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**Your ref:**  
  
**Date:** 23 September 2014

Dear Sir

## **BIRMINGHAM DEVELOPMENT PLAN – EXAMINATION**

### **HEARING STATEMENT**

#### **MATTER L: CLIMATE CHANGE AND FLOOD RISK (BDP POLICIES TP1-6)**

Please find below the Environment Agency's responses to the questions raised for discussion by the Inspector in relation to Matter L.

*Question 2) In respect of the proposed modification MOD67, how will areas 'particularly subject to the effects of climate change' be identified when implementing policy TP2?*

We recommend that this policy change is linked to Plan 1 of the Green Living Spaces Plan (ES13) which shows neighbourhoods vulnerable to Urban Heat Island Effect (UHI) during heatwaves, as identified within the BUCCANEAR study.

*Question 6) Should policy TP6 do more to promote a reduction in overall flood risk in Birmingham, including a requirement to retrofit SuDS to previously developed sites?*

In line with the recommendations of the River Trent Catchment Flood Management Plan (CFMP), further action needs to be taken to reduce flood risk within Birmingham, because the Plan as it stands will serve only to ensure the current level of risk is not increased. This is also supported by Paragraph 100 of the NPPF which requires that development should use opportunities offered by new development to reduce the causes and impacts of flooding.

Although we initially recommended the retrofitting of SuDS to bring about reductions in diffuse water pollution, the retrofitting of these features would also serve to slow the path of rainwater runoff from hardsurfacing to watercourses, and consequently reduce flood risk. The use of infiltration-based SuDS would encourage seepage into the groundwater and reduce the amount of surface water being directed into artificial

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drainage systems and rivers. This would reduce the pressure on these systems, and reduce the frequency of flooding.

*Question 7) Should policy TP6 require surface water runoff to be restricted to the greenfield runoff rate on all development sites?*

We feel that a policy to restrict surface water runoff to greenfield runoff rates on all development sites is necessary to contribute towards a reduction in flood risk. We have been in discussions with Birmingham City Council and have come to an agreement on revised policy wording to address this issue. This shall replace the existing requirements for greenfield and brownfield sites specified within TP6:

*‘For all sites requiring a site-specific FRA, surface water discharge rates shall be limited to the equivalent site-specific greenfield runoff rate for all return periods up to the 100 year-plus climate change event, unless it can be demonstrated that the cost of achieving this would make the proposed development unviable.’*

The requirement for this to apply only on sites requiring a FRA is because it may be difficult to enforce the policy or attenuate to such low rates on smaller sites e.g. domestic extensions. Reference to the 100 year plus climate change event is to ensure that developers attenuate in the critical storm event, and not only in smaller and more frequent storms.

*Question 8) Are the requirements of policy TP6 for setting back from watercourses sufficient?*

We welcome the inclusion of MOD74 which requires a development easement from rivers and streams which did not previously form part of the policy. We are of the opinion however that the proposed wording of *‘development should be set back from watercourses where appropriate and feasible’* is insufficiently strong to ensure that easements are incorporated into development layouts where required.

The Environment Agency holds permissive powers under the Water Resources Act 1991 to maintain and improve main rivers to ensure the efficient passage of flood flow and to manage water levels. It is essential for us to be able to access the channel of these rivers in order to be able to carry out these works to reduce flooding. Redevelopment often provides the only opportunity to improve access to the channel where historically development has restricted this, and should therefore be sought wherever improved access is required. We therefore recommend that this point of the policy is re-worded as follows *‘An appropriate easement should be provided between the development and watercourses’*.

This is a compromise on our previous recommended wording which required an indicative easement of 8 metres, the policy as we have worded it does however ensure that development allows a suitable easement and may therefore compromise flood alleviation works. The term *‘suitable easement’* can be read to reflect both Environment Agency and Birmingham City Council needs with regards to access to watercourses. The requirement for an suitable easement sits within the wider aim for the catchment to *‘take further action to reduce flood risk’* as outlined with the Humber Catchment Flood Management Plan, discussed in Question 6 above

*Question 9) Does the title of policy TP6 accurately reflect its purpose?*

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We do not consider that the current title of this policy 'Managing Flood Risk' correctly summarises its breadth of content. This policy not only includes policies on fluvial flood risk, surface water risk, and SuDS, it also tackles diffuse water pollution, Water Framework Directive, water-based habitat and groundwater. Should our written statement in relation to Matter C result in a change to this policy, it would also include foul drainage infrastructure.

In light of this we recommend the policy is renamed 'The Water Environment'.

Yours faithfully

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