



Pre-Submission Surrey Heath Local
Plan (2019-2038): (Regulation 19)

Statement of Common
Ground SCG05

with the Environment Agency



July 2024

Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD
planning.consultation@surreyheath.gov.uk



Contents

STATEMENT of COMMON GROUND SCG05	1
Contents.....	2
1. Introduction.....	3
2. Background	5
3. Summary of key issues	6
Policy SS3b Climate Change adaptation.....	6
Policy HA1 Housing Allocations/HA2 London Road Block/HA3 Land East of Knoll Road/HA4 Mindenhurst/H12 Gypsy and Traveller Site Allocation.....	6
Policy HI 1: Gypsies and Travellers and Travelling Showpeople.....	7
Policies ER2: Strategic Employment Sites and ER3: Locally Important Employment Sites	8
Policy IN1: Infrastructure Delivery	11
Policy IN5: Green Infrastructure	13
Policy E2: Biodiversity and Geodiversity	13
Policy E3: Biodiversity Net Gain.....	14
Policy E6: Flood Risk and SUDS.....	15
Policy DH4: Sustainable Water Use	22
4. Outcomes	25



I. Introduction

- I.1. This Statement of Common Ground (SCG) has been prepared jointly between **Surrey Heath Borough Council (SHBC)** and **the Environment Agency (EA)**. It sets out the agreed position as at July 2024 in relation to a range of strategic planning matters related to the Environment Agencies responsibilities. It has been prepared to support the Pre-Submission Surrey Heath Local Plan (2019 – 2038) and has been agreed by both SHBC and the Environment Agency and demonstrates ongoing co-operation between the two Parties in line with the requirements set out below.
- I.2. The Environment Agency (EA) is a non-departmental public body responsible for a number of areas including water quality and resources, conservation and ecology, and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. The EA is not responsible for surface water and ground water flood risks, these being the responsibilities of the Lead Local Flood Authority (which is Surrey County Council).
- I.3. Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) and in accordance with paras. 24-27 of the National Planning Policy Framework (NPPF 2023), it is a requirement under the duty to cooperate for a local planning authority to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other documents. This is a test that local authorities need to satisfy prior to the local plan examination stage and is an additional requirement to the test of soundness.
- I.4. The duty to cooperate applies to strategic cross boundary matters (those that might apply are set out in para. 20 of the NPPF). The statutory requirements of the duty to co-operate are a legal obligation although it is not a duty to agree. Co-operation should produce effective and deliverable policies on strategic cross boundary matters in accordance with national planning policy, as further explained in National Planning Practice Guidance (NPPG).
- I.5. The Surrey Heath Duty to Co-operate Scoping Statement, 2020 identifies relevant cross boundary strategic planning matters relevant to the Environment Agency as:
- Housing
 - Natural and Historic Environment and Green Belt
 - Flooding
 - Utilities including water and waste water
 - Climate Change



- 1.6. This SCG has been prepared to support the Pre-Submission version (Reg19) of the Local Plan and is in line with paragraph 27 of the NPPF which encourages SCG to be made publicly available throughout the plan-making process. The SCG may be updated following the Pre-submission Local Plan consultation if it is considered helpful to add other matters prior to Submission which will support the Local Plan Examination.
- 1.7. Nothing in this SCG fetters any comments that the Environment Agency may make on the Pre-Submission Surrey Heath Local Plan consultation due to run from 7th August to 20th September 2024.



2. Background

- 2.1. Surrey Heath Borough contains a number of Main Rivers. The Strategic Flood Risk Assessment (SFRA), 2021 identifies sources of flooding as fluvial (main river surcharge), excess surface water (leading to sewer inundation), groundwater or a possible breach of the Basingstoke Canal.
- 2.2. The SFRA referenced above was prepared with input from the Environment Agency.
- 2.3. Other Local Plan evidence relevant to flood risk in the Borough includes:
 - Hart, Rushmoor and Surrey Heath Water Cycle Study, 2017
 - Addressing Climate Change report, 2020
- 2.4. The Environment Agency made representations on the Draft Surrey Heath Local Plan: Preferred Options (2019 – 2038) in Spring 2022, and on the Further Gypsy, Traveller and Travelling Showpeople Consultation in summer 2022. The purpose of this SCG is to set out the matters raised and indicate how these matters have been progressed and agreed.
- 2.5. The EA also provided comments on the Infrastructure Delivery Plan in March 2023 which have been incorporated by the Council. A 2024 update to the IDP is currently being prepared and will be published alongside the Reg19 Local Plan.



3. Summary of key issues

- 3.1. As set out above, the Environment Agency made a number of comments on the Regulation 18 Draft Local Plan. These matters were discussed at virtual meetings held on 14th and 28th November 2022. In advance of the 14th November meeting the Council sent the EA revised versions of the Local Plan Environment Chapter and Policy IN1: Infrastructure. The following section sets out the outcomes of those discussions on the matters raised by the EA.
- 3.2. The EA also made comments on the Further Gypsy, Traveller and Travelling Showpeople Allocations Aug – September 2022 consultation. As these comments were not received until December 2022 they were not discussed at the Officer meetings but responses have been agreed through the preparation of this Statement of Common Ground.

Comments on Draft Local Plan Consultation, March 2022

Policy SS3b Climate Change adaptation

Summary of EA representation

- 3.3. Welcome this Policy

SHBC Response

- 3.4. Noted

Policy HA1 Housing Allocations/HA2 London Road Block/HA3 Land East of Knoll Road/HA4 Mindenhurst/HI2 Gypsy and Traveller Site Allocation

Summary of EA representation

- 3.5. When allocating development sites all sources of flood risk, including surface water and ground water, should be considered. We are pleased to see that fluvial flood risk has been considered and the sequential approach has been applied when allocating housing sites.



- 3.6. Except for Site ID 557 - HAI/10 Land West of Sturt Road, Frimley Green, we understand all the proposed allocated housing sites criteria are entirely in Flood Zone 1, according to our Flood Map for Planning.
- 3.7. In relation to Site 557 - HAI/10 we note that a small area of the site is within Flood Zone 2. Ordinarily, when an allocated site is located within Flood Zone 2 or 3, we would expect to see a Level 2 Strategic Flood Risk Assessment (SFRA). However, we understand that the development proposal for this site, as set out in the site allocation within the Plan, has already been granted planning permission and that a detailed site-specific flood risk assessment was submitted. It is on this basis we are satisfied that a Level 2 SFRA is not required for site 557 - HAI/10.

SHBC Response

- 3.8. Site ID 557 – Land West of Sturt Road, Frimley Green, has gained detailed planning permission for 160 homes following the consultation on the Regulation 18 local plan. In accordance with the Council’s response to comments made on Policy HAI, the site allocation is not proposed to be taken forward to the Regulation 19 version of the plan, given the detailed planning consent.
- 3.9. It should be noted that the comment in relation to proposed allocated housing sites presented at Regulation 18 stage applies to housing sites with specific allocation criteria.
- 3.10. The EA has confirmed that it has no further comments on this representation.

Policy HII: Gypsies and Travellers and Travelling Showpeople

Summary of EA representation

- 3.11. Welcome the specific reference to Policy E6 within policy HII. Note error in Policy E5 reference.

SHBC Response

- 3.12. It is not proposed to include this criterion in the next version of the Plan. Proposals will need to be considered against all Policies in the Plan so additional reference to E6 is not considered necessary here.
- 3.13. The EA has confirmed that it has no further comments on this representation.



Policies ER2: Strategic Employment Sites and ER3: Locally Important Employment Sites

Summary of EA representation

- 3.14. We note the evidence for employment land (Employment Land Technical Paper 2019) was prepared prior to the Covid-19 pandemic.
- 3.15. The Employment Land Technical Paper 2019 (ELTP 2019) concludes that the need for employment land in the borough ranges from a 1.34 hectare surplus to a 18.5 hectare requirement. We understand this range has been determined in order to account for the possible changes in demand for employment land due to the Covid-19 pandemic.
- 3.16. The ELTP 2019 states that the lower range forecast requirements can be met from the existing supply of land allocations and extant permissions in the Borough. However, it is unclear how the Plan would meet the higher range (18.5 hectares) of employment land. This needs to be established to ensure the Plan is deliverable.
- 3.17. Seek clarification on 'existing supply of land allocations and extant permissions'.
- 3.18. Are concerned this policy approach (ER2 and ER3) is too broad and lacks site specific details and assessments. Nine of the sites are located in Flood Zones 3 and 2 and are bordered by main rivers. These constraints have the potential to minimise the amount of developable land available.
- 3.19. Within the policy there is no indication of what the use will be or how these sites will be redeveloped when all the site constraints have been taken into consideration. Without this detail the amount of employment land available through policies ER2 and ER3 is unknown.
- 3.20. Without this clarity, we will consider it unsound in regard to this matter.

SHBC Response

- 3.21. For avoidance of doubt, the Employment Land Technical Paper 2019 (ELTP 2019) was based on projections prepared prior to Covid-19 pandemic did not take account of the impacts of the pandemic. The reason for the range of forecast land needs for additional employment development is due to the variety of forecasting methodologies used in the study.



- 3.22. Following the Regulation 18 Consultation in 2022, the Council commissioned an update to the Employment Land Technical Paper (2019), which takes account of the Covid-19 pandemic impact on employment markets. At the time of discussion with the EA the conclusions of the ELTP were that the Borough needs approximately 5.7ha of both office and industrial floorspace types up to 2040. However, as set out in paragraph 2.26 below a further update was undertaken following discussions with the EA in 2022.
- 3.23. The Council also commissioned a study to assess the potential capacity at the existing employment sites (Strategic and Locally Important Employment Sites) to determine the extent to which these sites could accommodate the identified need.
- 3.24. The Employment Supply Assessments study demonstrates that the identified need could reasonably be met with the (re)development of existing employment land on the identified Strategic and Locally Important Employment Sites within the borough to more effectively utilise the land. The study identified land designations, including those of Flood Zones 2 and 3.
- 3.25. Extant permissions are not specifically identified within the local plan. These comprise the development proposals that already currently benefit from planning permission within the borough and are yet to be built-out. There are no specific site allocations for employment land.
- 3.26. A new Policy on Watercourses and Water Quality (Policy E7) will also be relevant in considering development proposals on those Employment areas affected by main rivers.

Further EA response (2022)

- 3.27. It appears the new study (ELTP (2023) and the additional capacity study) will aim to address our concerns. We will be happy to review it when completed. Policy E7 is not specific to employment areas however we note that it does put constraints on developments near water bodies although it is not clear how this will impact different sites without knowing specific site details.

SHBC further response (2024)

- 3.28. Following the previous discussions with the EA the ELTP has been further updated and finalised alongside the final Employment Supply Assessment. Having regard to the EA concerns, further work was undertaken on the ability to meet employment needs whilst having regard to the need to avoid areas at highest risk of flooding. A note on this was shared with the EA in March 2024 and is attached at Appendix I.



- 3.29. The Council’s conclusion from this is that the Local Plan can meet future employment needs in compliance with the flood risk tests in the NPPF along with the proposed Local Plan Policies E6 ‘Flood Risk and Sustainable Drainage’; and E7 ‘Watercourses and Water Quality’.

EA Response (2024)

- 3.27 The Flood Risk and Employment land supply document says:

“The main conclusion from this analysis is that whilst a large number of the smaller redevelopment opportunities are not located within flood risk areas identified in the SFRA, including allowance for climate change, the largest scale opportunity area is the SC Johnson site is subject to flood risk constraints, including areas of functional floodplain. To mitigate against potential constraints on redevelopment of the site, the Council is proposing to enlarge the boundary of the ‘Locally Important Employment Area’ designation to amended to reflect the wider SC Johnson site. This is to allow scope for reconfiguration of the building layout to provide greater scope for a new site masterplan to adequately address flood risk issues at the site, whilst also taking account of the parallel consideration of the ‘Green Space’ designation of the wider site. With the above mitigation measure, the Council considers that the proposed Local Plan policies ER1, ER2 and ER3 make provision for the protection and expansion of employment floorspace to meet the identified growth needs (excluding office uses, as explained above) in compliance with the Flood Risk tests of the NPPF, along with the proposed Local Plan Policies E6 ‘Flood Risk and Sustainable Drainage’ and E7 ‘Watercourses and Water Quality’.”

We are pleased to note that a ‘large number of the smaller redevelopment opportunities are not located within flood risk areas identified in the SFRA’. The sequential approach would be applied when designing the largest scale opportunity area which is SC Johnson. This is to ensure developments are not at risk of flood risk which we consider satisfactory. It is important to refer to Table 2 of PPG Table 2 (Flood risk vulnerability and flood zone ‘incompatibility’) to understand what development types/classifications are suitable in flood risk zones. This will determine how much development can be delivered taking flood risk constraints into consideration. We will be able to provide detailed technical advice when the SC Johnson site master plan is produced.

SHBC Response (2024)

- 3.30. The Council notes the above response. The EA has confirmed that it has no further comments on this representation.



Policy IN1: Infrastructure Delivery

Summary of EA representation

- 3.31. Seek a new Policy relating to wastewater infrastructure to ensure development does not result in deterioration in water quality. This is particularly important, as currently no watercourse in the Borough achieves 'good' Water Framework Directive (WFD) status and is supported by the Hart, Rushmoor and Surrey Heath Water Cycle Study.
- 3.32. Without this clarity the Plan is considered unsound.

SHBC Response

- 3.33. The Council recognises the need for adequate sewerage infrastructure capacity and has proposed some amendments to Policy IN1 and supporting text in relation to this representation, representations from Thames Water and other comments received as set out below [shared with the EA prior to the 14th November meeting]:

The following amendments are proposed to the Policy and supporting text:

3 (a) vii) adequate wastewater capacity and surface water drainage both on and off the site to serve the development and evidenced engagement with Thames Water and Surrey County Council as Lead Local Flood Authority.

Amendments to paragraph 5.10 in Regulation 19 version:

“Applicants should engage with relevant service providers at an early stage in the planning process. Where new development creates a need for additional infrastructure a programme of phasing and delivery must be agreed with relevant partners before development begins. Where the need for phasing of infrastructure is identified, this will be secured by planning condition or where appropriate, S106 agreements or other mechanisms to ensure that development does not proceed in advance of appropriate and necessary infrastructure..”

New para 5.12 in Regulation 19 version:

Developers are encouraged to work with relevant providers to ensure that there is adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the new development and that there will be no adverse effects on existing users. This should include early engagement with Thames Water to discuss the intended delivery programme to assist with identifying any potential wastewater network reinforcement requirements.



Further EA and SHBC response

- 3.34. The EA has indicated that this largely seems acceptable. They comment that they would also want to see a clear commitment in the policy that ensures that wastewater infrastructure can always accommodate the proposed growth. This can be managed through for example a planning mechanism such as a planning condition that phases habitation of developments to allow wastewater infrastructure updates to be carried out before occupation occurs.
- 3.35. In response, SHBC highlights the proposed amendment to para 5.11 above which along with the requirements of the Policy will ensure that adequate infrastructure is in place and that appropriate phasing is agreed.
- 3.36. The EA support the new - E7 Watercourses and Water Quality policy and will provide a formal response at Regulation stage, following the Pre-Submission Local Plan publication.

EA response (2024)

We suggest the following instead of the proposed amendment outlined above (3(a)(vii) and an additional viii)

Development will be permitted provided that:

3 (a)

vii) there is adequate sewerage treatment capacity to serve the development with evidence of engagement with Thames Water. Where there are sewerage treatment capacity constraints, development will be phased in line with network upgrade delivery programmes to ensure development mitigates its impacts through the timely provision of necessary strategic and local infrastructure to ensure that infrastructure is in place and available when it is required. There will be no occupation of the development prior to infrastructure upgrades being in place.

viii) there is adequate Suds treatment proposals for surface water drainage both on and off the site to ensure there is no further deterioration of surface water, the quality of the water course and water environment and related sensitive receptors.



SHBC response (2024)

- 3.37. The Council considers that further amendments suggested above are already covered by amended to criterion (3)(a)(vii) as set out above, in combination with supporting text at paragraphs 5.10 and 5.12 in amended supporting text of the policy. The Council considers that Suds requirements are sufficiently outlined within Policy E6(4).

EA further comment (July 2024)

- 3.38. SHBC should note/acknowledge that the Water Cycle Study (2017) evidence base would need to be updated

SHBC response (July 2024)

- 3.39. The Council acknowledges this comment regarding the Water Cycle Study and will investigate this matter further.

Policy IN5: Green Infrastructure

Summary of EA representation

- 3.40. Welcome the inclusion of Policy IN5. In order to ensure natural assets can be conserved and enhanced, the Plan should define Green and Blue Infrastructure separately and specifically for the Borough. For clarity, suggest mapping Blue Infrastructure, alongside Green Infrastructure networks and using the term Blue Infrastructure as well as Green Infrastructure as supported by paragraph 179 of the NPPF.

SHBC Response

- 3.41. Noted, policy wording amended to provide specific examples of Blue Infrastructure in the introductory policy text.
- 3.42. The EA has confirmed that it has no further comments on this representation.

Policy E2: Biodiversity and Geodiversity

Summary of EA representation

- 3.43. Pleased to see the inclusion of Policy E2. However, in point 1) a-e) there is no mention of enhancing. The policy only focuses on protecting from harm or loss. We would recommend that the policy seeks to protect sites, species and habitats as well as seeking opportunities to enhance them.



SHBC Response

- 3.44. Noted, policy wording amended to state that development proposals will be permitted where they protect and enhance biodiversity and/or geodiversity.
- 3.45. The EA has confirmed that it has no further comments on this representation.

Policy E3: Biodiversity Net Gain

Summary of EA representation

- 3.46. We fully support the inclusion of a minimum 20% BNG commitment. This should mention that the river element of this metric should be completed if a river is within the site, or the site is within 10 metres of the riparian corridor.

SHBC Response

- 3.47. Support for 20% noted. Secondary legislation and the statutory Biodiversity metric has now been published and this includes a national requirement for the river metric to be completed in specified circumstances and it is inappropriate to duplicate this in local policy.
- 3.48. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.49. To future proof this policy, recommend wording is included to cover the possibility that the BNG commitment may change.

SHBC Response

- 3.50. Policy wording has been added to future proof the policy in the eventuality that national requirements go above those set in the policy.
- 3.51. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.52. Paragraph 6.28 mentions Defra Metric 2.0 - the latest version is now Defra Metric 3.1. This should be amended.

SHBC Response

- 3.53. Noted, policy updated to require use of the statutory Biodiversity metric.



- 3.54. The EA has confirmed that it has no further comments on this representation.

Policy E6: Flood Risk and SUDS

Summary of EA representation

- 3.55. We welcome the inclusion of this policy. Wherever the policy states risk of flooding or flood risk we would expect the policy to clarify that the risk relates to all sources of flooding i.e. fluvial, groundwater and surface water flooding.

SHBC Response

- 3.56. Noted, references to the risk of flooding and flood risk amended in policy to clarify that the risk relates to all sources of flooding.

- 3.57. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.58. Footnote 135 should be updated to reflect the fact that the current SFRA is April 2021.

SHBC Response

- 3.59. Noted, footnote amended.

- 3.60. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.61. Whilst we support the statement ‘to ensure that development in the Borough reduces flood risk and minimises the impact of flooding the Council will...’ we request that it is reworded as follows to be more in line with the NPPF:

- 3.62. ‘to ensure that development is safe from flooding for its lifetime, does not increase the risk of flooding elsewhere, and seeks opportunities to reduce the causes and impacts of flooding the Council will...’

SHBC Response

- 3.63. Noted, policy wording amended to reflect suggested wording.

- 3.64. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation



- 3.65. We welcome the inclusion of point 2a. This approach should follow the principles in the SFRA as per figure 10-1 and refer to all sources of flooding.

SHBC Response

- 3.66. Noted, point 2a amended to reference flooding from all sources.
- 3.67. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.68. Unclear what 2g is trying to achieve as it does not specify which flood zone should be safeguarded. We believe the policy may be trying to safeguard areas of undeveloped Flood Zone 3b (functional floodplain). If this is the case, we would welcome a policy that identifies areas of existing undeveloped Flood Zone 3b (functional floodplain). The SFRA should define the 'undeveloped' flood zone for flood management purposes.
- 3.69. Please note, in accordance with Table 3: Flood risk vulnerability and flood zone 'compatibility' of the Planning Practice Guidance, essential infrastructure is subject to the Exception Test in Flood Zone 3b (functional floodplain). Point 2g should be amended to reflect this.

SHBC Response

- 3.70. Noted, areas of medium and high flood risk are defined in the Surrey Heath Strategic Flood Risk Assessment 2021 for each source of flooding, with the definitions differing between categories of flooding. A footnote has been added to point 3 to note that high or medium flood risk is defined in the Surrey Heath Strategic Flood Risk Assessment 2021 for each source of flood risk.

EA response (2024)

- 3.71. Note the above, however the SFRA 2021 would need to be updated to reflect current guidance and policy and flood map updates in Surrey Heath.

SHBC response (2024)

- 3.72. Noted. AS a result of the above feedback, the Council has started work on commissioning an updated SFRA, to take account of updated guidance on 'Flood risk and coastal change' in the PPG and updated flood map for the borough. The updated SFRA is intended to be completed in the second half of 2024.

Summary of EA representation



- 3.73. We note, the current Surrey Heath Core Strategy & Development Management Policies 2011- 2028 – Adopted February 2012, flood risk policy (DM10) states: ‘Development which seeks to restore areas of functional floodplain will be encouraged, especially where this would provide opportunities for recreation, habitat restoration/ enhancement and green infrastructure opportunities’. However, this has been omitted from this policy, Policy E6. We request this statement is reinstated.

SHBC Response

- 3.74. Noted, additional point (h) added to section 2 of the policy to reflect wording from DM10 of the Surrey Heath Core Strategy & Development Management Policies 2011- 2028.
- 3.75. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.76. Section 3 states: ‘Development in areas at high or medium risk of flooding as identified in the latest Surrey Heath Strategic Flood Risk Assessment and the Environment Agency flood risk maps will be permitted provided it is demonstrated that:...’
- 3.77. We are unsure what is meant by ‘areas at high or medium risk of flooding’ and if this is in reference to the definitions of the Flood Zones on the Environment Agency’s Flood Map for Planning (Rivers and Sea). In terms of fluvial flood risk, in accordance with Table 1: Flood Zones of the of the Planning Practice Guidance, the Flood Map for Planning (Rivers and Seas) defines those areas in Flood Zone 2 as having a medium probability of flooding, and Flood Zone 3 as a high probability of flooding. For clarity and consistency, Section 3 should be amended to reflect this. We are also unsure if this aligns with the High Risk Areas identified in section 8.8 of the SFRA. Please note Appendix J is not available in the evidence base.

SHBC Response

- 3.78. Noted, areas of medium and high flood risk are defined in the Surrey Heath Strategic Flood Risk Assessment 2021 for each source of flooding, with the definitions differing between categories of flooding. A footnote has been added to point 3 to note that high or medium flood risk is defined in the Surrey Heath Strategic Flood Risk Assessment 2021 for each source of flood risk.
- 3.79. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation



3.80. Section 3a, the point needs to be updated to say 'safe access and egress'.

SHBC Response

3.81. Noted, wording amended.

3.82. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

3.83. Section 3b, understand this point relates to the Flood Zone and flood risk tables, Tables 2 and 3, of the Planning Practice Guidance. For clarity, these tables should be referenced.

SHBC Response

3.84. Noted, footnote added to reference relevant sections of Planning Practice Guidance.

3.85. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

3.86. Section 3d, recommend advice/comment is requested from the lead local flood authority regarding this.

SHBC Response

3.87. Noted, wording amended to state in consultation with the lead local flood authority.

3.88. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

3.89. Unsure what section 3e is trying to achieve and what is meant by the term 'flood protection'. We are also unsure why flood protection, resilience and resistance measures need to give due consideration to neighbouring land or property. Until further clarity is provided, we are unable to provide any more comments at this time.

3.90. Following discussions at meetings in November 2022, the EA added further comments on 3e - We also suggest the following for section 3e,

“The scheme provides a reduction in flood risk by providing some form of protection from flood risk by incorporating a flood defence, flood resilience or resistance measures as appropriate providing it does adversely impact adjacent sites”



SHBC Response

- 3.91. Noted, this seeks to ensure that the risk of flooding is not increased elsewhere due to measures proposed within a site. 3e has been amended to reflect the suggested wording.

Summary of EA representation

- 3.92. Section 3f, as per our comments on Section 2g we understand the SFRA has not defined what is 'undeveloped' or 'developed' Flood Zone 3b – functional floodplain.
- 3.93. Please note, developed Flood Zone 3b – Functional Floodplain is still a high flood risk location. Development proposals where the built footprint and the vulnerability is not increasing, still need to carefully consider and assess the risk to the site users and should seek to minimise the risk.

SHBC Response

- 3.94. Noted. 2g has been updated to make reference to essential infrastructure.
- 3.95. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.96. Section 4 - recommend advice/comment is requested from the lead local flood authority regarding this.

SHBC Response

- 3.97. Noted, wording amended to state in consultation with the lead local flood authority.
- 3.98. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.99. Section 6.61 mentions the climate change guidance published in 2016. This has recently been updated and the latest guidance should be referenced.

SHBC Response

- 3.100. Noted, additional sentence added to supporting text to reflect suggested wording.
- 3.101. The EA has confirmed that it has no further comments on this representation.



Further EA and SHBC response

- 3.102. The EA identified that Section 6.61 now refers to catchments not climate change and asked that this be rectified. Section 6.65 rather refers to climate change and references new guidance in sub note.

SHBC Response

- 3.103. These references have been checked and updated.
- 3.104. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.105. For consistency paragraph 6.62 could be reworded to include reference to considering climate change, ensuring development is safe for its lifetime, that flood risk is not increased elsewhere, and that opportunities are sought to reduce flood risk overall.

SHBC Response

- 3.106. Noted, additional sentence added to supporting text to reflect suggested wording.
- 3.107. The EA has confirmed that it has no further comments on this representation.

Summary of EA representation

- 3.108. We understand that throughout the Borough there are numerous watercourses designated as main rivers. However, the plan does not include a policy which seeks to protect or enhance these important environmental assets.
- 3.109. The Environment Agency are opposed to development that is within 10 metres of a main river, that proposes hard bank revetment or prevents future opportunities for the naturalisation of riverbanks. This is due to the impacts this has on ecology and hydromorphology.
- 3.110. Any scheme to provide a buffer zone will need to include a working methods statement detailing how the buffer zone will also be protected during construction.



- 3.111. We would strongly advise that a stand-alone river policy is included in the plan. This will provide invaluable advice to developers and landowners on how to protect and enhance the river environment. The policy should also acknowledge the need to bring the waterbodies in the borough into good ecological status/potential as required by the Water Framework Directive (WFD). This is supported by paragraph 174 of the National Planning Policy Framework.
- 3.112. Without the inclusion of this Policy we will consider the plan unsound in regard to this matter.

SHBC Response

- 3.113. Noted, new Policy E7 (Watercourses and Water Quality) has been added to the Plan and includes the requirement for development proposals to include a minimum buffer zone of 10 metres of a main river, measured from the top of the bank on both sides of a main river, and retain or reinstate an undeveloped buffer zone. The Policy takes full account of the detailed points raise in this representation.

Further EA response

- 3.114. We are pleased to see the new policy E7. The new, Policy E7 states that the Council will not permit development that would result in a deterioration in the chemical and/or ecological status/potential of a waterbody which seems reasonable.

Summary of EA representation

- 3.115. We note, particularly within the Strategic Employment Sites, there are a lot of culverted main rivers within the Borough. We would welcome the inclusion of a policy that prevents the culverting of main rivers and seeks opportunities to de-culvert watercourses.

SHBC Response

- 3.116. Noted, new Policy E7 (Watercourses and Water quality) has been added to the Plan and includes a requirement not to permit development proposals that include the culverting of watercourses and that development which prevent opportunities for de-culverting will not be permitted.

Further EA response

- 3.117. We are pleased to note point 8 e under the new policy E7 – ‘Not permit development proposals that include the culverting of watercourses or which prevent opportunities for of de-culverting.’



Policy DH4: Sustainable Water Use

Summary of EA representation

- 3.118. We are pleased to see this policy. However, given that the borough is a water-stressed area, with high consumption levels, we would expect to see that the plan is seeking to achieve an even lower amount. For example, 105L per person per day.

SHBC Response

- 3.119. Noted. The optional requirement for water efficiency is set by Building Regulations and therefore it is not justified to exceed these standards. Notwithstanding this, policy text will be amended to require all homes to meet a water efficiency standard of 110 litres a day as a maximum.

Further EA response

- 3.120. We agree that this is reasonable and having the target as 110 l/h/r is suitable.

General Comments

Summary of EA representation

- 3.121. We have previously advised that the Environment Agency have started to update the existing Addlestone Bourne detailed flood model, and to build a new detailed flood model for the Windlesham Ditch, to better understand the flood risk. Once it has been completed and approved the results of this modelling will be used to update the Flood Map for Planning (Rivers and Sea).
- 3.122. The Environment Agency is updating the peak rainfall allowances in 'Climate change allowances: flood risk assessments'. This update is due to go live on 9th May 2022.

SHBC Response

- 3.123. Noted.

Further EA response

- 3.124. Modelling data is not yet available, likely to be available later in 2023.

Surrey Heath response (2024)



- 3.125. As a result of updated modelling data availability and EA advice, the Council has started work on commissioning an updated SFRA, to take account of updated guidance on 'Flood risk and coastal change' in the PPG and updated flood map for the borough. The updated SFRA is intended to be completed in the second half of 2024.

Comments on Further Gypsy, Traveller and Travelling Showpeople Allocations consultation August 2022

Policy HA12/02 Swift Lane Extension

Summary of EA Representation

- 3.126. Identifies that the site is in Flood Zone 2 with a small part in Flood Zone 3. A Flood Risk Assessment is required that demonstrates the requirements of the NPPF and PPG and which follows the application of the sequential test. New development must restore a minimum 8m buffer zone between the water body and the property.

As an historic landfill site developers would need to make enquiries under the Environmental Permitting Regulations 2016.

SHBC Response

- 3.127. Noted. The sequential approach, including an Exception Test has been applied when allocating Gypsy and Traveller sites. This notes the challenges the Council has faced in the identification of deliverable sites, such that Swift Lane is considered to be the only site suitable for allocation within the Plan. The Exception Test notes the wider sustainability benefits associated with the allocation, including the potential to reduce overcrowding on the existing site. It also notes some of the opportunities that could be considered for integration into the detailed design of the scheme to risk to vulnerable uses. The Sequential Test and Exception Test will be made publicly available alongside the Regulation 19 Proposed Submission Local Plan consultation.
- 3.128. Policy wording has also been updated to reflect the need for a Flood Risk Assessment to accompany any planning application coming forward. It is expected that development at Swift Lane would need to meet the requirements of Policy E7: Watercourses and Water Quality of the Pre-Submission version (Reg 19) of the Local Plan, which sets out the requirements for development adjacent main rivers to retain or reinstate buffer zones. The Council is aware of the site history and has undertaken a Phase I and II Geo-environmental Assessment for Swift Lane to underpin the allocation, and has referenced the need to consider potential contamination risks through the application process.



Policy HA12/03 Land South of Broadford Lane, Chobham

Summary of EA Representation

- 3.129. Notes there is a Thames sewer network through the site and the site is an historic landfill. Developers would need to make enquiries under the Environmental Permitting Regulations 2016. Flood risk assessment may be required. Support the proposal being supported by an extended Phase 1 extended ecology survey.

SHBC Response

- 3.130. Following further feasibility work the Council is not proposing to take this site forward as an allocation and it is not included in the Reg19 Local Plan.

Policy HA12/04 Bonds Drive Extension, Pennypot Lane, Chobham

Summary of EA Representation

- 3.131. Note the site lies within Flood Zone 2 and 3. A Flood Risk Assessment is required that demonstrates the requirements of the NPPF and PPG and which follows the application of the Sequential Test to assess the suitability of the site as an allocation in the Plan. New development must restore a Minimum 8m buffer zone between water body and property. Suggest reference to the EAs Approach to Groundwater Protection Guidance for the types of development that they would object to within a Principal Aquifer.

SHBC Response

- 3.132. Following further feasibility work the Council is not proposing to take this site forward as an allocation and it is not included in the Reg19 Local Plan.



4. Outcomes

4.1. Ongoing engagement to date with the Environment Agency has led to the following key outcomes:

- The EA has had an input into the Strategic Flood Risk Assessment – [Surrey Heath Strategic Flood Risk Assessment 2021] such that it is considered robust for plan making at the time. However, the SFRA should be considered a live document and must be updated following the update to PPG (in August 2022) to reflect current guidance. Also there has been updated flood modelling data for Surrey Heath which should be taken into consideration (refer to 3.113 in this SCG). Further to this, the Council has started work on commissioning an updated SFRA, in response to the EA's request.
- Comments from the EA on the Regulation 18 Draft Local Plan and Further Gypsy, Traveller and Travelling Showpeople consultation have led to refined policies and the introduction of a new Watercourses and Water Quality Policy (Policy E7).

Signatories

Environment Agency	
Name	Judith Montford
Position	Planning Specialist
Date Agreed	3 July 2024
Signature	

Surrey Heath Borough Council	
Name	Gavin Chinniah
Position	Head of Planning
Date Agreed	4 July 2024
Signature	



Appendix I

Flood Risk and Employment land supply

Memo to Sustainable Places team at Environment Agency

From: Planning Policy Team, Surrey Heath Borough Council

Date: 01.03.2024

This note responds to the EA representations on the Surrey Heath Draft Local Plan, consultation in 2022 and specifically to comments on the employment policies which are set out at the end of this note.

The Council commissioned an Employment Land Technical Paper (2023) - which updates previous studies - to inform employment floorspace demand projections, as well as an Employment Supply Assessment (2023) to consider future development opportunities in relation to demand. These two studies are available via email, to the Environment Agency prior to publication as part of the Council's evidence base for the Regulation 19 plan.

The data has been updated as follows:

- updated jobs growth forecasts used for demand modelling;
- average of two different jobs growth forecasting companies has been used, instead of only one;
- position of most recently approved planning applications has been accounted for
- analysis of land supply within designated employment areas (i.e. redevelopment opportunities) using typology-based intensification ratios
- specific consideration of land supply in relation to Flood Risk (sequential test) and in particular any overlap of employment sites with areas of functional flood plain (FRZ3b)

The conclusions of the ELTP (2023) are that the borough has the following needs for office and industrial/logistics floorspace types, up to 2040:

Forecast floorspace need (sqm)	Lower estimate	Upper estimate
Office E(g)(i)/(ii)	6,500	15,800
Industrial and Storage/Distribution E(g)(iii)/B2/B8	38,000	63,000
Total all Employment classes	44,500	78,800



Taking account of delivery of growth to within the plan period to date and extant permissions granted up to February 2024, the residual need is considerably less for industrial and logistics sectors compared to the above figures. However need increases for the office sector due to continued losses and the modelling assumption that replacement of these losses is required, at a rate of 25%. The residual needs are:

Residual Forecast floorspace need (sqm)	Lower estimate	Upper estimate
Office E(g)(i)/(ii)	11,000	20,300
Industrial and Storage/Distribution E(g)(iii)/B2/B8		22,600
Total all Employment classes	15,600	42,900

In order to consider land supply, the Council commissioned an Employment Supply Assessment (ESA) to assess the potential capacity at the existing employment sites (Strategic and Locally Important Employment Sites) to determine the extent to which these sites could accommodate the identified need. Further to this, the Council has undertaken further analysis, using generic assumptions for intensification at sites, according to broad typologies of current land use, including a cautious 10% intensification ratio at redevelopment sites.

The ESA (2023) and the council's additional interpretation of the quantity of 'growth' demonstrate that redevelopment at identified sites could potentially meet the higher end of residual need for industrial/logistics floorspace, but that there is a shortfall in opportunities for office floorspace growth. However it should be noted that the modelling of office floorspace demand is inflated by a 25% replacement ratio for lost office floorspace, despite there being little market evidence of a need for increased capacity in office stock at the present time and as such a lower provision of office is taken to be sufficient. Furthermore, the analysis does not consider the opportunities for additional office growth in town centre locations within the major redevelopment sites in Camberley.

The Council has undertaken further analysis of the site opportunities in relation to Flood Risk, using the Strategic Flood Risk Assessment (2021), with particular attention to Function Flood Plain (FRZ3b) which is shown as 'Very High' flood risk in the SFRA.

The main conclusion from this analysis is that whilst a large number of the smaller redevelopment opportunities are not located within flood risk areas identified in the SFRA, including allowance for climate change, the largest scale opportunity area is the SC Johnson site is subject to flood risk constraints, including areas of functional floodplain.

To mitigate against potential constraints on redevelopment of the site, the Council is proposing to enlarge the boundary of the 'Locally Important Employment Area' designation



to amended to reflect the wider SC Johnson site. This is to allow scope for reconfiguration of the building layout to provide greater scope for a new site masterplan to adequately address flood risk issues at the site, whilst also taking account of the parallel consideration of the 'Green Space' designation of the wider site.

With the above mitigation measure, the Council considers that the proposed Local Plan policies ER1, ER2 and ER3 make provision for the protection and expansion of employment floorspace to meet the identified growth needs (excluding office uses, as explained above) in compliance with the Flood Risk tests of the NPPF, along with the proposed Local Plan Policies E6 'Flood Risk and Sustainable Drainage' and E7 'Watercourses and Water Quality'.

