

Morgan Jones
Wiltshire Council
Planning Policy
County Hall Bythesea Road
Trowbridge
Wiltshire
BA14 8JD

Our ref: WX/2009/110257/OR-90/PO2-L01

Date: 29 March 2022

Dear Morgan,

Please find our comments in relation to the Draft Marlborough Area Neighbourhood Plan (2021 – 2036) Sustainability Appraisal (SA) and Regulation 16 Consultation below.

Based on our review of the draft plan, we think there are potential significant environmental effects that relate to the Neighbourhood Plan area. We have identified that the neighbourhood plan area will be affected by the following environmental constraints:

Flood risk

The Neighbourhood Plan proposes site allocations within areas of Flood Zone 2, specifically Site 8, Land at Kelham Gardens. This has been identified to be at risk of flooding in the SA for the Marlborough Area Neighbourhood Plan (August 2021). The majority of the site lies in Flood Zone 2 which represents the 1 in 1000 year extent and is considered to have a medium risk of flooding, with the site bordering the River Kennet.

In accordance with the National Planning Policy Framework (NPPF) paragraphs 155-160, the Sequential Test should be undertaken as the plan is proposing development or promoting growth to ensure development is directed to the areas of lowest flood risk taking climate change into account. The application of the Sequential Test should be informed by your Wiltshire Strategic Flood Risk Assessment (SFRA). We question whether the above site has suitably passed the Sequential Test in line with the NPPF, however it is for the LPA to determine this. Where other sustainability criteria outweigh flood risk issues, the decision making process should be transparent with reasoned justifications for any decision to allocate land in areas at high flood risk in the sustainability appraisal report. More information on this can be found at <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>.

If development is to be allocated in area at risk of flooding, the plan should minimise the risk by taking a sequential approach to the development layout. The Kelham Gardens site contains a small island of Flood Zone 1 at the northern end, however this would need to be refined as part of site specific Flood Risk Assessment. The Local Authority's Strategic Flood Risk Assessment and Surface Water Management Plans forms the evidence base to determine the level of flood risk in this area. We expect the SEA to include flood risk in the baseline information, as a key sustainability issue and as an objective.

It is important that your Plan also considers whether the flood risk issues associated with any proposed development can be safely managed to ensure development can come forward. Without this understanding your Plan is unlikely to comply with the NPPF.

Main River water quality

The Upper Kennet to Marlborough Water Body [GB106039023171] runs through the neighbourhood plan area, the end point for this catchment is just upstream of the confluence with the River Og and extends westwards through Marlborough and Manton. This watercourse is currently failing to reach good ecological status under the Water Framework Directive because of physical modification and flow issues due to groundwater abstraction. It is currently classified as having moderate ecological status. Developments within or adjacent to this watercourse should not cause further deterioration and should seek to improve the water quality based on the recommendations of the Thames River Basin Management Plan. Further information on the current status of this watercourse can be found on [Catchment Data Explorer](#).

You should consider the requirements of the WFD and recommendations from the Thames River Basin Management Plan in your SEA, as an SEA objective against which your plan will be appraised and as part of your baseline.

Where development is proposed in close proximity to a main river, any development proposals will need to incorporate a minimum buffer zone of 8 metres from the river (measured from the top of the bank), which should be free from all built development and formal landscaping including gardens.

Source protection zones/aquifers

Your plan includes areas which are located on Source Protection zones. Specifically allocations Land Rear of Salisbury Road and Land off Cherry Orchard, which are both partially within inner Source Protection Zone 1, with Land Rear of Salisbury Road being almost entirely within this most sensitive designation.

These should be considered within your sustainability assessment as growth or development is proposed to be allocated here. The relevance of the designation and the potential implication upon development proposals should be considered with reference to our Groundwater Protection guidance:

<https://www.gov.uk/government/collections/groundwater-protection>

Wastewater infrastructure

As your plan proposes development we recommend early consultation with Thames Water to determine whether there is (or will be prior to occupation) sufficient infrastructure capacity existing for the connection, conveyance, treatment and disposal of quantity and quality of water associated with any proposed development within environmental limits of the receiving watercourse. This may impact on the housing figures and the phasing of development.

If you have any queries regarding our response please get in touch at swx.sp@environment-agency.gov.uk

Yours sincerely,

Matthew Pearce
Planning Advisor

Email – swx.sp@environment-agency.gov.uk