

## Online LAPP Response Form

If you have commented before on the Local Plan and have your consultee ID number (this will have been provided on your consultation letter) please provide it below. If you do not have your number, or if this is the first time you have made any comments, please leave blank and move on to the next question. (ID Number)

1540

Your Details (\* denotes a mandatory field) (Title\*)

Mr

Your Details (\* denotes a mandatory field) (First Name\*)

Andrew

Your Details (\* denotes a mandatory field) (Last Name\*)

Pitts

Agent Details (if not applicable click 'Next') (Title)

Mr

Agent Details (if not applicable click 'Next') (First Name)

Andrew

Agent Details (if not applicable click 'Next') (Last Name)

Pitts

Agent Details (if not applicable click 'Next') (Job Title (if relevant))

Planning Specialist

Local Plan Part 2 MASTERfurtherresponse

Agent Details (if not applicable click 'Next') (Organisation (if relevant))

Environment Agency

Agent Details (if not applicable click 'Next') (Address Line 1)

Trentside Offices

Agent Details (if not applicable click 'Next') (Address Line 2)

Scarrington Road

Agent Details (if not applicable click 'Next') (Address Line 3)

West Bridgford

Agent Details (if not applicable click 'Next') (Address Line 4)

Nottingham

Agent Details (if not applicable click 'Next') (Post Code)

NG2 5FA

Agent Details (if not applicable click 'Next') (Telephone number)

[REDACTED]

Agent Details (if not applicable click 'Next') (E-mail address)

[REDACTED]

Do you wish to be notified of any of the following?

TICK ONE BOX FOR EACH ROW (Submission of the Local Plan Part 2 for examination?)

Yes (-)

No (-)

Do you wish to be notified of any of the following?

TICK ONE BOX FOR EACH ROW (Publication of the recommendations of the Inspector?)

Yes (-)

No (-)

Do you wish to be notified of any of the following?

TICK ONE BOX FOR EACH ROW (Adoption of the Local Plan Part 2?)

Yes (-)

No (-)

Does your response relate to..?

TICK ONE BOX ONLY

See table below

Local Plan Part 2 MASTERfurtherresponse

Do you consider the Local Plan - Part 2 to be legally compliant?  
(Please read the following guidance note and indicate whether or not you feel the Plan is legally compliant)

A plan is considered legal when it complies with the various regulations that govern how it should be prepared. Key issues the Inspector will look at include:

- a) Whether it is in the Local Development Scheme;
- b) Whether community consultation was carried out in accordance with the Statement of Community Involvement;
- c) Whether the requirements of the relevant Regulations have been followed;
- d) Whether the appropriate notifications have been made;
- e) Whether a Sustainability Appraisal assessing social, environmental and economic factors has been completed and made public;
- f) Whether the document has regard to the Sustainable Community Strategy for the areas it covers; and
- g) Whether the requirements of the Duty to Cooperate have been met.

Yes, I do consider it to be legally compliant (1)



100%

With the above in mind do you consider the Local Plan Part 2 to be 'sound'?

Yes (1)



100%

No (-)

If you consider that the Plan is unsound, do you think it is..  
(Please tick one box for each row) (Positively Prepared - Nottingham City Council have objectively assessed the need for homes, jobs, services and infrastructure and these will be delivered where sustainable.)

Yes (-)

No (-)

If you consider that the Plan is unsound, do you think it is..  
(Please tick one box for each row) (Justified - The Plan is based upon a robust and credible evidence base.)

Yes (-)

No (-)

Local Plan Part 2 MASTERfurtherresponse

If you consider that the Plan is unsound, do you think it is..  
(Please tick one box for each row) (Effective - The Plan will deliver what it sets out to. )

Yes (-)

No (-)

If you consider that the Plan is unsound, do you think it is..  
(Please tick one box for each row) (Consistent with National Policy - The Plan accords with the National Planning Policy Framework or includes clear and convincing reasons for doing something different. )

Yes (-)

No (-)

If your response is seeking a change, do you consider it necessary to participate at the examination in person?

No, I do not wish to participate in person at the examination (1)



100%

Please explain why you 'support' or 'do not support' the Local Plan Part 2 (ie why you think the Plan is/is not legally compliant/sound). Try and be as precise as possible.

**General comment repeated on all representations**

4535

The Environment Agency considers that the Plan is legally compliant and sound. We have had been engaged through the various formal and informal stages of Plan's development and we are satisfied that the requirements of the Duty to Cooperate have been adhered to.

**Site Assessment Report (4071)**

4071

We also consider that the Plan has been positively prepared to address water related environmental factors using a credible evidence base that we have had the opportunity to influence, such as the Infrastructure Deliver Plan, Water Cycle Study, Greater Nottingham Strategic Flood Risk Assessment, The River Leen and Daybrook Strategic Flood Risk Assessment. The Site Assessment and Background Paper provides an open and transparent assessment of flood risk to the site allocations which is robust and consistent with national planning policy.

#### **PA04 Linby Street/Filey Street (4076)**

4076 We also consider that the Plan is justified with respect to the approach to flood risk taken by Nottingham City Council (NCC). Our detailed comments provided at the Issues & Options Stage, highlighted that site LA46 (current reference PA04), posed flood risk concerns that are still relevant. We do however, support that NCC, have taken an appropriate approach with respect to considering the best future options for the strategic development of this site, for which we will continue to be engaged with the development on the site. The Site Assessment and Background Paper provides an open and transparent assessment of flood risk for PA04 which is robust and consistent with national planning policy. Flood risk information will continue to be improved as the impacts of climate change begin to materialise. As a result Environment Agency Flood Mapping will continue to change for the duration of the Local Plan. National Planning advice may also alter to accommodate improved understanding of climate change and its future impact. This will require some flexibility within the Local Plan to accommodate the effects of climate change. The River Leen and Day Brook have recently been remodelled. We anticipate that the River Leen model will be available and updated onto our latest Flood maps within the next 3 months. The impact of this updated information is that it means the Greater Nottingham SFRA will no longer contain the most up to date flood risk information and we recommend that this is reviewed accordingly once this information becomes available.

#### **PA18 Vernon Road - Former Johnsons Dyeworks (4077)**

4077 The Site Assessment and Background Paper provides an open and transparent assessment of flood risk to the site allocations which is robust and consistent with national planning policy. The site PA18 lies within an area of significant flood risk from primarily the Day Brook, but also the River Leen. It is site of strategic importance from a flood risk perspective and the future development of this site can help to not only improve the future development options on this site, but also proactively contribute to improving flood risk across the Day Brook catchment. The Environment Agency are currently looking at the wider Day Brook catchment with a view to assessing future flood risk management options that will primarily reduce the risk of flooding to existing residential properties within the Old Basford area. The future development of this site is deemed an important aspect towards the potential success of such a scheme.

#### **PA27 Wilkinson Street - Former PZ Cussons (4078)**

4078 The Site Assessment and Background Paper provides an open and transparent assessment of flood risk to the site allocations which is robust and consistent with national planning policy. The former Cussons Site PA27 and the Bobbers Mill sites PA29 & PA30 are interlinked by flood risk issues from the River Leen and included on the 6 year National Flood and Coastal Risk Management Capital Investment Programme. The flood risk issues are complex on these sites and we support and welcome that Nottingham City Council will investigate future options on these proposed development sites.

#### **PA29 Bobbers Mill Bridge - Land Adj to Bobbers Mill Estate (4079)**

4079 The Site Assessment and Background Paper provides an open and transparent assessment of flood risk to the site allocations which is robust and consistent with national planning policy. The Bobbers Mill sites PA29 & PA30 and former Cussons Site PA27 are interlinked by flood risk issues from the River Leen and included on the 6 year National Flood and Coastal Risk Management Capital Investment Programme. The flood risk issues are complex on these sites and we support and welcome that Nottingham City Council will investigate future options on these proposed development sites.

### **PA30 Bobbers Mill Bridge - Bobbers Mill Industrial Estate (4080)**

**4080**

The Site Assessment and Background Paper provides an open and transparent assessment of flood risk to the site allocations which is robust and consistent with national planning policy. The Bobbers Mill sites PA29 & PA30 and the former Cussons Site PA27 are interlinked by flood risk issues from the River Leen and included on the 6 year National Flood and Coastal Risk Management Capital Investment Programme. The flood risk issues are complex on these sites and we support and welcome that Nottingham City Council will investigate future options on these proposed development sites.

**Response received for Horizon Factory Consultation**

Dawn Alvey  
Local Plan Manager  
City of Nottingham  
Policy and Information Team

**Our ref:**

**Your ref:** LAPP\_NN

**Date:** 06 October 2016

Dear Dawn

**NOTTINGHAM LAND AND PLANNING POLICIES DOCUMENT – LOCAL PLAN PART 2 PUBLICATION VERSION. PROPOSED SITE ALLOCATION PA86 – THANE ROAD, HORIZON FACTORY FOR EMPLOYMENT USE (B1, B2, B8)**

Thank you for the opportunity comment on this potential additional site allocation, which was received 28 September 2016.

The Environment Agency's principal aim is to protect and improve the environment and to promote sustainable development by:

- Acting to reduce climate change and its consequences
- Protecting and improve water, land and air
- Working with people and communities to create better places
- Working with businesses and other organisations to use resources wisely

We have reviewed the current consultation (PA86 Thane Road Horizon Factory) and we provide the following information which are given as key considerations for this site.

**Flood Risk**

**5059** The site is shown to lie in an area of flood risk from of the River Trent (flood zone 2). The flood risk sequential test will need to be undertaken in accordance with Policy 1 of the Aligned Core Strategy. A site specific flood risk assessment that focuses on flood risk reduction (on and off site) and makes provision for the sustainable management of surface water using SUDS techniques is required. The site is a beneficiary of the River Trent flood defences and future contributions to their long term maintenance will be a consideration.

**Groundwater & Contaminated Land**

**5060** The Imperial Tobacco factory is located directly over a former landfill site known as Lenton Lane Tip. There are limited details regarding the waste deposited at the site and

Environment Agency  
Trent Side North, West Bridgford, Nottingham, NG2 5FA.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
Cont/d..

how long the site was operational, but household and industrial wastes were known to have been deposited at the site. A significant amount of redevelopment has occurred on the former landfill and extensive gas protection/extraction measures have been installed and within the current buildings constructed on the site.

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The site is on part of the former landfill site known as Lenton Lane Tip (reference 6/U/004/53NE). Any operations at this landfill would have ceased prior to the implementation of licensing under the Control of Pollution Act 1974. Additional information may be supplied by the former operators of the site, Nottingham City Council.

Redevelopment of site will need to take into account the presence of the underlying landfill and any pollution that may have occurred from the historic tobacco operations.

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The consideration of land contamination and the protection and enhancement of controlled waters is a key to providing improvements to the aquatic environment and protecting water resources for future use. The site is located within source protection zone 3 and is underlain by aquifer, where groundwater is sensitive to pollution. The submission on an environmental assessment that considers the impacts on groundwater and to human health will be required prior to any development commencing on the site.

The Environment Agency is a co-delivery body in the implementation of the Water Framework Directive (WFD). Under WFD, the environmental objectives for groundwater and surface water bodies are:

- To prevent deterioration in the status of water bodies, improve their ecological and chemical status and prevent further pollution
- Implement actions to reverse any significant and sustained upward trends in pollutant concentrations in groundwater
- Comply with the objectives and standards for protected areas where relevant
- Hazardous substances must be prevented from entry into groundwater and the entry into groundwater of all other pollutants must be limited to prevent pollution
- Water supply and the disposal of sewage and foul water from any site should be discussed with the relevant water company and the Environment Agency to ensure no deterioration of surface water or groundwater quality

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The redevelopment of this brownfield sites is encouraged as it provides an opportunity to manage areas of contamination that would otherwise continue to present a risk to our environment, controlled waters and human health.

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As such the risks to controlled waters posed by the presence of contamination at the site coupled with the possible inclusion of a piled foundation solution is something that warrants further consideration in the production of a remedial/redevelopment strategy for the site. We therefore recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.



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3. Refer to the contaminated land pages on GOV.UK for more information

I would be pleased to discuss any aspect of this consultation response in further detail.

Yours sincerely

**Mr Andrew Pitts**

**Planning Specialist - Sustainable Places - Part of the East Midlands Area**

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