

# STATEMENT OF COMMON GROUND

## 1. List of Parties involved:

- Elmbridge Borough Council (EBC)
- Environment Agency (EA)

## 2. Signatories:



**10.05.2024**

***Elmbridge Borough Council***

***Suzanne Parkes, Head of Planning & Environmental Health***



**10.05.2024**

***Environment Agency***

***Judith Montford - Planning Specialist, Environment Agency Sustainable Places, Thames Area***

## 3. Strategic Geography

This Statement of Common Ground (SoCG) is between Elmbridge Borough Council (EBC) and the Environment Agency (EA). It applies to Elmbridge Borough.

The Environment Agency (EA) is a non-departmental public body responsible for a number of areas including managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. The EA is not responsible for surface water and ground water flood risks, these being the responsibilities of the Lead Local Flood Authority (which is Surrey County Council).

Elmbridge has a significant flood context, with the River Thames (Lower) forming its northern boundary, and the Rivers Wey, Mole, Dead, Ember and Rythe all running through it.

There are also areas of the borough at risk from surface water and reservoir flooding with further localised issues occurring when rivers are high, or drainage and sewer systems are over capacity or there are blockages in the system.

This SoCG sets out the on-going engagement between the parties in relation to the strategic matter of flooding and flood risk.

## 4. Strategic Matters

### Duty to Cooperate

EBC has engaged the EA on an active and on-going basis throughout the preparation of its draft Local Plan. This has included engagement on the evidence base documents, at Regulation 18, 19 and submission for EiP stages of the draft Local Plan preparation, with engagement on-going through the EiP process.

Duty to cooperate activities up until the Regulation 19 Stage are recorded in EBC's Duty to Cooperate: Statement of Compliance (June 2022). Specifically, activities relating to Strategic Matter 5: Flooding, are set out in page 149 – 158. Activities undertaken between the Regulation 19 stage and Submission of the draft Local Plan are recorded in EBC's Duty to Cooperate: Statement of Compliance Update (August 2023). Activities relating to Strategic Matter 5: Flooding are set out in page 28 – 31.

Whilst the EA raised objection on issues of soundness at the Regulation 19 representation stage, they have not raised an objection to the draft Local Plan in relation to the duty.

Since the submission of the draft Local Plan in August 2023, EBC has continued to engage with the EA and the parties have worked together to prepare and review the Council's Level 2 SFRA, updated Level 1 SFRA and Sequential Test, as requested by the EA to reflect the latest flood risk modelling and updates to the Flood risks section of the Planning Practice Guidance (PPG). A summary of the status of these pieces of work is set out below:

**Level 2 Strategic Flood Risk Assessment (SFRA)** – the Council commissioned consultants AECOM to prepare the Level 2 SFRA. The assessment work utilised the latest modelling from the EA (Lower Thames Modelling 2023) and Supplement Model Report (October 2023) received September 2023 and January 2024 respectively.

The EA were invited to provide comments on the scope of work that were incorporated into the project brief, as well as the draft report issued in March 2024 which EBC consider have been addressed in the final report submitted in April 2024.

The EA has reviewed the Strategic Flood Risk Assessment Level 2 and agree that the majority of the concerns raised in the EA's letter of 12 April 2024 have been addressed. However, there are some few key points which the EA ask EBC to address. These are listed below.

- Elmbridge Borough Council should state clearly how some of the sites will still be delivered - i.e. when there is no proposed increase in build footprint e.g. Wey26 and Wey35?
- The EA finds that there are no details provided regarding the discussions with and recommendations of the emergency planners in the SFRA Level 2 and Appendix regarding the measures in place to deliver safe access and egress. Secondly it is not clear how an area of safe refuge is being proposed offsite and how feasible this will be? Can Elmbridge Borough Council provide this information.

- Elmbridge Borough Council will need to update the SFRA level 2 documents to line up with the Sequential Test as currently there is a disconnect. For example, all documents must clearly confirm what sites are withdrawn and retained.

**Sequential Test** – Using the site assessment database produced by AECOM for the Level 2 SFRA the Council produced a draft Sequential Test and Exception Test report that sequentially tests each of the 199 sites allocated in the draft Local Plan in accordance with national policy and guidance. The draft report was issued to the EA in March 2024 and EBC again considers that the comments received have been addressed in the final report submitted in April 2024.

The EA has reviewed the Sequential Test document and agree that a majority of the concerns we raised in the EA's letter of 12 April 2024 have been addressed. However, there are some few key points which the EA ask EBC to address. These are listed below.

- Sequential Test Table under specific requirements for applications wording needs to be stronger perhaps link to the site proformas.
- The LPA should include details regarding how road improvements proposed to provide safe access and egress for some of the allocated sites will be possible? Can there be further explanation on how this will happen.

**Level 1 Strategic Flood Risk Assessment (SFRA) Update** – At the request of the EA, the Council also commissioned AECOM to prepare a full update to the 2019 Level 1 SFRA in January 2024. The EA were again invited to review the draft report issued in March 2024 and EBC consider the comments received have been addressed in full in the final report submitted in April 2024. The comments received and commentary on how they have been addressed is set out in Appendix 1.

The EA has reviewed the Strategic Flood Risk Assessment Level 1 and agree that a majority of the concerns raised in the EA's letter of 12 April 2024 have been addressed. However, there are some few key points which the EA ask EBC to address. These are listed below.

- EBC need to be made aware that they cannot rely on the River Thames Scheme to deliver their allocated sites and we cannot endorse the SFRA if it includes this reliance on the River Thames Scheme for future delivery of allocated sites. The Scheme is currently in its initial pre-application stage of the Development Consent Order (DCO). The Development Consent Order (DCO) for the scheme has not yet been submitted. If the DCO is successful and all necessary approvals are obtained it will be a number of years in construction. Only when the scheme is constructed and operational will the reduction in flood risk for the area be realised.

EBC confirm that it is not relying on the River Thames Scheme to deliver the site allocations proposed in the Local Plan and this is reflected in the flood risk evidence base.

#### Other important matters

- The EA have reviewed the documents below which we were notified of on 24 April 2024 by the Programme Officer.
- Final Level 2 SFRA Main Report
- Final Level 2 SFRA Appendix A
- Final Level 2 SFRA Appendix B

- Final Sequential Test- April 2024
- Final Level 1 Update Main Report
- Final Level 1 SFRA Update Appendix A- April 2024

The EA have provided detailed comments which should be reviewed and adhered to by EBC. These have been sent to EBC on 9 May 2024.

- The EA would like to see a commitment by EBC to update the SFRA L1 and 2 to incorporate all amendments that the EA have asked for. As stated above, EBC will need to update the SFRA level 2 documents to line up with the Sequential Test as currently there is a disconnect. We will leave the approach to the LPA.

EBC commit to reviewing these final comments from the EA and will work together with them to address these outstanding points.

## **5. Governance Arrangements**

The parties are committed to working positively together, sharing information and best practice, and continuing to engage with one another through the EiP process and beyond. This co-operation and collaboration will take place at an officer level.

The SoCG will be reviewed to reflect the outcomes of EiP process and any other issues that may arise through the EiP process.