

**Basildon Borough Local Plan 2014 - 2034**

**Statement of Common Ground**

**Organisations: Basildon Borough Council and the Environment Agency**

**Date: March 2019**

**Introduction**

1. This Statement of Common Ground identified areas of agreement between the Environment Agency and Basildon Borough Council in relation to the Environment Agency's representations on the Basildon Borough Revised Publication Local Plan, and the supporting Sustainability Appraisal and Habitat Regulations Assessment.
2. This Statement identifies the matters raised by the Environment Agency in its representations. These are listed in the table below. There are no areas of dispute which affect the soundness of the Plan, but some outstanding suggestions to enhance the Local Plan which continue to be promoted by the Environment Agency.
3. Basildon Borough Council has worked closely with the Environment Agency on the development of the Local Plan, the Sustainability Appraisal and the Habitat Regulation Assessment from the outset. In accordance with the Town and Country Planning (Local Development)(England) Regulations, the Environment Agency has been formally consulted at every stage of consultation.

**Sustainability Appraisal**

4. The Environment Agency raised no issues with the Sustainability Appraisal for the Revised Publication Local Plan, and consider it to a comprehensive document.

**Habitat Regulation Assessment**

5. The Environment Agency raised no issues with the Habitat Regulation Assessment for the Revised Publication Local Plan, and its update, and consider them to provide a comprehensive assessment.

**Revised Publication Local Plan**

6. The Environment Agency consider the Revised Publication Local Plan sound but made some comments which could enhance the Local Plan:
  - a) Table 1 sets out those comments made by the Environment Agency where no amendments were required.
  - b) Table 2 sets out those comments made by the Environment Agency where Basildon Borough Council agree that the amendment proposed would enhance the plan.
  - c) Table 3 sets out those comments which have not been taken forward, and remain an outstanding suggestion by the Environment Agency as to how the plan could be improved.

**Table 1: Environment Agency comments not requiring an amendment**

Rep No.	Policy No.	Summary of Comment
RPLP/2625 (Part)	Policy CC2	<ul style="list-style-type: none"> <li>Happy with the supporting text to this policy, including the reference to the TE2100 Plan and Riverside Strategies.</li> <li>Welcomes reference to joint working on the creation of intertidal habitats. It is important to manage the impacts of tidal flood risk on wildlife receptors.</li> <li>Welcomes reference to the protection of washlands as FRZ 3b.</li> <li>Welcomes the clear undertaking to apply the sequential approach to the allocation of land for development.</li> <li>Supports the requirement that developers are expected to fund flood risk mitigation or defences.</li> </ul>
RPLP/2626	Policy CC3	Support for the recognition of the engineered washlands as Flood Risk Zone 3b.
RPLP/2627	Policy CC4	Support for the policy and its supporting text and justification.
RPLP/814 (Part)	Policy NE1	<ul style="list-style-type: none"> <li>Pleased that the new requirements, with regard to Appropriate Assessments, under the Habitats Regulations as a result of the 'People over wind' case have been considered and acted upon where necessary.</li> <li>Pleased the needs of wildlife are also considered as part of the climate change chapter.</li> <li>Pleased that blue infrastructure has been included within Strategic Objective 1.</li> <li>Supportive of the point in policy NE1 'bringing these [protection and enhancement of the built, natural and historic environment] qualities together, we will eventually be able to move away from a net loss of biodiversity to achieving net gains for nature'.</li> <li>Supportive of the provision of additional green corridors throughout the borough.</li> <li>Encouraged that para 16.14 covering the Nature Improvement Partnership includes guidance explaining how development can contribute towards its aims.</li> <li>Pleased that paragraph 16.22 identifies future issues regarding water based pollution and air quality, and the benefits of trees is identified.</li> </ul>
RPLP/2649 (Part)	Policy NE4	<ul style="list-style-type: none"> <li>It is welcomed that the policy recognises that a HRA may be needed for planning applications. This increases the opportunity for environmental enhancements.</li> <li>Order of considerations under part 4 of the policy NE4 addresses previous comments, and the EA are therefore satisfied.</li> </ul>
RPLP/2650	Policy NE7	<ul style="list-style-type: none"> <li>Pleased to see cross reference to EA documents.</li> </ul>

**Table 2 Environment Agency comments taken forward by Basildon Borough Council**

Rep No.	Policy No.	Summary of Comment	Agreed Modification to be recommended to Inspector
RPLP/2625 (Part)	Policy CC2	<ul style="list-style-type: none"> <li>Amend paragraph 15.22 to clarify the relationship between the infrastructure improvements needed to manage flood risk in the TE2100 Plan and the habitat creation requirements in the</li> </ul>	<p>Paragraph 15.22: The <i>TE2100 Plan</i> sets out the Environment Agency's <b>and its partner's aspirations</b> and approach to flood risk management within this part of the Borough. It states that policy P4 should be applied to the Bowers Marshes area (<b>policy unit</b>). This means that further action will be taken</p>

		<p>same plan, and add additional information to the evidence base detailing the specific projects and costs of those projects arising from the TE2100 Plan.</p>	<p>to keep up with climate and land use change so that flood risk does not increase. In order to achieve this, <a href="#">the Plan for the sea defences and mechanical flood barriers protecting this area will be maintained and improved to respond to future sea-level rise.</a> <del>it proposes that the sea defences and mechanical structures protecting this area will be maintained and improved to respond to sea level rises. However, it also expects that some parts of Bowers Marsh, Vange Marsh and/or Fobbing Marsh, where limited development is present, will be turned into inter tidal marsh (i.e. some inundation by the River Thames will be permitted)</del> <a href="#">The Plan advocates policy P3 for Vange marshes, to continue with existing or alternative actions to manage flood risk accepting that the likelihood of flooding will increase because of climate change. As outlined in section 15.15, the TE2100 Plan aspires to deliver intertidal habitat creation opportunities across its three phases to 2100</a> in order to off-set the loss of such habitat resulting from climate change. <del>This may mean that some mechanical structures such as the East Haven and Fobbing Horse barriers may not be maintained in the future, in order to allow for inundation. This will require a revised approach to flood risk management in this part of the Borough, and there is the opportunity for consideration of candidate sites on the marshes currently upstream of the existing East Haven and Fobbing Horse tidal flood barriers. This may mean a review of the most appropriate means of delivering the aspired tidal flood risk management policy for the given policy unit in this part of the Borough in conjunction with the Environment Agency and partners.</del> The <i>TE2100 Plan</i> requires the <del>preparation</del> <a href="#">development</a> of a Riverside <a href="#">Strategy</a> in order to improve floodplain management in the vicinity of the river, to create better access to the riverside and improve the riverside environment. The <del>development</del> <a href="#">preparation</a> of a Riverside Strategy <a href="#">approach</a> for Bowers and Vange Marshes should potentially be developed in line with similar strategies <a href="#">across the south Essex and wider Thames Estuary area,</a> <del>for</del></p>
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			Fobbing Marsh in Thurrock and West Canvey Marsh in Castle Point, and should seek to address the <del>issues</del> <b>challenges</b> posed by the long-term requirement to create new intertidal habitat, and <del>the any required</del> changes to <b>the means of</b> flood risk management <del>this will require</del> .
RPLP/2649 (Part)	Policy NE4	Should reference water voles in the supporting text amongst the list of protected species.	Paragraph 16.37: Beyond designated sites for nature conservation, biodiversity can be found throughout the rural and built environment. This includes species protected by law including badgers, bats, <b>water voles</b> and Great Crested Newts. Harm to these protected species will also need to be avoided or otherwise fully mitigated or compensated.

**Table 3: Environment Agency's outstanding comments**

Rep No.	Policy No.	Summary of Comment	Basildon BC Response
RPLP/618	Policy CC1	Policy would benefit from a third point stating the Council will seek to ensure all new development is sustainable, taking account the potential increased impacts of climate change on flood risk over a development's lifetime.	Policy CC2 covers the strategic management of flood risk in some detail and therefore this addition to policy CC1 would be repetitious.
RPLP/814 (Part)	Policy NE1	<ul style="list-style-type: none"> <li>Should make reference to emerging guidance on biodiversity net gains.</li> <li>Could include reference to the importance of pollinators and associated Bugslife B-Line project.</li> </ul>	Two modifications are sought: 1) Reference to the emerging BNG guidance. It is not clear to the Council that it can give support to guidance which has yet to be published 2). Reference to Bugslife B-Line. This is considered too detailed for inclusion in the Local Plan.

## Site Allocations

- The Environment Agency has not raised specific objections with regard to site allocations in the Basildon Borough Revised Publication Local Plan, and there are no areas of uncommon ground between the Environment Agency and Basildon Borough Council in respect of the Basildon Borough Revised Local Plan's site allocations.

## Further Joint Work

- As both a statutory consultee but also as a key partner, the Environment Agency will be engaged fully in joint work on the implementation of the Basildon Local Plan, and as part of work emerging on the South Essex Joint Strategic Plan.

9. Basildon Borough Council will meanwhile continue to work with the Environment Agency, as necessary, to deliver its strategies and programmes within Basildon Borough.

**Additional Strategic Matters**

10. There are no additional strategic matters which Basildon Borough Council or the Environment Agency are aware of which are not addressed by this Statement of Common Ground.

**Monitoring**

11. This statement will be maintained by Basildon Borough Council and updated as necessary. Basildon Borough Council will continue to work with the Environment Agency beyond the Local Plan adoption for the monitoring and implementation of the Local Plan.

Signature: 	 Signature:
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Date 19 March 2019	Date 21 March 2019