

**ISSUE 13: POLLUTION, WATER QUALITY, FLOOD RISK AND DRAINAGE
(POLICIES 35-37)**

13.1 What is the timetable for the completion of the Shoreham Tidal Walls Project?

13.1.1 The completion date for the Shoreham Adur Tidal Walls project is Autumn 2018.

13.2 Are all the requirements of policy 35 (Pollution and Contamination) justified? How will the Council ensure that 'new development in Adur will be located in areas most suitable to the use of that development' (e.g. extensions or redevelopment of existing buildings)?

13.2.1 Yes, all the requirements of policy 35 are justified. One of the main aims of policy 35 is that 'development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.' This complies with the NPPF, particularly bullet point 4 of para 109 which aims to prevent 'both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

13.2.2 The policy also states that 'new development in Adur will be located in areas most suitable to the use of that development to avoid risk from noise, air, odour or light pollution.' This will be ensured through relevant noise and air quality assessments and, where necessary, ground investigations, as well as liaison with the Council's Environmental Health section. The need for an air quality assessment and the method of assessment will be informed by the Sussex Air document 'Air quality and emissions guidance for Sussex authorities' (2013) which can be found on the Adur & Worthing Council website. The need for a noise assessment and the method of assessment will be informed by the Sussex Planning Noise Advice Document (2015). It is recognized that small scale extensions and redevelopments will only require air and noise assessments where they are in particularly sensitive areas. In the case of air quality issues, this would be Air Quality Management Areas (AQMAs) and in the case of noise issues, where the site is located, for example, near a major highway, railway, airport or industrial development. Additionally, any development on potentially contaminated land would have to be investigated in accordance with established procedures such as British Standard 10175:2011 Investigation of Potentially Contaminated Land - Code of Practice. This approach complies with the NPPF, particularly paragraph 120 which states

that 'to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.'

13.2.3 It is noted that in their response to the Inspector's question, the Campaign to Protect Rural England state that the Local Plan needs to be more specific on how the key issues of pollution, particularly air quality, will be addressed. However, this is a wider issue that needs to be addressed by a number of services including Environmental Health. The Local Plan can set a framework for new development to reduce its emissions but the type and degree of mitigation required will depend on the type and amount of development. This would be assessed by Planning officers, Environmental Health officers and other relevant organisations at the detailed design stage or through the Environmental Impact Assessment process. Therefore, it is considered that the current level of detail in the policy is appropriate.

13.3 How will it be decided whether or not air quality/noise assessments are 'appropriate'?

13.3.1 As set out in the response to question 13.2 above, liaison with the Council's Environmental Health department as well as the use of the 'Air Quality and emissions guidance for Sussex authorities' (2013) and Sussex Planning Noise Advice Document (2015), will help to inform decisions as to whether air quality and noise assessments are appropriate.

13.4 Are all the requirements of policy 36 (Water Quality and Protection) justified? Will policy 36 have any implications in terms of the viability and delivery of the Council's proposals for development as set out in the ALP?

13.4.1 The main aims of policy 36 are as follows:

- To prevent development having unacceptable impacts on the quality and potential yield of local water resources and the water environment;
- To ensure development has an adequate means of water supply, sufficient foul and surface water drainage and adequate sewage treatment capacity;
- Development must be phased to take into account the timing of any water and/or wastewater infrastructure required.

13.4.2 This policy was developed in collaboration with the Environment Agency and has been informed by the Water Framework Directive (DC16/1). The Environment Agency has expressed its full support of this policy (Representation No.6). The policy reflects the NPPF which states the following:

- Local planning authorities should take full account of water supply and demand considerations (para 94);
- The planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from water pollution (para 109);
- Local Planning authorities should include strategic policies to deliver the provision of infrastructure for water supply and wastewater (para 156);

13.4.3 The Adur District Council Whole Plan and Community Infrastructure Levy Viability Assessment (October 2016) (CD24/11) did not identify any abnormal costs associated with this policy and it is not considered that any elements of the policy are unreasonable or go beyond any of the requirements of the NPPF. It is therefore considered that the policy is justified and would not have any significant implications for the viability and delivery of the Council's proposals for development as set out in the ALP.

13.5 Are all the requirements of policy 37 (Flood Risk and Sustainable Drainage) justified? Does the policy reflect advice on flooding in the NPPF (e.g. paragraph 100)? Will policy 37 have any implications in terms of the Council's proposals for development as set out in the ALP?

13.5.1 Due to Adur's coastal location and the presence of the tidally influenced River Adur running through the centre of the district, large areas of the district are currently at high risk of flooding from tidal, and to a lesser extent, fluvial sources. There is also some degree of flood risk from the Teville Stream catchment to the west of the district. In addition to the tidal and fluvial risks, groundwater and surface water flooding present further risk to substantial parts of the district. As a result, a clear policy on flood risk in the Adur Local Plan is considered essential.

13.5.2 Policy 37: *Flood Risk and Sustainable Drainage* sets out the following:

- The circumstances whereby a development will require a Flood Risk Assessment (FRA);

- The requirements of any FRA;
- The requirement for Sustainable Drainage Systems and their ongoing management/maintenance.
- The requirement, through SuDS, to achieve a reduction in runoff levels below that experienced prior to development.

13.5.3 This policy was developed in collaboration with the Environment Agency (who have expressed their full support for this policy (Representation No.6)) and West Sussex County Council (as the Local Lead Flood Authority). It has also been informed by the Adur & Worthing Strategic Flood Risk Assessment (see para 6.2.1 of the SFRA) and reflects advice in the NPPF, specifically the following:

Footnote 20 of the NPPF states 'A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.'

13.5.4 Para 102 states that a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

13.5.5 Para 103 of the NPPF states that when determining planning applications for development in areas at risk of flooding, it must be demonstrated that:

- 'Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'

13.5.6 The policy also reflects paragraph 100 in that it aims to make development safe without increasing flood risk elsewhere. While the main focus of this policy is on the need for and requirements of a site-specific FRA, the Local

Plan as a whole reflects paragraph 100 of the NPPF in that site selection has been informed by a Strategic Flood Risk Assessment (CD15/1), as well as a Sequential and Exception Test (CD06/10) .

- 13.5.7 The Adur District Council Whole Plan and Community Infrastructure Levy Viability Assessment (2017) (CD24/11) identifies some potential costs associated with this policy but these have been factored into the strategic site appraisals. However, it is not considered that any elements of the policy are unreasonable given the flood risk issues in the district. It is therefore considered that the policy is justified and would not have any significant implications for the viability and delivery of the Council's proposals for development as set out in the ALP.