

Coventry City Council
Planning Policy
Tower Block Much Park Street
Coventry
West Midlands
CV1 2PY

Our ref: SV/2023/111837/CS-02/PO1-L01

Your ref:

Date: 3 March 2025

Dear Sir/Madam

Coventry Local Plan Review Regulation 19 Consultation

Thank you for inviting the Environment Agency (EA) to participate in the Regulation 19 consultation on the Coventry Local Plan Review, which is open from 20 January to 3 March 2025.

For completeness, we commented on the Issues and Options consultation, in respect of the Local Plan Review, in our letter dated 29 September 2023 (reference SV/2023/111837/CS-01/IS1-L01).

We have reviewed the Regulation 19 Proposed Submission document and supporting evidence base, and as set out in the separate prescribed representation form, we raise no legal compliance or duty to co-operate issues. However, we are raising soundness concerns on the basis that some of the site allocations are not appropriately justified and therefore perhaps deliverable due to insufficient reasonable supporting evidence.

The following comments reiterate those set out in our separate representation form and also include additional general advice.

New Housing and Employment Allocations – flood risk

Since the Issues and Options consultation and based on the information included in the Proposed Submission document, we understand new site allocations are proposed to meet the increased housing need within the Plan Review. Comparing Table 6.2 'Site Allocations for Housing' to the adopted Local Plan allocations, we understand allocations H2:26 – H2:38 are new and have not been previously allocated. We are aware of at least one of these new allocations, H2:36 Spon End, being at risk from fluvial flooding.

Comparing the sites assessed through the Housing and Economic Land Availability Assessment (HELAA (November 2024)) in comparison to the proposed allocations, we also note allocations H2:37 and JE2:2 have both been identified as being in the flood zone. However, both sites either have permission granted or have been delivered.

We note Table 2 in the HELAA sets out how planning considerations have been assessed for the purposes of the HELAA assessment. With regards to the flood risk, the Table states:

Environment Agency
Mance House Worcester Road, Kidderminster, DY11 7RA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency
Cont/d..

‘Flood Risk Sites located within Flood Zones 2 or 3 or which are subject to surface water flooding, will need a more detailed site assessment. Any flood risk would need to be assessed and mitigated before the site could be deemed suitable for housing.’

With a proposed solution of ‘Most types of flood risk can potentially be addressed through design and engineering solutions in consultation with the relevant bodies, but this may impact on the viability and developable area of the site.’

It is unclear what further assessment has been carried out for allocations identified as being within Flood Zone 2 and 3, particularly for H2:36 Spon End. In line with the recommendations set out in paragraph 1.3 of the Level 1 Strategic Flood Risk Assessment (SFRA (October 2022)) and the National Planning Practice Guidance (NPPG), where allocations are proposed in flood risk areas, a Level 2 SFRA is usually required.

Whilst we note allocation H2:36 comprises of regeneration of an existing residential site, the allocation is for 750 dwellings, an uplift of 300 homes on site currently. We note the HELAA refers to the need for new build development on this site to be designed such that flood risk is mitigated and confirms with the policy requirements of EM4 Flood Risk Management.

We do welcome the essential site-specific requirements also identified in Table 6.2 in respect of allocation H2:36 Spon End - *“Enhancement and improvement to the River Sherbourne and consideration given to the associated floodplain. Majority of the site is in Flood Zone 2 and part with Flood Zone 3.”*

However, a Level 2 SFRA should still be undertaken to further inform the site allocations which are identified via the Level 1 SFRA (and/or the HELAA) as being at risk of flooding. It will also enable your Council to address paragraphs 172, 178 and 179 of the National Planning Policy Framework (NPPF) which relate to the Sequential and Exception Tests. The Level 2 assists with part (b) of the Exception Test, in demonstrating 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.

The Level 2 SFRA assesses the site-specific risks informing the Councils determination on the overall deliverability and acceptability of the site allocation. It will help to determine what capacity of development will be possible within the site boundary. It will need to demonstrate that any potential mitigation measures could protect the site and would not increase flood risk elsewhere taking account of the latest climate change guidance. This may require the running of new or additional flood models in line with the EA’s flood modelling guidance.

Your Council will need to ensure a Level 2 SFRA is prepared and the site assessment outcomes inform decisions on site deliverability, the Sequential and Exception Tests and site policies and design guidance. The SFRA consultants will need to screen sites requiring a Level 2 Assessment. Further guidance on preparing SFRAs is available at [How to prepare a strategic flood risk assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-prepare-a-strategic-flood-risk-assessment).

Further to our email in July last year, you will also be aware of the EA’s imminent plans to publish new versions of the Flood Zones. As living documents, we would expect the Level 1 SFRA to be updated to include the new flood zone information. More information
Cont/d..

about the new NaFRA2 information can be found here: [New national flood and coastal erosion risk information - GOV.UK](#)

Water Quality and Resources

We note the Level 1 Water Cycle Study (WCS) (2024)) considers headroom capacity at the existing wastewater treatment works (WwTW) in Warwickshire in consideration of allocations in adopted local plans, residential and employment commitments, recent completions and windfall allowance. This does not appear to include the new allocations proposed as part of the Local Plan Review.

We note Figure 11-3 illustrates the Coventry WwTW Catchments, with the majority of the area within the receiving catchment of Finham Coventry Sewage Treatment Works (STW). Appendix 9: STW headroom assessment goes on to confirm that Finham STW has an amber RAG status due to an estimated 9% headroom exceedance. However, based on the STW comments, *'AMP8 quality scheme planned the scope of which will contribute towards environmental compliance'*.

Where there is an identified constraint (amber or red) you should demonstrate that there is a solution (it may be already programmed, or could be a possible future infrastructure upgrade) to help improve the capacity issue and enable the development to go ahead. This will require consultation with the Water Company. The outcome of this may inform a 'phasing' policy within your plan where appropriate. It may also be necessary to produce an 'Infrastructure Delivery Plan' to set out any key milestones for waste water infrastructure upgrades and improvements. The evidence you produce should give a reasonable degree of certainty to all parties, helping demonstrate development is deliverable. We note some reference to this in Part 2. Policy EM6 Redevelopment of Previously Developed Land.

Note: Government Guidance states that sufficient detail should be provided to give clarity to all parties on when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

Bearing in mind the new allocations do not appear to be included in the headroom capacity assessment in the WCS, we would leave it to your Council to determine whether there is sufficient capacity or planned capacity in the receiving STW(s) to serve Coventry's growth (in combination with growth proposed in neighbouring councils where applicable), without causing significant deterioration of receiving water bodies.

We welcome reference to the Water Framework Directive (WFD) in Policies CC1 Part B and EM6 and the emphasis on Sustainable Drainage Systems (SuDS) in Policy EM5 and the preference for nature-based solutions in Policy GE1. WFD reference of course applies to the whole plan area, not just the City Centre.

In our opinion one of the key issues with WFD compliance in Coventry is diffuse source pollution from urban development. In particular, the Plan refers to the Rivers Sherbourne and Sowe, both of which are not achieving 'good' WFD status for phosphate. We encourage the need to manage phosphorus pollution which is possible via the policies set out in the Plan.

We note Policy H7 refers to 'adequate sewerage connections'. As outlined previously, your Council may wish to include reference to the foul drainage hierarchy to provide clarity.

Severn Trent's Water Resource Management Plan (WRMP), the Warwickshire Avon Abstraction Licensing Strategy and the Severn River Basin Management Plan (RBMP) have not been updated since the publication of the WCS. Therefore, the policy that was used to determine the 2024 WCS is still applicable.

Flood Risk

With reference to our previous comments, we previously advised minor amendments to the wording of Policy EM4 Flood Risk Management. We are pleased to see some of these suggestions have been included but the following suggestions remain:

Section 1 c. could be reworded as follows: *"it does not impede flood flows, does not increase the flood risk on site or elsewhere or result in a loss of floodplain storage capacity. An assessment of the ability of development to provide additional flood storage capacity and improve flow paths must be undertaken"*

Section 1 d. refers to 'land not at high risk'. To avoid confusion over what is meant by this, your Council may wish to replace this with *"land outside of the 1 in 100 year plus climate change flood event based on an assessment of hazard risk (see DEFRA Hazard rating)"*. This approach is in accordance with Section 8.1.3 and 8.1.4 of the 2017 Level 1 SFRA

With regards to section 2 c., you might wish to seek an assessment of what betterment is possible on sites, the policy wording could be reworded as follows *"All development must undertake an assessment and implementation plan on what Environmental and Flood Risk Betterment can be provided by the proposals. The assessment should include but not be limited to, River Restoration, enhancement including de-culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse and creation of flood alleviation measures"*. This approach is in accordance with Section 8.1.6 of the 2017 Level 1 SFRA.

Section 2 d. refers to watercourse easement. As previously suggested this section should seek to enhance the easement given to all types of watercourse. In relation to main rivers, in certain areas where local issues dictate, we would encourage that this is extended to 20m. Potential text could state: *Unless shown to be acceptable through exceptional circumstances, development should be set back at least 8m (from the top of bank or toe of a flood defence (in certain areas, this may be increased to 20m) of Main Rivers and Ordinary watercourses for maintenance access, the creation of space for future flood risk management measures and to create habitat corridors. This easement includes existing culverted watercourses. This is required regardless of the extent and location of the floodplain and should be taken into account when considering the developable area."*

We also note section 2 e. refers to finished floor levels 600mm above the 1 in 1000 year plus climate change flood level. We usually recommend 600mm above the 1 in 100 year plus climate change flood level (design flood level).

Groundwater and Contaminated Land

Please note the following comments relate solely to protection of controlled waters. As outlined previously, the majority of the council area is underlain by Sandstone bedrock, designated as a Principal Aquifer. This is the most sensitive aquifer designation as such strata are capable of supporting regionally important groundwater abstractions and support to watercourses. There is also limited superficial cover in these areas, which makes the aquifer more vulnerable to pollution. The city center area does contain

multiple potable groundwater abstractions and is therefore within source protection zones. Based on the above, the local plan area is considered highly sensitive in terms of controlled waters receptors.

With reference to our previous comments, we note the Proposed Submission document reflects much of our advice, particularly in the supporting text of Policy EM6 (paragraphs 13.20-13.23). As suggested before, your Council may wish to include reference to the protection of controlled waters in the context of Sustainable Drainage Systems (SUDS) in Policy EM5. Our comments at the Issues and Options stage detail this further.

We look forward to working with you prior to submission of the Local Plan. If you have any questions in the meantime, please do not hesitate to contact me

Yours faithfully

Mrs. Tessa Jones
Planning Specialist

