

# **GLOUCESTER CITY PLAN (2011-2031) STATEMENT OF COMMON GROUND**

**Between**

**Gloucester City Council  
Environment Agency  
Gloucestershire County Council as Lead Local Flood Authority  
Marine Management Organisation**

## **1. Introduction**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Gloucester City Council, the Environment Agency (EA), Gloucestershire County Council as Lead Local Flood Authority (LLFA) and the Marine Management Organisation (MMO) referred to hereafter as ‘the parties’. It documents matters which are agreed and disagreed by the parties with regard to text, certain policies and a number of sites in the Pre-submission Gloucester City Plan (GCP).
- 1.2 This SoCG is provided without prejudice to other matters of detail that the parties may wish to address at the examination.

## **2. Background**

- 2.1 The parties have been consulted at all stages of preparation of the Plan.
- The Scope (2011)
  - City Plan Part 1 (2012)
  - City Plan Part 2 (2013)
  - Draft Gloucester City Local Plan (2017)
  - Pre-submission Gloucester City Plan (2019)
- 2.2 The following section sets out matters where there is agreement and disagreement between the City Council and each of the parties. Where agreement has been reached and this created a proposed change for consideration, reference is provided to the entry in Submission Document CD010a ‘Schedule of changes – Pre-Submission Gloucester City Plan Addendum’. Further information is also provided in CD010d ‘Summary of Representations with Officer Response, and a tracked changed version of the Pre-Submission GCP, highlighting the proposed changes, is available at Submission Document CD010b.

## **3. Environment Agency (EA)**

### **Matters on which the parties agree**

- 3.1 The City Council has engaged with the EA in the preparation of the Plan through formal and informal consultation and as such the Duty to Cooperate has been fulfilled.
- 3.2 The parties agree to continue to work positively together.

### Climate Change

- 3.3 Climate change is a high priority for the City Council and for the EA and it is imperative that it is addressed through planning policy. Climate change is a theme that runs throughout the GCP and many policies look to deal with the matter either directly or indirectly. Addressing climate change is a strategic objective of the adopted JCS. Together the JCS, and its ongoing review and the policies in the Pre-Submission GCP are addressing the issue of climate change.
- 3.4 The City Council declared a climate emergency in July 2019, committing to follow the science of climate change and aiming for the Council to become carbon neutral by 2030 and for Gloucester City to be carbon neutral by 2050. Within the Pre-Submission GCP, the introduction to Section G summarise how the GCP and Adopted JCS, taken together, seek to address climate change.
- 3.5 The EA (and others) considered that whilst the GCP Vision and Key Principles do reference climate change, they should be strengthened to demonstrate the importance of the issue. In response, the following change is proposed to the Vision and Key Principle 1 (PM005):

#### **Vision**

**New development will be built to the highest possible standard of design, focused on protecting the quality and local distinctiveness of the city, whilst responding to *and building resilience and adaptability* to the implications of climate change.**

#### **Key Principle 1**

**Ensure that new development contributes to the delivery of a transforming, *low carbon* city which *is resilient and adaptable in a changing climate*, brings regeneration benefits, promotes sustainable development, *incorporating measures to reduce waste, and* makes the most efficient use of brownfield land and the reuse of vacant *and underused* buildings and space.**

- 3.6 Furthermore, the EA considered that the GCP should go further in signposting the Council's commitment and the importance of the climate emergency so that the community, developers and decision-makers are clear from the outset what will be required. The following proposed changes to the introduction to Section G, strengthen the clarification and signposting to the JCS and explains how the plans, together, address climate change. Please note this proposed change does not feature in Submission Document CD010a 'Schedule of changes – Pre-Submission Gloucester City Plan Addendum'.

#### ***Climate change***

*3.7.4 Climate change is happening now; it is the issue of our times that cannot be ignored. The City Council has recently declared a climate change emergency and the local plan process is a key mechanism and catalyst for action on the ground. There needs to be a rapid stepchange in the way we live our lives and undertake our day to day activities in order to prevent the climate changing in such a way that it threatens the planet and future generations.*

*3.7.5 Climate change today is already resulting in a shift in our seasons; hotter drier summers, warmer wetter winters, more frequent droughts, more storms and gales resulting in damage to property. This is creating loss in wildlife habitats and species,*

*social unrest through increased migration, greater demand for cooling in offices and homes, greater strain on water resources and wildlife, worsening summer air pollution, greater risk of flooding, increased heat stress to the elderly and infirm. These effects are happening globally and here in Gloucester. . The risk of flooding in Gloucester and neighbouring areas is already high and these risks are increasing steadily.*

*3.7.6 In order to address the climate emergency, and in compliance with JCS Policy SD3 Sustainable Design and Construction, all applications for new buildings will be expected to demonstrate that all reasonable techniques have been utilised to adapt to and mitigate the effects of climate change.*

*3.7.7 JCS Policy SD3 requires the submission of an Energy Statement as well as a Waste Minimisation Statement for all major development. The City Plan strongly encourages all applications for new buildings to supply an Energy statement and a Waste Minimisation Statement and this will be a material consideration in determining the sustainability of the proposal in accordance with NPPF Paragraph 8c and 148.*

*3.7.8 The GCP strongly encourages energy efficiency measures allied with the appropriate use of renewable energy in new buildings and the retrofitting of existing buildings. It is considered that, as technologies and energy markets evolve, there are increasing opportunities to utilise renewables in sustainable design and construction without excessive costs. A proposal's demonstration of this will be a material consideration in determining the application in line with the NPPF's goal of sustainable development and tackling climate change - specifically Paragraphs 8c and 148. Also material will be levels of compliance with, and contributions to achieving targets in:*

- The Gloucestershire Energy Strategy 2019*
- The Gloucestershire Climate Change Strategy 2019*
- The Gloucester Climate Change Strategy (and future iterations).*

*3.7.9 More specifically, climate change is a theme that runs through the whole of GCP and is a Strategic Objective of the JCS. A number of policies in this plan address climate change and its impacts either directly or indirectly. These include:*

- Requiring new developments to make overall improvements to the natural environment (Policy A1)*
- Protecting existing trees, woodlands, hedgerows and ensuring every opportunity is taken to increase new planting. (Policy E4)*
- Requiring development to contribute towards the protection and enhancement of the Green Infrastructure Network. (Policy E5)*
- Requiring major development to be designed in accordance with 'Building with Nature'. (Policy E5)*
- Requiring developments are safe from flooding and contribute to flood risk betterment. (Policy E6)*
- Requiring all development to incorporate SUDs and facilitate watercourse reconstruction. (Policy E6)*
- Ensuring appropriate attenuation volume rates to allow for the increased rainfall from climate change. (Policy E6)*

- *Supporting the use of the River Severn and canal for renewable energy generation. (Policy E7)*
- *Requiring new landscape and planting to be climate change adaptable. (Policy F2)*
- *Requiring development proposals to conserve and provide net gains to biodiversity. (Policy E2)*
- *Requiring electric vehicle charging points in every new home with a garage or on plot parking space, and 2% of spaces within 100 or more car parking spaces. (Policy G3)*
- *Protecting and improving cycle lanes and maximising opportunities for sustainable active travel. (Policy C1, G4, G5)*
- *Introducing the enhanced water efficiency standards reducing water consumption for each new home. (Policy G8)*
- *Protecting allotments and providing new allotments where there is a need. (Policy C2)*
- *Using green infrastructure to absorb dust and air pollutants from major developments, and increasing planting in AQMA, and around schools and hospitals. (Policy C5)*

*3.7.10 The City Council strongly supports proposals that incorporate sustainable design and construction measures, including renewable energy generation within new development and within development sites.*

*3.7.11 Policies SD3: Sustainable Design and Construction, SD4: Design Requirements, INF2: Flood Risk Management, and INF3: Green Infrastructure of the JCS also provide climate change requirements.*

*3.7.12 This policy also links to the recently published the Gloucestershire Energy Strategy 2019 <https://www.qfirstlep.com/downloads/2019/gloucestershire-energy-strategy-2019.pdf> This strategy sets out nine key building blocks. The fifth is: Developing Stronger Planning Policies. These policies should “...enable more local renewables and require zero-carbon and smart enabled new developments. To meet long-term targets, new planning policies need (a) to ensure that all new developments contribute to reducing carbon emissions rather than increasing them and are resilient to climate change and (b) to enable the growth of renewable energy generation and smart energy infrastructure, taking appropriate account of landscape sensitivities.’*

## Section E: Natural Environment

### Policy E5: Green Infrastructure: Building with Nature

- 3.7 The EA considered that paragraphs 3.5.2, 3.5.23 and Policy E5 should refer to both green and blue infrastructure, i.e. to the watercourse environment. This is because in Gloucester, many of the watercourses have historically suffered from development squeeze, resulting in a reduction or total removal of the ecology associated with the channel, resulting in an increase in flood risk and loss of habitat. In response, the following changes are proposed to paragraph 3.5.2 and Policy E5 (PM041 and PM046):

3.5.2 The plan seeks better quality green/*blue* infrastructure in Gloucester and areas where nature can recover and thrive.

*Policy E5 – Green/Blue Infrastructure: Building with Nature*

**Green/Blue Infrastructure: Building with Nature**

**Development must contribute towards the provision, protection and enhancement of Gloucester's Green/Blue Infrastructure Network. Contributions should be appropriate and commensurate to the proposal. Major development proposals will be designed in accordance with 'Building with Nature' standards.**

3.5.24 JCS Policy INF3 and the associated JCS Green Infrastructure Plan (GIP) seek to connect the urban areas of Gloucester with the high-quality Green/Blue infrastructure assets of the Cotswold's AONB and the Severn Vale. ~~Green/Blue~~ infrastructure and ~~its~~ *their* associated corridors and links are a vital component of maintaining and enhancing health and wellbeing. They ~~also has~~ *have* functions regarding biodiversity, connecting the ecological network, surface water management, climate change adaptation and amenity value. Importantly, ~~it~~ *local green and blue infrastructure* also contributes to mitigating recreational impacts on European designated sites, including Cotswold Beechwoods.

3.5.25 Development should contribute towards this objective, and to the broader network of ~~Green/Blue~~ corridors and assets across the city using SuDS, open space, green roofs and walls and tree planting. *It is important that blue infrastructure such as rivers, streams, canals, lakes, ponds, wetlands and floodplains are fully considered as important assets.*

- 3.8 The EA consider that it would be helpful if additional text was added after paragraph 3.5.23 to reiterate the benefits of blue/green corridors. In response, the following change is proposed as set out below. Please note this does not feature in Submission Document CD010a 'Schedule of changes – Pre-Submission Gloucester City Plan Addendum'

*'3.5.24 Waterside areas, or areas along known flow routes, can act as Green Infrastructure, being used for recreation, amenity and environmental purposes, allowing the preservation of flow routes and flood storage, and at the same time providing valuable social and environmental benefits contributing to other sustainability objectives.'*

*Policy E6: Flooding, Sustainable Drainage and Waste Water*

- 3.9 The EA consider that the final sentence of Policy E6 should be removed and replaced with alternative text to expand upon the opportunities that may present themselves during the GCP lifetime. In response, the following changes are proposed to Policy E6 and paragraphs 3.5.27 and 3.5.37 of the supporting text (PM049, PM050 and PM051):

~~'Where necessary, financial contributions towards flood risk management infrastructure will be sought through the development process.'~~ *For all developments in areas with known flooding issues, appropriate mitigation and construction methods will be required including, where appropriate, contributions towards maintenance of existing defenses that benefit the site, development or*

***maintenance of existing flood warning services, development of future flood alleviation projects and/or provision of upstream rural SuDS projects.'***

'3.5.27~~30~~<sup>30</sup> All of Gloucester's watercourses are considered to lack capacity during design rainfall events; any increase in surface water discharge from development sites therefore represents an increase in flood risk. ***Flood risk should be considered at an early stage in deciding the layout and design of a site to provide an opportunity to reduce flood risk within the development.'***

3.5.37~~40~~<sup>40</sup> For calculating the climate change uplift for ***both tidal and fluvial*** flows (i.e. to determine the design flood level for ***the appropriate lifetime*** of a development which influences ***its*** design/***layout*** of the development including floor levels, flow routes, floodplain compensation and safe access/egress arrangements), developers should refer to the latest Environment Agency climate change guidance. Developers are encouraged to assess the Upper End allowances (currently 70% for the Severn River Basin District based on 100 years lifetime of development). Major regeneration projects and infrastructure development are expected to be designed to ***incorporate*** this level ***as part of any mitigation measures.***

#### Site Allocations

##### SA09: Former Quayside House, Blackfriars

- 3.10 The EA consider that site allocation SA09 – Former Quayside House, Blackfriars, offers the opportunity to improve protection along the River Severn as part of a wider regeneration scheme (albeit that opportunity may have been missed). In response, the following additional text is proposed as an additional bullet point to the flood risk section (PM088):

***'Opportunities to improve flood protection along the River Severn as part of a wider regeneration scheme should be explored in consultation with the EA.'***

##### SA11: Land rear of St Oswalds Retail Park

- 3.11 The EA consider the policy should be amended so as to require the adoption of specific drainage techniques to address the problems of previous contamination and land movement, in the interests of protecting ground and surface water quality. In response, the following additional text is proposed as an additional bullet point to the policy (PM091):

***'Ground & surface water quality  
Development proposals will have had to adopt specific drainage techniques to address the problems of previous contamination and land movement. This is in the interests of protecting ground and surface water quality.'***

##### SA15: Land South West of Winnycroft Allocation

- 3.12 The EA consider the policy could be improved through a policy requirement to contribute to the ongoing Sud and Twyver flood mitigation scheme, being led by the City Council in conjunction with the EA. In response, the following additional text is proposed as an additional bullet point of the policy (PM094):

***'Flood mitigation***

***The site should reasonably contribute to the ongoing Sud & Twyver flood mitigation scheme being led by the City Council in conjunction with the EA.'***

SA22: Secunda Way Industrial Estate

- 3.13 The EA consider that flood risk may impact upon access to and from the northern end of the site and that this should be highlighted in the policy. In response, the following additional text is proposed as an additional bullet point of the policy (PM103):

***'Flood risk  
Flood risk may impact upon access and to and from the northern end of the site.'***

Evidence base

- 3.14 The Level 2 SFRA undertaken by JBA Consulting (September 2019) was compiled in consultation with the EA. The SFRA report has been accepted by the EA as no soundness objections were raised. On 17<sup>th</sup> December 2019, new sea level rise climate change allowances were issued which took account of the UK Climate Projections 2018 (UKCP18). (The climate change allowances are available at: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> ). Further changes to the allowances are expected to be published in the future, incorporating the UKCP18 data to peak river flows. The EA is currently in the process of reviewing the latest allowances with a view to providing more localised guidance. Further advice will be issued. Councils, decision-makers and developers should have regard to the latest allowances and guidance.
- 3.15 The EA has also reviewed the flood risk sequential test, prepared to the support the GCP. The EA consider the document clearly shows how the City Council has considered flood risk in selecting site allocations. The EA is satisfied the City Council has undertaken the Flood Risk Sequential Test.

**Matters which are not agreed**

- 3.16 None

#### 4. Gloucestershire County Council as Lead Local Flood Authority (LLFA)

##### Matters on which the parties agree

- 4.1 There is a legal duty to cooperate with the LLFA and this has been fulfilled.

##### Policy E6: Flooding, Sustainable Drainage and Waste Water

- 4.2 The LLFA consider additional text should be added at the end of paragraph 3.5.39 to state that land drainage consent may be required. In response, the following change is proposed (PM052):

*'3.5.39~~43~~ Applicants should contact the Environment Agency at the earliest opportunity to understand the constraints and opportunities of culverted watercourses for their proposals and because Land Drainage Consent may be required.'*

- 4.3 The LLFA consider the supporting text could be improved with reference to the benefits of upstream Natural Flood Management (NFM) and the complementary benefits for flood risk management and habitat creation. In response, the following changes are proposed (PM053 and PM054):

##### 'Upstream Natural Flood Management

*Upstream Natural Flood Management (NFM) may be appropriate in some circumstances as this can achieve the complementary benefits of effective flood risk management and habitat creation. Watercourses in greenspace, the rural /urban fringe and in appropriate designated areas should be considered.'*

*'3.5.45~~49~~ Where appropriate money will be secured through the appropriate funding mechanism for upstream Natural Flood Management.'*

##### Policy G7: Water efficiency

- 4.4 The LLFA consider the supporting text of Policy G7: *Water efficiency* should be amended to emphasise how the required efficiencies can be achieved, e.g. rainwater recycling is an effective SuDS technique for reducing flood risk and improving water efficiency. In response, the following change is proposed (PM074):

*'3.7.27~~29~~ Developers can achieve efficiency by means of the installation of efficient showers and toilets as well as baths which are designed to hold less volume and spray taps throughout buildings. Outdoors the use of water butts and more advanced rainwater harvesting methods are encouraged, moving away from a reliance on mains water. Developers should utilise rainwater recycling as an effective SuDS technique for reducing flood risk and improving water efficiency. Effective SuDS can also lead to water quality benefits.'*

##### Matters which are not agreed

- 4.5 The LLFA requests that all site allocations even sites outside of FZ2/3 could still reference flood risk, SuDS design and off-site mitigation. The City Council is of the view that given the



comprehensive coverage of Policy E6 which requires this and applies to all development this is not necessary.

- 4.6 The LLFA considers reference to the ancillary benefits of SuDS in other policies is necessary. The Council contend that the supporting text of Policy E6 (Paragraph 3.5.32) outlines the many benefits of SuDS and states that '*All development proposals will be required to manage surface water through SuDS...*' and therefore there is no need to specifically reference SuDS in a number of other policies. However, it is proposed that reference be made to the water quality benefits of SuDS in the supporting text of G7: Water efficiency (PM074 – see paragraph 4.4 above).
- 4.7 There LLFA considers there is a need for a separate Key Principle for flood risk. The Council considers that Key Principle 11 is sufficient and adequately addresses this important issue.
- 4.8 The LLFA considers the supporting text of Policy E6 should further outline the discharge (SuDS) hierarchy. The Council contends that Policy E6 is already very comprehensive and the fact that the hierarchy is signposted is sufficient.

## 5. Marine Management Organisation (MMO)

### Matters on which the parties agree

- 5.1 There is a legal duty to cooperate with the Marine Management Organisation and this has been fulfilled.
- 5.2 The marine planning remit is directly for coastal and marine waters up to the mean high-water spring mark and Gloucester City extends to the mean low water spring mark. Therefore, part of the area covered by Gloucester City Plan lies within the South West Marine Plan Area.

### Section E: Natural Environment

- 5.3 To make this clear, it is proposed that in the introduction to the Natural Environment section of the plan, the following text will be added (PM042):

*‘3.5.3 Part of the area covered by the Gloucester City Plan lies within the South West Marine Plan Area. Decisions on any development likely to affect this area should take the South West Marine Plan, and the Marine Policy Statement, into account in accordance with s58 of the Marine and Coastal Access Act. The Marine Management Organisation (MMO) should be consulted as appropriate. Also see the requirement in the supporting text for Policy E7: Renewable energy potential of the River Severn and the canal.’*

### Policy E7: Renewable energy potential of the River Severn and Canal

- 5.4 In addition, at paragraph 3.5.47 of the supporting text of Policy E7: Renewable energy potential of the River Severn and the canal), it is proposed the following amendment will be made (PM057):

*‘3.5.47<sup>51</sup> All applications proposing any water generated renewable energy generation (be this for heating, cooling or electricity generation) should consult with the Canal & River Trust, Natural England **and the Marine Management Organisation. Decisions on applications affecting the marine area must consider the South West Marine Plan and the Marine Policy Statement in accordance with the Marine and Coastal Access Act.**’*

- 5.5 Furthermore, the MMO supports the additional proposed changes set out at paragraphs 3.3 – 3.6 in relation to climate change, paragraphs 3.7 – 3.8 in relation to Policy E5 ‘Green/Blue Infrastructure: Building with Nature’, and paragraph 3.9 in relation to Policy E6 ‘Flooding, Sustainable Drainage and Wastewater’. This approach supports the MMO’s marine planning responsibilities with regards to the mitigation and adaptation to climate change.

### Matters which are not agreed

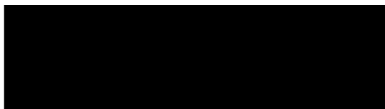
- 5.6 None.

**6. Conclusion**

6.1 The parties agree that:

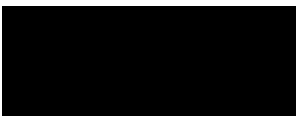
- a. All matters raised in the various representations to the Gloucester City Plan Regulation 19 consultation have now been addressed by this Statement of Common Ground, indicating agreement of disagreement;
- b. Gloucester City Council has complied with the Duty to Co-operate in preparing the Gloucester City Plan through the various stages to date;
- c. The parties will continue to work positively together and with all Gloucestershire local authorities and, where relevant, with neighbouring authorities on strategic cross boundary issues.

**Signed on behalf of Gloucester City Council**



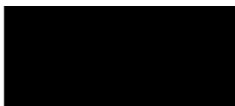
**Ian Edwards, Head of Place**

**Signed on behalf of The Environment Agency**



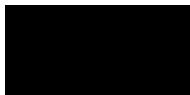
**Ruth Clare, Planning Specialist, Sustainable Places, West Midlands Area**

**Signed on behalf of Gloucestershire County Council as Lead Local Flood Authority**



**James Blockley, Gloucestershire County Council as Lead Local Flood Authority**

**Signed on behalf of The Marine Management Organisation**



**Katharine Ludford, Marine Planning Manager**

**Dated 9<sup>th</sup> April 2021**