

Section 8

Planning and Development

All the favourable condition targets as shown in Appendix B are relevant to planning and development.

8.1 Current Developments in the Catchment

There are several development and road schemes within the Avon cSAC catchment, all at different stages in the planning process. The proposed developments have considerable potential to impact on the designated sites, in particular the River Avon cSAC. The main considerations are:

- Pollution of the river system during construction – runoff, spillage, leakage, etc. (sediment ingress is of particular concern).
- Runoff during operation/usage of the developments.
- Indirect pressures on the river system if floodplain dynamics are altered.
- Increased demand on water resources in the area from the increased resident, working and visitor populations.
- Increased sewage disposal, possible requiring construction works at nearby sewage treatment works.
- Fragmentation of habitat.

These could result in:

- Reduced water quality (including contaminated water, elevated levels of nutrients and suspended solids, and chronic inputs of road traffic products).
- Loss of habitat and reduced habitat quality (such as sedimentation of the river bed).
- Altered hydrology, leading to reduced flow in the river system.
- Disturbance to biodiversity, including habitat fragmentation.

Current development proposals requiring scrutiny under the Habitats Regulations and Wildlife and Countryside Act are listed below (excluding flood-defence schemes, see Section 6). For further details of the proposals, see Appendix G.

- Development at Amesbury
- Development at Allenby/Connaught
- Road schemes in Wiltshire
- Blashford Lakes
- Avon Common gravel extraction.

County and District Councils and Unitary Authorities set out proposals for development (including the road network) in the Structure Plan and the Transport Policies and Programme submission. County Structure and Transport Plans and policies guide the Local Plans, which set out a strategy for development and the road network in more detail.

The cSAC and SSSI designations place considerable demands on the public bodies involved in developments and road schemes. Any development or road scheme proposal that may have an impact on a cSAC and SPA requires scrutiny under the Habitats Regulations (see Section 1.6.4 on appropriate assessment) and on SSSIs, under the Wildlife and Countryside Act.

8.2 Issues Related to Planning and Development

In addition to the Habitats Regulations and WCA, development proposals and road schemes are subject to statutory planning legislation, land drainage and pollution controls. County councils are the planning authorities responsible for minerals, waste and highways, while district councils have responsibility for all other planning permissions. Both have a important role in reviewing consents and appropriate assessment.

Historically, local planning has not considered the potential impacts of development on the water environment. However, the River Avon cSAC/SSSI designations place considerable demands on public bodies to specifically address this aspect. Despite the statutory measures already in place, there are several issues to consider, including appropriate regional planning guidance, planning consultation and appropriate assessment procedures.

8.2.1 Regional and Local Planning Guidance

Local plans are highly dependent on regional and county planning guidance. It is crucial that regional development plans contain policies that safeguard the River Avon cSAC, and that these are then translated into the structure and local plans. Particular aspects to consider in policies are effluent disposal, additional demands on water resources and impacts on the hydrological functioning of the River Avon and its floodplain.

| Action required | Delivery | | |
|---|--|----------------------------|-------|
| | By whom | Mechanism | Date |
| Ensure that Regional Development Plans contain policies that safeguard the River Avon cSAC. | Regional planning authority, EA, EN, WTs | Regional development plans | 2003+ |

8.2.2 Role of Planning Authorities in Appropriate Assessment

As already described, the decision-making process required by the Habitat Regulations, in particular where there are several plans and projects to assess in combination, can be very challenging. Because of the potentially complex decision-making process and the number of bodies involved (particularly for in-combination assessments), it is crucial that adequate time is allocated to deal with developments, and a strong working relationship is established between all the interested parties.

It is suggested that a forum be convened to examine the regional and local development and transport plans, and to identify all potential developments likely to be relevant to the cSAC, and the roles of local planning authorities, English Nature and the Environment Agency. The forum would then develop a timetable for action, broadly identifying potential issues, responsibilities and a timetable for the associated planning case-work. This approach should contribute to strengthening planning liaison, and ensure consistency and adequate time for consultation.

In the case of flood risk, local planning authorities do not have to carry out their own assessment. The role of English Nature and the Environment Agency in assessing flood risk and impacts on the cSAC and providing expert advice should be considered as part of the planning forum. There is a growing emphasis on the responsibility of developers to provide suitable expert advice on how concerns raised by development proposals are to be addressed. This means that both English Nature and the Environment Agency are likely to receive more pre-application requests for advice from developers.

English Nature has previously held seminars for local planning authorities on the application of the Habitats Regulations, and what constitutes an appropriate assessment is set out fully in Annex C of PPG 9 and English Nature guidance. Now that the Habitats Regulations have been in place for several years, it may be useful undertake some refresher seminars using case studies with bodies responsible for planning and development. These seminars could be linked to the planning forum discussed above.

| Action required | Delivery | | |
|--|--------------------|--------------------|--------|
| | By whom | Mechanism | Date |
| Establish a planning forum to broadly identify development proposals likely to affect the cSAC, potential issues, responsibilities and a timetable for action. | EN, LA , HA | New planning forum | 2004 |
| Hold seminars to determine what support public bodies responsible for planning and development need, and discuss local case studies of good practice. | EN, LA , HA | Seminar | 2003/4 |

8.2.2.1 Consultation

It is vital that all aspects of developments or roads are considered early on in the planning process to ensure significant effects on the water environment are avoided. Water supply, surface and foul-water drainage are often overlooked in development, which can result in planning permission being granted without relevant consents, leaving little scope to ensure there is no significant effect on the cSAC (see Section 1.6.4).

Given the responsibility of local planning authorities to ensure developments do not significantly effect the cSAC, it is crucial that the Environment Agency and English Nature are consulted at an early stage. Particular aspects to consider in appropriate assessment are effluent disposal, additional demands on water resources and impacts on the hydrological functioning of the River Avon and its floodplain. Involving the Environment Agency and English Nature at a early stage ensures that any potential issues are highlighted early and proposals can be amended accordingly.

| Action required | Delivery | | |
|--|---------------|------------------------|-------|
| | By whom | Mechanism | Date |
| Local planning authorities and highways authorities must strengthen consultation with the Environment Agency and English Nature early in the planning process, to ensure proposals have no significant effect on the cSAC. | LA, HA | Appropriate assessment | 2003+ |