

Breckland Local Plan – Examination in Public

Statement of Common Ground

This Statement of Common Ground is an Agreement made between the following parties:

- Breckland District Council
- Anglian Water

1. Introduction

1.1. This Statement of Common Ground (SoCG) sets the terms and understanding between Breckland District Council and Anglian Water with regard to the requirements for policies in the local plan relating to water recycling infrastructure. This Statement of Common Ground represents an updated position following the original agreed statement dated March 2018 and has been informed by discussion at the Matter 18 hearing session held 17th May 2018 and additional work submitted to inform the examination of the Breckland Local Plan. It is intended that this Statement of Common Ground supersedes the previous agreement between Breckland District Council and Anglian Water, and includes all proposed modifications to the plan related to water recycling infrastructure.

2. Background

2.1. Anglian Water (1135889) made a number of representations on the Breckland Local Plan Pre-submission publication. They raised issues of soundness with regard to the following policies:

- GEN 04 Development Requirements of Attleborough Sustainable Urban Extension (SUE);
- INF 02 Developer Contributions;
- Bawdeswell Housing Allocation 1;
- Harling Housing Allocation 1.

2.2. Anglian Water made a request to the Council to seek resolution with Breckland District Council regarding the issues raised with the four policies.

2.3. The Council sought to reach an understanding with Anglian Water over the issues raised, and amendments required in order to address their concerns. This was set out in the original Statement of Common Ground dated March 2018.

2.4. Over the course of the first four weeks of scheduled hearing sessions held between April, May and June 2018, the modifications proposed in the Statement of Common Ground (March 2018) were discussed. A session on Matter 18 held on 17th May 2018 enabled discussion on the policy clause of particular relevance to Anglian Water, but not subject to a proposed amendment in the original Statement of Common Ground. As a result of this discussion, the Council submitted additional work to the Inspector on 22nd June 2018

entitled 'Breckland Local Plan Examination Note – Anglian Water' (EX.80). The note set out further consideration of a policy clause requiring pre application enquiries with Anglian Water. This clause was included in the plan for a number of site allocations where the Water Cycle Study (LP/E/5) had identified capacity constraints with the Waste Water Treatment Works and foul sewerage network.

- 2.5. The Examination Note set out the Councils proposed modifications as a result of the discussion on Matter 18. Following the submission of the additional work, the Council consulted Anglian Water on the proposed revised wording. Anglian Water has requested further amendments. As a result, the Council have sought to agree revised wording with Anglian Water. This Statement of Common Ground seeks to finalise all agreed proposed modifications to the plan relating to water recycling infrastructure matters.

3. Recommended modifications

- 3.1. This Statement of Common Ground represents an agreement between Anglian Water and Breckland District Council on the wording of proposed modifications to the Local Plan which will address issues relating to water recycling infrastructure.
- 3.2. Proposed Modifications 1-3 are based on the original Statement of Common Ground with Anglian Water in March 2018 and were subject to consideration and discussion in the initial 4 weeks of hearing sessions. The wording presented was subject to agreement at the sessions and will be subject to formal consultation in future with all other proposed main modifications to the plan. Anglian Water was not present at the hearing sessions, and as this document supersedes the previous agreement, it is considered helpful to set out the original agreed modifications which remain relevant in this statement.
- 3.3. Proposed Modifications 4 – 5 were not included in the original Statement of Common Ground and have been developed as a result of discussion regarding the Inspectors questions for Matter 18 – Infrastructure, (hearing session held 17th May 2018).

4. Modification 1 GEN 04 Development Requirements of Attleborough Sustainable Urban Extension (SUE)

- 4.1. *Background* – Revisions were proposed to the policy on Attleborough SUE to amend the reference to the development of 1,800 homes which was considered to result in confusion in relation to the policy requirement.
- 4.2. *Reason for modification* – To remove reference to the trigger point of 1,800 homes to avoid confusion over the requirement to determine an appropriate, deliverable solution for Wastewater Treatment Works for the entire allocation of 4,000 homes.
- 4.3. *Proposed modification* – Policy GEN 4, under Development requirements of Attleborough SUE, delete wording in the 9th paragraph and replace with the following text:

...Where insufficient capacity within the wastewater network is identified, financial contributions may be sought. Ongoing discussion between the Council, the developer and Anglian Water Services to determine an appropriate, deliverable solution for Wastewater Treatment Work (WwTW) improvements is required following the development of 1,800 homes in time to serve the development of 4,000 dwellings, of which, 2,650 are to be completed within the plan period.

5. Modification 2 INF 02 Developer Contributions

- 5.1. *Background* –The amendment to INF 02 was previously agreed to clarify the requirement with regard to phasing of development. Through discussion of this modification at the hearing session for Matter 18 (held 17th May 2018), the reference to conditions was removed as the policy only applies where the requirement cannot be secured by conditions (see point 2 of Policy INF 02).
- 5.2. *Reason for modification* – To provide clarification that phasing of development should align with the provision of infrastructure.
- 5.3. *Proposed modification* – Policy INF 02, delete policy clause 8, add new wording at the end of the policy:

Details of significant infrastructure requirements are identified within the Council’s Infrastructure Delivery Plan. Developer contributions will be required to secure infrastructure which is necessary to ensure:

...

7. The delivery of environmental infrastructure (biodiversity management, landscaping, flood defences, SUD’s, waste management); and
- ~~8. Where appropriate, in order that the delivery is integrated with development phasing to ensure timely provision and commuted payments will secure necessary future maintenance; and~~
9. The delivery of any other infrastructure requirements in a made Neighbourhood Plan.

The delivery of development will need to align with the provision of infrastructure. As such, development may require to be phased to ensure the provision of infrastructure in a timely manner. Conditions or a Planning obligations may be used to secure the phasing arrangement. Commuted payments will be sought to secure the necessary future maintenance of infrastructure.

6. Modification 3 Harling Housing Allocation 1

- 6.1. *Background* –This modification was previously agreed in order to ensure appropriate restrictions were put in place with regard to the pumping station. This modification was discussed at the hearing session for Matter 14 (7th June 2018) and no further changes were made.

6.2. *Reason for modification* - to ensure the landowner takes into account the restriction of a 15m gap between the curtilage of dwellings and the pumping station when forming the layout of the site.

6.3. *Proposed modification* – Insert a new policy clause after clause 3, and revise subsequent policy clause numbers accordingly:

4. Consider the proximity of the foul pumping station in the design and layout of the scheme, and allow for a distance of 15 metres from the boundary of the curtilage of the dwellings to reduce the risk of nuisance/loss of amenity associated with the operation of the pumping station.

7. Modification 4 – Site allocation policies subject to capacity constraints in the Waste Water Treatment Works and foul sewerage network

7.1. *Background* - As detailed in the Councils Examination note (EX.80), for those settlements where the Water Cycle Study has identified acute capacity issues with regard to the Waste Water Treatment Works, the Council propose main modifications to draw attention to the evidence in the supporting text and policies for those settlements. This applies to: Attleborough, Dereham, Watton and Garboldisham. The wording in the Examination note has been amended following consultation with Anglian Water. Through discussion it was highlighted that wording also needed to address capacity issues with the foul sewerage network. It was also agreed that wording was required to clarify that capacity would be made available in time to serve the site, or that the site would be phased accordingly.

7.2. *Reason for modifications* - To ensure proposals have been informed by the findings of the Water Cycle Study and the identified issues are addressed in a Utilities Statement accompanying a planning application.

7.3. *Proposed modification* - A modification is proposed to remove reference to pre-application enquiries and introduce a clause on the provision of a Utilities Statement.

8. Modification 4a Attleborough

8.1. Policy GEN 04 Development Requirements of Attleborough Sustainable Urban Extension (SUE)

8.2. Proposed amendment to 9th paragraph:

A Utilities Statement ~~pre-application enquiry with Anglian Water Services~~ is required for this site having regard to the findings of the Water Cycle Study to demonstrate that sufficient capacity is available to transfer wastewater for treatment and that there is available capacity in the foul sewerage network.

...

9. Modification 4b Dereham

9.1. Dereham

9.2. Proposed amendment to Dereham supporting text:

Used water from properties in Dereham feeds into Dereham Waste water Treatment Works (WwTW). There are known capacity issues with Dereham WwTW and the Water Cycle Study notes a variety of solutions are required to manage the impact of predicted and planned growth for the town. As a result of known capacity issues, all development proposals should be supported by a Utilities Statement to explain how the proposed development will be linked to existing utility infrastructure systems, and demonstrate that the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development. It should also address whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.

9.3. Policy clause (to be included in all proposed housing allocation policies in Dereham)

Development proposals in Dereham should have regard to the findings of the Water Cycle Study which indicates capacity limitations at Dereham Waste Water Treatment Works and within the foul sewerage network. A Utilities Statement will be required to support the planning application to demonstrate how capacity will be made available in time to serve the site.

10. Modification 4c Watton

10.1. Watton

10.2. Proposed amendment to Watton supporting text:

Used water from properties in Watton feeds into Watton Waste water Treatment Works (WwTW). The growth proposed in the Watton WwTW catchment is given an Amber status on the basis that some upgrades are required, but are within the limit of conventional treatment. Upon application of the revised discharge permit, AWS should determine potential impact of the additional discharge on flood risk.

10.3. Policy clause (to be included in all proposed housing allocation policies in Watton)

Development proposals in Watton should have regard to the findings of the Water Cycle Study which indicates potential capacity limitations at Watton Waste Water Treatment Works and within the foul sewerage network. A Utilities Statement will be required to support the planning application to demonstrate how capacity will be made available in time to serve the site.

11. Modification 4d Garboldisham

11.1. Supporting text

Used water from properties in Garboldisham feeds into Elm Grove Waste water Treatment Works (WwTW). The Water Cycle Study (2017) indicates that the WwTW is at capacity and there is no available headroom in the discharge permit. Solutions are readily achievable within the limits of conventional treatment methods and would not present a barrier to growth, nor affect phasing of

development in this location. However due to the acute issue with capacity identified in the Water Cycle Study, it is recommended a Utilities Statement is submitted to support the planning application.

11.2. Policy clause (Garboldisham Housing Allocation 1)

Development proposals in Garboldisham should have regard to the findings of the Water Cycle Study which indicates potential capacity limitations at Garboldisham Waste Water Treatment Works and within the foul sewerage network. A Utilities Statement will be required to support the planning application to demonstrate how capacity will be made available in time to serve the site.

12. Modification 5 – applicable to site allocation policies subject to Amber RAG status relating to capacity in the foul sewerage network in the Councils Water Cycle Study

12.1. *Background* - As detailed in the Councils Examination note (EX.80) For those settlements where the Water Cycle Study has identified capacity issues with regard to the foul sewerage network, the Council propose main modifications to draw attention to the evidence in the supporting text and policies for those settlements. This applies to all site allocations subject to Amber RAG status relating to capacity in the foul sewerage network in the Councils Water Cycle Study, chapter 5.4, (and currently subject to a policy clause seeking pre-application discussions with Anglian Water). The wording in the Examination note has been amended following consultation with Anglian Water.

12.2. *Reason for modifications* - To ensure proposals have been informed by the findings of the Water Cycle Study. A modification is proposed to remove reference to pre-application enquiries and introduce a clause requiring proposals to be informed by an understanding of capacity issues and how these will be addressed.

12.3. *Proposed modification* – Additional paragraph to be inserted into the supporting text for sites with clauses requiring a pre-application enquiry with Anglian Water Services:

The Councils Water Cycle Study identifies potential capacity limitations with the wastewater network transferring foul sewerage to the Waste Water Treatment Works. Applicants are encouraged to work with Anglian Water Services and the Council to demonstrate sufficient capacity is, or can be made available in the foul sewerage network in time to serve the development. Temporary solutions may be acceptable in the interim, or phasing of the development may be required. If acceptable permanent solutions are not possible, proposals will not be supported.

12.4. Replacement policy text for sites with clauses requiring a pre-application enquiry with Anglian Water Services:

Development proposals should have regard to the findings of the Water Cycle Study which indicates potential issues with the wastewater network capacity. Applications will only be supported where appropriate solutions have been identified.

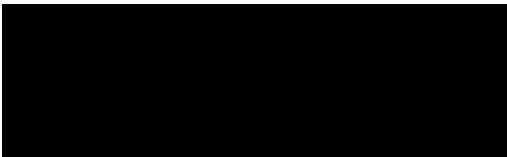
13. Conclusion

13.1. This Statement sets out the areas of agreement between Breckland District Council and Anglian Water with regard to policies: GEN 04 Development Requirements of Attleborough Strategic Urban Extension (SUE), INF 02 Developer Contributions and for site allocation policies subject to identified water recycling infrastructure constraints in the Council's Water Cycle Study. From the Council's perspective, subject to these changes being made as set out in this Statement of Common Ground, Anglian Water Services consider that their soundness objection has been adequately addressed. It is recommended that the Inspector consider proposed modifications to the aforementioned policies to ensure that clarification is provided regarding the policy requirements in relation to the provision of water recycling infrastructure. This supersedes the previous Statement of Common Ground between Breckland District Council and Anglian Water dated March 2018.

14. Declaration

The content of this document is agreed between the undersigned for the purpose of the Breckland Local Plan Examination

Signed on behalf of Breckland District Council:



Phil Mileham
Strategic Planning Manager
Date: 20th August 2018

Signed on behalf of Anglian Water:



Stewart Patience
Spatial Planning Manager
Date: 15th August 2018