

Shropshire Council (Development Plans)  
Forward Planning Team  
Shirehall Abbey Foregate  
Shrewsbury  
Shropshire  
SY2 6ND

**Our ref:** SV/2016/109232/OR-  
03/PO1-L01  
**Your ref:** Market Drayton NP Reg 16  
**Date:** 19 July 2018

**FAO: Eddie West -  
Principal Policy Officer**

Dear Sir

**Market Drayton Neighbourhood Development Plan, Regulation 16 Publication  
and Consultation**

Thank you for consultation on the draft Market Drayton Neighbourhood Development Plan which was received on 12 June 2018.

As mentioned in our email of 19 June 2018 unfortunately we have no record of being consulted on the previous consultation (Regulation 14) or any SEA consultation. We have had no pre-submission discussion with yourselves or the Town Council.

We have some soundness concerns and the following comments to make at this stage:

**Strategic Flood Risk Assessment (SFRA) Evidence and Water Cycle Study  
Evidence**

We would expect the Neighbourhood Plan (NP) to include an appropriate **evidence base** to inform the plan allocations. This is set out in our Neighbourhood Plan proforma (copy attached) which has been provided to you previously to assist Neighbourhood plan makers. No such evidence is provided to inform the plan soundness and deliverability issues. We raise concerns on this basis in relation to the justification of the plan.

A level 1 SFRA is currently being prepared for your Local Plan review. A level 2 SFRA will be prepared where necessary. The Market Drayton NP could utilise this data once completed or, in the interest of time, work could be undertaken at this stage.

A revised Water Cycle Study (WCS) is also being produced to inform your local plan review, to assess potential wastewater capacity issues etc. The Market Drayton NP will need to refer to this when compete, or provide similar evidence, based on the level of residential growth proposed for all sites where housing/employment/mains sewerage is proposed. We would also recommend discussion is held with the Utility Company to inform infrastructure considerations. Initial findings from the WCS work suggests that there are likely to be waste water capacity issues at Market Drayton sewage treatment works which will need to be further explored to ensure sites are appropriate and deliverable.

Note: Meetings to discuss the above or review of further documents outside of the statutory consultation would be subject to our cost recovery process.

### **Other issues:**

A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Some key issues have not picked up in sufficient detail as part of the site allocations presented, for example Groundwater.

### **Groundwater and protection of controlled waters**

Groundwater is important. It supplies public water supply and local private water supply abstractors and river base-flows to the River Tern and its tributaries within the MDNDP area, but pollution and demands for water puts the resource under increasing pressure.

From a groundwater perspective, the plan needs to promote the protection of groundwater resources and re-development of Brownfield sites (contaminated land). The potential impact on groundwater resources/ water environment including rivers from land-use redevelopment including Brownfield redevelopment sites will need to be considered with a flag to more detail as a part of the development (planning application) process.

### **i. Resource Protection in MDNDP Area:**

**Resource Protection** involves aquifer classification and mapping of water resources into Principal, Secondary A&B and unproductive strata. (Read more about our aquifer classifications here: <http://www.environment-agency.gov.uk/homeandleisure/117020.aspx>)

A geological boundary between Bollin Mudstone Member (a secondary B Aquifer) to the north-west and Kidderminster Formation comprising Sandstone (Principal Aquifer) to the south-east bisects Market Drayton. Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow on a strategic scale. Secondary aquifers are often capable of supporting water supplies at a local scale and normally provide an important source of flow to some rivers. The use of groundwater in the area makes the site sensitive and vulnerable to pollution.

The south-eastern half of the MDNDP, comprising Principal Aquifer falls within the Wellings and Market Drayton Groundwater Management Unit (GWMU); the groundwater body is at poor quantitative status and the GWMU is closed to new abstraction licensing as a result. The Water Framework Directive (WFD) requires that where a groundwater body is at its lowest status class, no further deterioration (i.e. moving further away from good quantitative status) can be allowed. Abstraction

would be likely to cause the water body to deteriorate further. So, in principle, to comply with WFD we would not be able to grant a licence unless a case for WFD Article 4.7 can be made (wider public interest or benefit).

It is important to note at an early stage that elements of the MDNDP are located in a groundwater management unit where groundwater is not available for new abstraction licensing e.g. marina dewatering. The Environment Agency will not be able to grant new abstraction licenses in this management unit; the potentially affected development areas include: MDNDP1,2 &4, 7& 8, 10.

This is of particular importance since from 1 January 2018 most previously exempt water abstractions will need a licence:

<https://www.gov.uk/guidance/apply-for-a-new-abstraction-licence-for-a-currently-exempt-abstraction>

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

## ii. Source Protection in the MDNDP area (SPZs)

**Source Protection** which defines groundwater Source Protection Zones (SPZs) around those catchments to public water supply boreholes and certain other private supply boreholes. Please note: There are other licensed and unlicensed abstractions supporting industrial, agricultural, domestic and other uses, which are of local consideration (please refer to Shropshire Council Private Water Supply records and/or British Geological Survey) within the MDNDP which will not necessarily have a specific SPZ catchment designated. Those sources without a designated SPZ have a 50m Zone 1 protection zone applied for groundwater protection purposes. (Read more about SPZs here: <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx>)

Designated SPZs which we have classified within the MDNDP area are all focused in the Principal Sandstone aquifer (as described above). These SPZs are located around the Severn Trent Water Ltd public water supply groundwater abstractions around Shiffords Bridge; Phoenix Bank centrally; and, TM UK Production Limited around Shrewsbury Road to the west. Our position on development requirements within SPZs is at: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

## iii. Contaminated Land

Where a site is on previously contaminated land, the potential for contamination and any risks arising from development activities should be properly assessed and the development must incorporate any necessary remediation and subsequent management measures to deal with unacceptable risks.

Developers should refer to the following Environment Agency guidance:

- Environment Agency approach to Groundwater Protection: <https://www.gov.uk/government/publications/groundwater-protection-position-statements>
- Model Procedures for the Management of Land Contamination (CLR11): <http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>; and
- Guiding Principles for Land Contamination: <http://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/192-guiding-principles-for-land-contamination-gplc>.

For further information on our requirements with regard to SuDS see our Groundwater Protection Position Statements.

**MDNDP1** – We note the proposed marina and associated development at this location. The site falls within Flood Zone 1 (low probability) based upon our indicative Flood Map for planning. However this is in the absence of an SFRA informing this plan/site (sequential test/developable area/appropriate land uses).

**Site MDNDP1** is also located in an area of Wellings and Market Drayton Groundwater Management Unit (GWMU) where groundwater is not available for new abstraction licensing. Topographical mapping suggest ground levels across site are between 90 to 95m AOD. Conjectured groundwater elevations derived from our data suggest that groundwater levels in this area are between 85m to 90m AOD, not including seasonal fluctuation. Therefore groundwater could potentially be very shallow  $\leq 2\text{m}$  to 8m bgl. This could impact upon the feasibility of the marina discussed further below.

**MDNDP 2 (constraints)** –

The small section of ‘ordinary watercourse’ adjacent to the site is un-modelled, there may be fluvial flood risk here, and this would normally be addressed in a SFRA, looking at the relevant 1 in 100 plus climate change events and other sources of flooding e.g. groundwater.

Bullet point 5 ‘sequential test’ could be amended to ‘sequential approach’, if there is fluvial flood risk to avoid in relation to substitution of development types informed by the SFRA process.

An additional bullet point could be included for groundwater/water resources constraints, particularly given the sensitive groundwater location (next to a Source Protection Zone) – see comments below.

**MDNDP1 & P2** are also located in SPZ2 and 3 of the Severn Trent Shiffords Bridge public water supply abstractions. Detailed consideration of potential pollutant linkages caused during development works and from proposed final development, including siting and design of any fuel storage facilities for example will be required to ensure protection of the public water supply abstraction.

Our concerns relate to dewatering or other engineering activities (associated with the marina construction and other development) and whether an abstraction license would be required (which we would be highly unlikely to allow/permit); separation of the marina from the underlying sensitive Principal aquifer; siting and design of fuel storage, to avoid impact upon the water environment. The plan should highlight the need for appropriate design of surface water drainage to prevent potential pollutant linkages. If appropriate at this location, careful consideration of design proposals and engineering requirements will be needed.

In the absence of more detailed information at this stage it is not possible to confirm whether or not we would have an in principle objection to the marina development, but the location is considered to be highly sensitive and consideration of an alternative site located further north in the Bollin Mudstone Secondary Aquifer may also be prudent to avoid risks. We therefore raise concerns at this stage and would welcome discussions on this prior to the Examination.

**MDNDP 3** – In the absence of a SFRA, the site appears to be fully within Flood Zone 1, based on our flood map for planning, and development types (recreational) are generally ‘water compatible’ so it is appropriate sequentially.

**MDNDP 4** – The western side of this side is within Flood Zone 3 and 2 of an ‘ordinary watercourse’. We would expect an SFRA to be submitted to confirm the developable parts of the site, including climate change extents. In the absence of a SFRA and sequential test we would have concerns on the inclusion of this site.

Linked to the above, as the site is potentially being allocated for housing as part of this plan we would raise concerns on the wording of bullet point 4 i.e. SFRA should be done up front to inform development is appropriate sequentially and deliverable. This site is also located within the Wellings and Market Drayton GWMU and partially located with SPZ3.

**MDNDP 5** – Based upon our Flood Map for planning, the Western part of the proposed allocation falls within Flood Zone 3 and 2, the modelled extent appears to stop where the watercourse goes into culvert and through the site. Wider parts of the site therefore could be at risk in a 1% plus climate change event. Again we would reiterate the need for a SFRA to be undertaken to inform the sequential test, development options, and inform any necessary development mitigation requirements or opportunities.

For example, there is opportunity for the existing culvert to be opened up, with a new channel, to provide for flood risk reduction, wider Biodiversity and water quality benefits in line with Water Framework Directive (WFD) objectives and adopted Core Strategy Policy CS18.

Following suitable SFRA and commitment to the above we would expect to see appropriately revised policy wording to secure flood risk protection and betterment opportunities.

To assist Water Framework Directive (WFD) consideration, it should be noted that this site (and the other locations within the plan area) fall within the WFD catchment (reference GB112068055160) of the ‘River Duckow’ (North West area) which is currently afforded ‘moderate’ status. The aim is to maintain/achieve ‘good ecological status’ by 2027.

Further information is available from our Catchment Explorer tool at:  
<http://environment.data.gov.uk/catchment-planning/>

**MDNDP 6** – Part of the site, for housing, may be at risk from fluvial flooding from the Sych Brook designated as ‘Main River’, this should be considered further as part of the SFRA, along with other sources. The Floodplain as shown on our flood map appears to be misaligned, therefore there may be a greater degree risk of flood at this location, particularly with climate change.

**MDNDP 7** – No comment.

**MDNDP 8** – The site is located within Source Protection Zone 3. This could be picked up in the constraints for this site. The land may be contaminated and there would need to be a preliminary risk assessment and possible site investigation as part of the planning application.

**MDNDP 9** – No comment

**MDNDP 10** – The majority of the site area is within Flood Zone 3 and 2 of the River Tern (Main River). There is a need for a SFRA to inform the sequential test and developable areas. We note that ‘multi-functional recreation, sport and cultural use’ are proposed – to clarify leisure use is ‘less vulnerable’ whereas, Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms are ‘water compatible’ in relation to Table 2 of the NPPG (flood risk and vulnerability classification). We would likely raise concerns on any significant built development at this location, unless flood storage and flow impact can be mitigated with flood risk reduction improvements where possible provided. There may be options to join up with adjacent site 7, and potential off site improvement options on land to the south east, alongside Newport Road, in providing environmental enhancement and flood storage options.

There appears to be a portion of higher ground at the north east of the site, adjacent to Newport road, which could be utilised for any built development where necessary or to provide flood storage compensation/betterment.

**Sites MDNDP7,8 &10:** These sites are located within the Wellings and Market Drayton GWMU. Careful consideration of design proposals and engineering requirements will be needed. Existence of local private water supplies must be given due consideration, particularly with regard to MDNDP8. These points should be picked up in the constraints and requirements.

I trust the above clarifies our position and is of assistance at this time. If you wish to set up a meeting to discuss this further we can progress this as part of our cost recovery agreement.

Please can you also copy in any future correspondence to my team email address at:

Yours faithfully

**Mark Davies**  
**Planning Specialist**