

Report to: **Scrutiny Committee**



Date of Meeting 8th September 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Planning for Waste Water, Water Supply and Water Quality

Report summary:

This report seeks to set out the position in terms of the planning system and consideration of water management issues. It refers to government policy and guidance and the role of the Council as Local Planning Authority in delivering the government's objectives as well as the role of South West Water. The report also refers to the work that has been commissioned on a water cycle study to inform production of the new Local Plan as well as the work that consultants working on considering options for a new community are undertaking to understand impacts of such a development on infrastructure.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Scrutiny Committee note the report.

Reason for recommendation:

To ensure that Members have a clear understanding of the role of the Council as Local Planning Authority in working with the water industry.

Officer: Ed Freeman – Service Lead Planning Strategy and Development Management,
efreeman@eastdevon.gov.uk; Tel: 01395 517519

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information National Planning Policy Framework - [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#); National Policy Statement for Waste Water - [pb13709-waste-water-nps.pdf \(publishing.service.gov.uk\)](#); South West River Basin Management Plan - [River basin management plans: 2015 - GOV.UK \(www.gov.uk\)](#);

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
 - A greener East Devon
 - A resilient economy
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The Policy Framework

Government policy on planning matters is set out in the National Planning Policy Framework (NPPF) alongside which sit a number of National Planning Statements (NPS). These form the national policy framework for planning which is supplemented by Planning Practice Guidance (PPG). This section of the report will set out the main content of these documents in relation to water management and which form the foundation of the Council's role and responsibilities in relation to water management issues as a planning authority.

Fundamentally the planning system is plan led and so the Local Plan should set out a clear vision for the area and show how we will address housing needs and other social, economic and environmental issues. Strategic policies in the plan should set out an overall strategy for the pattern, scale and design quality of places and among other things make sufficient provision for infrastructure including that required for water supply and waste water as well as conserving and enhancing the natural environment. In order to do this we are required to co-operate with relevant bodies such as Natural England, Environment Agency and infrastructure providers such as South West Water.

The National Policy Statement for Waste Water was published in 2012 and primarily sets out how nationally significant waste water infrastructure should be dealt with and thus is not directly relevant to the role of EDDC. It does however contain a section on generic impacts which is relevant to all waste water infrastructure and highlights a range of issues to consider when determining applications for such development including, water quality and resources, odour, flood risk, biodiversity and geological conservation etc.

The Planning Practice Guidance contains a section on water supply, wastewater and water quality. It highlights the legislative framework and the role of river basin management plans which set out the key issues for the water environment and how these are to be tackled. These are produced at a regional level and so are quite broad and high level. The issues highlighted are also picked up in the PPG itself in relation to Local Plan production and relate to:

- Infrastructure (water supply and wastewater) – This could include identifying suitable sites for new or enhanced waste water and water supply infrastructure, considering the impacts of that

on existing and proposed development in the vicinity of such infrastructure whether existing or proposed and phasing new development so that water and wastewater infrastructure will be in place when and where needed.

- water quality – This could include locating potentially polluting development away from the most sensitive areas, consider the type or location of new development, whether measures to improve water quality, for example sustainable drainage schemes, can be used to address impacts on water quality in addition to mitigating flood risk.
- wastewater – This could involve considering the sufficiency and capacity of wastewater infrastructure, considering circumstances where private treatment works may be accepted and considering the capacity of the environment to receive effluent from development without preventing relevant statutory objectives being met.
- cross-boundary concerns – Water supply and water quality issues often cross boundaries and can only be addressed in partnership with neighbouring authorities and other stakeholders.
- strategic environmental assessment and sustainability appraisal – These are tools for assessing the impacts of the proposed plan against objectives such as preventing deterioration of current water body status, taking climate change into account and seeking opportunities to improve water bodies.
- habitats regulations assessments – These are required under the habitat regulations and are a process for assessing the impacts of projects on protected habitats and species including those related to water bodies.

The PPG also refers to evidence documents that can be produced to help to consider these issues and find solutions. These include production of a water cycle study and a drainage strategy for the area. “A water cycle study helps organisations work together to plan for sustainable growth. It uses water and planning evidence to understand environmental and infrastructure capacity. It can identify joined up and cost effective solutions, that are resilient to climate change for the lifetime of the development.

The study provides evidence for plans and sustainability appraisals and is ideally done at an early stage of plan-making. Local authorities (or groups of local authorities) usually lead water cycle studies, as a chief aim is to provide evidence for sound plans, but other partners often include the Environment Agency and water companies”. A drainage strategy according to the guidance “can be prepared by water and sewerage companies and sets out how they intend to deliver statutory drainage functions and meet customer needs within a particular catchment”.

The Role of South West Water

Government guidance highlights the importance of early engagement with water and sewerage companies to help to ensure that proposed growth and environmental objectives are reflected in company business plans. This is important because public water supply and sewerage services in England were privatised in 1989. Since privatisation the water industry has been regulated by Ofwat. Every five years Ofwat sets price limits based on water company business plans, produced in dialogue with the Environment Agency, the Drinking Water Inspectorate, Non-Governmental Organisations (NGOs), customers and others. These plans set out in detail how much each company needs to charge its customers to provide water and sewerage services where relevant and to comply with its statutory obligations.

The water company business plans and charges reflect the cost of:

- collecting or abstracting water

- building and maintaining pipes and ensuring a secure supply of drinking water to businesses and households
- treating water and sewerage to meet environmental standards.

As a result the costs of providing resilient water and sewerage services are recovered through customer bills and are not funded through planning obligations. It is therefore vitally important that South West Water understand the Council's growth plans and that these are reflected in the companies' long-term water resources management plans. This should then ensure that the necessary infrastructure is funded through the water industry's price review. South West Waters business plan 2020 – 2025 and associated documents can be found at: [Business Plan 2020-2025 \(southwestwater.co.uk\)](https://southwestwater.co.uk/business-plan-2020-2025). South West Water are also in the process of developing a "Drainage and Wastewater Management Plan". This has involved a stakeholder forum meeting in July which officers and members attended. This has informed production of a draft plan which is currently out to consultation. The details of this are available at: [Drainage and Wastewater Management Planning – Our emerging plan to 2050 \(southwestwater.co.uk\)](https://southwestwater.co.uk/drainage-and-wastewater-management-planning)

What we are we doing

The above section highlights the requirements of government policy and guidance. We are still at a relatively early stage of production of the new Local Plan but work has already started on addressing these issues and responding to the guidance. Consultants have been appointed to produce a Water Cycle Study (WCS). The brief for this work states:

"The focus of the WCS should be to identify issues likely to result from future development levels in East Devon and their potential impacts on water supply, wastewater collection and wastewater treatment. It should also identify potential solutions, gather evidence for the plan and the SA/SEA (including site allocations) and inform plan policies. The key outputs from this commission should accord with national policy and guidance, including the Environment Agency Guidance on water cycle studies and guidance on water supply, wastewater and water quality. In particular, it should demonstrate how the plan can ensure:

- That there is enough wastewater capacity (both foul and surface water) for overall development levels;
- That there is enough wastewater capacity for strategic allocations, either through existing facilities or with specific infrastructure improvements;
- That there will be adequate water supply for new developments - both overall and in proposed development locations (or evidence to support a policy requiring the higher level of water efficiency for new housing);
- That the provision of water will not lead to a reduction in water quality, including an understanding of any locations where this may constrain development options;
- That flood risk, particularly from surface water, is limited¹;
- There is good water quality; and
- That natural capital is not degraded as a result of development and its impact on water quality."

The Water Cycle Study is due to be completed by the end of the year.

Alongside the water cycle study consultants working on helping us to consider options for a new community as part the strategy for a new Local Plan are also considering the impacts of a new community on infrastructure including water infrastructure. They will be working with the consultants undertaking the water cycle study to ensure that these issues are fully considered in relation to any new community option.

In addition specific work is underway to address issues of nutrient levels in the River Axe with EDDC having taken on the role of lead authority in addressing these issues in partnership with our neighbouring authorities who also lie within the river catchment area which extends into Somerset and Dorset. This work comes with £100k of government money and consultants have already been appointed to produce a nutrient calculator that is specifically tailored for the River Axe. This should enable us to more accurately understand the levels of phosphate generated by developments and the mitigation impacts of proposed measures to enable us to accurately understand the impacts and design a suitable mitigation strategy. Work is also underway in understanding the options for delivering mitigation measures with the benefit of the experience of other authorities including those in Somerset who have experience through issues on the Somerset levels.

All of these work streams will involve undertaking consultation and engagement with south west water, environment agency, natural England and other stakeholders to ensure that there is a co-ordinated approach to addressing these issues.

The above mentioned work will enable us to develop a growth strategy for the new Local Plan with a full understanding of impacts on the water environment. In the meantime we have an adopted Local Plan which includes some key policies on these issues against which planning applications are considered. In particular policies EN18 and EN19 seek to ensure that development does not adversely affect the quality or quantity of either surface or groundwater and that new development has a suitable foul sewage treatment system of adequate capacity and design. Policy EN22 also seeks to control the surface water implications of new development by among other things requiring the submission of drainage impact assessments where there are likely to be significant surface water run off implications and requiring all major commercial developments and residential schemes of 10 or more homes to incorporate sustainable drainage systems. Such systems include swales, soakaways, infiltration basins, ponds, reed beds and permeable surfacing which is designed to manage surface water on-site and minimise and control surface water discharge to watercourses. The Cranbrook Plan looks to take these measures to the next level by taking a more integrated approach to drainage alongside landscaping and bio-diversity ensuring a natural solution to managing surface water that creates attractive green infrastructure that incorporates wildlife. We are also looking at how we can further enhance our approach to these issues through detailed policies in the new local plan which will be informed by the studies referred to above.

South West Water are consulted on planning applications that are likely to have a material impact on their infrastructure and are good at responding to such requests. Their responses do not however usually raise issues with capacity within the sewerage system for the reasons set out earlier in this report that discussions with them at the time of production of the Local Plan meant that they were already aware of the levels of planned growth coming forward in the district and should be making provision through their business plans with the cost recovered through their charges.

Conclusion

It is considered that the government policies and guidance on these issues is clear on the role of the Council as Local Planning Authority in considering water management issues and how this

should be undertaken in discussion with South West Water, Environment Agency, Natural England and other stakeholders. That work is underway and will give us a full understanding of the issues facing East Devon in terms of the water environment and water infrastructure so that we can ensure that through the new Local Plan the impacts of growth on these issues is fully understood and can be appropriately addressed.

Financial implications:

There are no financial implications on which to comment.

Legal implications:

There are no legal implications requiring comment.