning of 'Green Corridors' also includes open verdant watercourses.
- 7.10 SBC and the EA **agree** that the monitoring framework shown in para 15.10 should not be reworded to include 'protect and enhance where possible'. Our policies seek to protect existing green infrastructure, which is reflected in our monitoring targets.

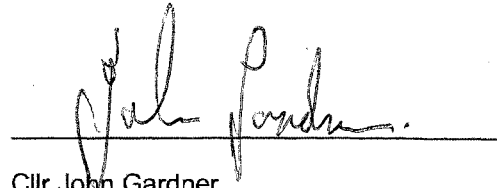


Clark Gordon

Team Leader – Sustainable Places Team,  
Hertfordshire and North London

Signed on behalf of

**Environment Agency**



Cllr John Gardner

Deputy Leader of the Council

Signed on behalf of

**Stevenage Borough Council**