

Cheshire West & Chester Council
Planning Policy
Council Offices Civic Way
Ellesmere Port
CH65 0BE

Our ref: SO/2009/105235/CS-
05/IS1-L01

Date: 05 September 2025

Dear Charlotte Aspinall,

Cheshire West and Chester Local Plan issues and options (Regulation 18) consultation.

Thank you for consulting us on the above submission which was received 4th July 2025.

Environment Agency comments

We wish to make the following comments in response to questions raised within the Cheshire West and Chester Local Plan Issues and Options document (Regulation 18). Where a question is not included below, please assume we have no comment to make.

1. Introduction

Question IN1: Do you agree that this is the right evidence that we need to inform the new Local Plan? Is there further evidence that you think will be required?

We welcome the inclusion of a Strategic Flood Risk Assessment (in preparation) as supporting evidence for the Local Plan and will continue to engage with the Council throughout the preparation of this.

2. Vision

Question VI1: Do you agree with the suggested approach towards the new Local Plan vision, as set out in VI 1 'Vision' above? If not please suggest how it could be amended?

We welcome the inclusion of tackling climate change to the vision for Cheshire West and Chester, including the mitigation against effects and net increase in biodiversity.

3. Objectives

Question OB5: Do you feel that the option of using the Sustainability Appraisal objectives in the new Local Plan, as set out in Option B 'Use the Sustainability Appraisal objectives' above, is an appropriate approach?

Whilst we have no specific view on which option is the most appropriate approach for the new local plan, we take this opportunity to highlight opportunity for objectives 10 and 11 in option B to go further. The objectives to “Minimise the risk of flooding from all sources” and “... minimise the risk of pollution and improve water efficiency” are welcomed, however, we would encourage the Council to consider the objectives go further to **reduce** the risk of flooding and pollution.

5. Spatial strategy

Whilst we have no specific view on the spatial strategy approach, we would highlight the importance of considering wider environmental issues when deciding upon land allocations. Blue and green infrastructure must be considered and protected; opportunities to enhance these features should be explored.

Whilst we have no specific view on the options for where development could be located, in identifying potential land for development and the creation of policy relating to the release of land from the Green Belt for development, as outlined in [Planning Practice Guidance](#) flood risk must be considered with the sequential approach being applied during the plan-making process to help ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.

15. Infrastructure and developer contributions

Question ID1: Do you agree with the suggested policy approach towards infrastructure and developer contributions, as set out above in ID 1 'Infrastructure and developer contributions'? If not please suggest how it could be amended.

We welcome the strengthening of policy STRAT 11 to include greater environmental protection and climate resilience including water and sewerage infrastructure and flood defenses.

There are locations (for example, upstream of the Great Sutton Flood risk area) where (should development come forward) we would like development to not only offset its own increase in runoff flood risk but also add more attenuation to mitigate known risks downstream. We would welcome the consideration and inclusion of such requirement in forthcoming policy.

21. Health and Wellbeing

Our remit in relation to land contamination extends only to controlled waters, considerations relating to human health fall within the remit of the Council's Environmental Health Officer.

We advise the council that in the development of any site that appears to have been the subject of past industrial activity which may pose a risk of pollution to controlled waters, we recommend developers should:

- Follow the risk management framework provided [in Land Contamination: Risk Management](#), when dealing with land affected by contamination
- Refer to our [Guiding principles for land contamination](#) for the type of information that we require 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
- Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the [contaminated land pages](#) on gov.uk for more information
- Refer to ['The Environment Agency's approach to groundwater protection'](#)

23. Flood risk and water management

We have concerns over site EP04 shown on map 5.5 (Ellesmere Port Growth Option) as part of option A for growth, part of the Spatial Strategy. This site is within Ince Marsh (an area of flood zone 3b) and is designated a potential growth area. The flood risk for this location is governed by the operation of the culvert under the Manchester Ship Canal. If flooding was to occur it could occur in this 3b area. If this land was developed, the level adjacent could be considerably worse, posing risk to the nearby commercial land use.

Question FW1: Do you agree with the suggested policy approach towards flood risk and water management, as set out in FW 1 'Flood risk and water management' above? If not please suggest how it could be amended?

We agree with the suggested policy approach towards flood risk.

We are satisfied that there will be the *'requirement for watercourses and riverside habitats to be conserved and enhanced, where necessary through management and mitigation measures.'* However, under the statutory requirements of the Biodiversity Net Gain watercourse module and Water Framework Directive

objectives, we would expect to see river restoration specifically referenced in this policy and a commitment to improve riverine habitats not only through 'management and mitigation' but through actual net gain.

The suggested approach sets out adequate protections for surface water. It should be noted that pollution during construction is a concern for water quality, both from solids run off and from sewage infrastructure prior to adoption by the water company. Therefore, we would expect forthcoming policy to reference surface water pollution prevention during construction.

Question FW2: Should the SuDs element of the suggested policy approach include a requirement for nature-based solutions to maximise multifunctional benefits?

Where appropriate, we encourage the implementation of nature-based solutions, recognising their multiple co-benefits across environmental, social, and economic domains.

Nature-based solutions can increase resilience to flooding whilst offering opportunities for increased biodiversity and water quality. SuDs which can act as mitigation to pollution from all sources can be beneficial in reducing the risk of environmental pollution.

Question FW3: Should new areas for flood storage be identified and designated?

Yes, we would agree with and support this policy suggestion. We would ask the council to clarify the criteria for designation, are our existing flood storage assets in Cheshire West and Chester designated in this way?

Question FW4: How should the new Local Plan address any potential future impacts on water quality, supply or wastewater infrastructure?

Adequate wastewater infrastructure is essential at all stages of development and we would encourage the Council's inclusion of this matter within relevant forthcoming policy, ensuring developers can manage and maintain wastewater infrastructure during all development phases.

Recycling and reuse of water should be encouraged and prioritised where possible, with grey/rainwater collection and reuse (for example in gardens and communal landscaping) prioritised. We would welcome the inclusion of this matter within forthcoming policy.

Land allocations in water stressed areas, particularly that with a high-water usage (industry for example) should be carefully considered against the risk to existing water supply.

We would encourage opportunities for the Council to engage with the water utility companies at the earliest opportunity regarding permitting requirements for wastewater and to explore better use of local water resources. The early engagement of all water management stakeholders will foster opportunity to explore effective SuDS design, implementation and subsequent maintenance.

25. Green infrastructure, biodiversity and geodiversity

Question G11: Do you agree with the suggested policy approach towards green infrastructure, biodiversity and geodiversity, as set out in GI 1 'Green infrastructure, biodiversity and geodiversity' above? If not, please suggest how it could be amended?

Although SuDS and Natural Flood Management are included, we are disappointed that there isn't any reference to river restoration within this suggested policy approach and would recommend this is included in forthcoming policy. Improving rivers and streams is a fundamental component of the Biodiversity Net Gain (BNG) metric. However, there isn't any reference to the River Condition Assessment and the fundamental requirement for a Modular River Physical (MoRPh) survey for any proposed development with a watercourse flowing within, and 10 metres from, the red line boundary. Developers have an important role in carrying out river restoration to secure at least 10% BNG as part of the 'Watercourse' component of the metric. This will also make a crucial contribution to Water Framework Directive measures to improve our watercourses so they reach the statutory objective of 'good ecological status and potential.' River restoration associated with BNG will also help reconnect priority habitats, contributing to the objectives of the Local Nature Recovery Strategy for Cheshire.

Question G13: Should new Local Plan policy go above the 10% mandatory biodiversity net gain set nationally?

We would welcome and encourage the policy to exceed the 10% mandatory BNG. Cheshire is one of the most nature depleted counties in the country and there is an urgent need to address the biodiversity crisis and facilitate nature recovery, particularly watercourses.

28. Energy

Question EN6: Do you agree with the suggested policy approach towards energy, as set out in EN 5 'Low carbon fuel and carbon capture' above? If not please suggest how it could be amended?

We have recently completed work on a project that examined environmental challenges for development of low carbon industrial clusters and identified potential impacts associated with water availability, water quality, air quality, flood risk, and climate impacts. Our report summarises the work and makes

recommendations for local authorities on how to address challenges and ensure that industrial clusters are supported by strong policies that focus on both the proposed net zero developments as well as the associated environmental infrastructure needed to service them. [Environmental capacity for industrial clusters: project summary - GOV.UK](#);

To successfully deploy low carbon technologies in HyNet, integrated water management and innovative wastewater use and recycling will need to be considered. Therefore, you may wish to consider the addition of a further criteria to the suggested policy approach of **EN5 – Low carbon fuel and carbon capture**, as follows: Any proposals should maximise opportunities for integrated water management and innovative wastewater use and recycling.

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Should you have any queries regarding this response, please do not hesitate to contact me.

Yours sincerely,

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