

# 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 for the terms and understanding between Breckland District Council and Anglian Water with regard to the policy requirements of four policies in the local plan relating to water infrastructure.
- 1.2. 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.
- 1.3. Anglian Water made a request to the Council to seek resolution with Breckland District Council regarding the issues raised with the four policies. The Council have sought to reach an understanding with Anglian Water over the issues raised, and amendments required in order to address their concerns. This statement represents an agreed position on the policy wording for the aforementioned policies.

### 2. GEN 04 Development Requirements of Attleborough Sustainable Urban Extension (SUE)

#### 2.1. Background

- 2.2. Policy GEN 04 contains a clause seeking a pre-application enquiry with Anglian Water to demonstrate that sufficient capacity is available to transfer wastewater treatment. The policy further states that ongoing discussion between the applicant, the Council and Anglian Water to determine an appropriate, deliverable solution for Wastewater Treatment Work (WwTW) improvements required following the development of 1,800 homes.
- 2.3. This policy clause was developed to reflect the recommendations of the Water Cycle Study (LP/E/5) which identified that there was sufficient capacity at Attleborough WwTW for up to 1,800 homes, after which different solutions must be sought to ensure no detrimental impact on water quality (as this exceeds the existing discharge permit). The Water Cycle Study states the following:

‘Attleborough WwTW has some available flow headroom in its existing discharge permit and can accept growth of approximately 1,800 dwellings (from the 4,000 allocated), after which the volumetric discharge permit will be exceeded. Unless additional headroom can be made available in the catchment after 1,800 dwellings, any growth draining to the WwTW would cause the WwTW to exceed its existing volumetric permit conditions, and by a total volume of 1,003m<sup>3</sup>/d by the end of the plan period’.

- 2.4. The Water Cycle Study is a key piece of evidence used to inform the policy direction and provides information regarding the capacity of Wastewater Treatments Works. The Study was formed in consultation with Anglian Water and the Environment Agency, and therefore is considered a robust piece of evidence to inform policies in the local plan. The Study confirms that the WwTW serving Attleborough will require the implementation of new and improved treatment technologies to ensure that water quality in the receiving river can continue to meet the required legislative targets beyond the initial 1,800 homes, which is currently being tested. There is therefore a workable solution to deliver growth beyond 1,800 homes in Attleborough, as detailed in the Water Cycle Study.
- 2.5. In their representation, Anglian Water (1135889) raised concerns that the policy could be misinterpreted to suggest that any sewage treatment improvements would come forward only once the proposed homes had been constructed. They also state that it is unclear how the reference to 1,800 homes relates to the phasing outlined in the first sentence of the policy.
- 2.6. To provide explanation; the plan seeks to deliver 2,650 dwellings on Attleborough SUE within the plan period (to year 2026) which is based on the number of developers on site, and the estimated build out rate, equating to a maximum of 160 houses per year. The triggers for infrastructure requirements occur at different points along the timeline, but will be addressed in reserved matters applications for different phases of the site, informed by the overarching local plan policies and supporting evidence.
- 2.7. The Council considers that the policy, as currently worded is not unsound. However, the specific reference to the trigger of 1,800 homes within the policy could lead to misinterpretation of the policy, which would cause issues with implementation.

#### **Agreement – GEN 04**

- 2.8. Both parties agree that reference to the trigger of 1,800 houses in the policy is unnecessary for the policy to be effective and may cause confusion over the phasing of development. It is appropriate to reference the findings of the Water Cycle Study in the supporting text for Policy GEN 04 to provide context for the policy requirement. The policy is further supported by the Council’s Infrastructure Delivery Plan which clarifies the infrastructure requirements and phasing for the SUE. The policy should retain references to ongoing discussions between Anglian Water, Breckland District Council and the developer to determine an

appropriate, deliverable solution to the WWTW. Recommended modifications to the policy are proposed in Section 5 of this statement.

### **3. INF 02 Developer Contributions**

#### **3.1. Background**

3.2. Anglian Water have expressed concern with the proposed wording for policy INF 02 stating that 'no reference is made to the phasing of development to ensure its aligned with the necessary infrastructure including that provided by Anglian Water'. They suggest modifications to the policy wording to address this concern.

3.3. The Council considers that Policy INF 02 does make reference to phasing in policy clause 8. Policy INF 02 Developer Contributions states:

'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);

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'...

3.4. The Council considers that whilst the policy is not unsound, small modifications could be made to clause 8 which clarify the reference to phasing and delivery, which would satisfy Anglian Water's concerns.

#### **Agreement – INF 02**

3.5. Both parties agree that further clarification could be provided in policy INF 02 with regard to the available mechanisms for the phasing of development in line with infrastructure provision. Recommended modifications to the policy are proposed in Section 5 of this statement.

### **4. Bawdeswell Housing Allocation 1**

4.1. The Water Cycle Study identifies that improvements to the foul sewerage network are required to serve proposed development in Bawdeswell. This was acknowledged in the paragraph 3.2.17 of the supporting text for policy Bawdeswell Housing Allocation 1, but was not written into the policy itself. The Council accepts the wording would be strengthened if included in the policy itself.

4.2. Anglian Water requested that such a clause is included in policy Bawdeswell Housing Allocation 1 in their representation, to ensure the necessary infrastructure will be secured to serve the development.

### **Agreement - Bawdeswell Housing Allocation 1**

- 4.3. The requirement for the developer to undertake a pre-application enquiry with Anglian Water with regard to improvements to the wastewater network, written in paragraph 3.2.17 of the supporting text for policy Bawdeswell Housing Allocation 1, would be strengthened if included as a clause within the policy. Recommended modifications to the policy are proposed in Section 5 of this statement.

### **5. Harling Housing Allocation 1**

- 5.1. The Policy for Harling seeks a pre-application discussion with Anglian Water to demonstrate that sufficient capacity within the wastewater network, otherwise financial contributions may be sought. The policy or supporting text does not make reference to the pumping station in the ownership of Anglian Water. In their representation, Anglian Water have stated there is a need to consider the potential for nuisance by ensuring that development is located a minimum of 15m from the pumping station.
- 5.2. Anglian Water have subsequently provided a map of the pumping station. The location of the sewage pumping station has been reviewed with the proposed allocation. It is considered that the requirement for a minimum of a 15 metres away from the curtilage of the nearest dwelling around the pumping station, would not compromise the ability to deliver the proposed 85 dwellings on the site. The Council therefore considers the policy would be strengthened if clarity was provided over the restrictions with regards to the pumping station.

### **Agreement – Harling Housing Allocation 1**

- 5.3. The restrictions regarding development within 15m of a sewage pumping station are recommended to be included as a policy clause in Harling Housing Allocation 1 to ensure the landowner takes into account the restriction when forming the layout of the site.

### **6. Paragraph 8.1**

- 6.1. Anglian Water made a comment on Paragraph 8.1, however following discussion with Anglian Water, it has been clarified that this point refers to Paragraph 8.11 of the supporting text for policy INF 02.
- 6.2. Anglian Water seek to remove reference to utilities from the list of potential developer contributions set out in Para 8.1 of the Local Plan, because developers contribute directly to Anglian Water via the provisions set out in the Water Industry Act 1991. Whilst the Council is not seeking to dispute this point, the Council consider that a modification is not required for two reasons:
- the definition of utilities may be wider than just water infrastructure and could include electricity, gas, broadband and telephone provision;

- the sentence is merely stating the types of infrastructure for which developer contributions may be sought. It is not intended to be interpreted that these contributions will be kept by the Council, for example, the list also contains police and fire service provision, services which are also not the responsibility of the Council and for which developer contributions would not be kept.

**Agreement – Paragraph 8.11 (supporting text for policy INF 02)**

- 6.3. Both parties have an understanding of the requirements regarding developer contributions as set out in the Water Industry Act 1991. In this instance, a modification is not required to clarify the supporting text.

**7. Recommended modifications**

- 7.1. The following modifications to policy GEN 04, INF 02, Bawdeswell Housing Allocation 1 and Harling Housing Allocation 1 are recommended for consideration by Anglian Water and Breckland District Council:

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

*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.

*Proposed modification* –

Policy GEN 4, under Development requirements of Attleborough SUE, delete wording in the 9<sup>th</sup> paragraph and replace with the following text:

A pre-application enquiry with Anglian Water Services is required for this site in accordance with the Water Cycle Study to demonstrate that sufficient capacity is available to transfer wastewater for treatment. 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.

**Modification 2 INF 02 Developer Contributions**

*Reason for modification* – To provide clarification that phasing of development should align with the provision of infrastructure.

*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 obligation may be used to secure the phasing arrangement. Commuted payments will be sought to secure the necessary future maintenance of infrastructure.

### **Modification 3 Bawdeswell Housing Allocation 1**

*Reason for modification* – to ensure the necessary improvements to water infrastructure will be secured to serve the development.

*Proposed modification* -

Insert a new clause (4) to Policy Bawdeswell Housing Allocation 1

4. A pre-application enquiry with Anglian Water Services is required for this site in accordance with the Water Cycle Study to demonstrate that sufficient capacity is available to transfer for treatment. Where insufficient capacity within the wastewater network is identified, financial contributions may be sought.

### **Modification 4 Harling Housing Allocation 1**

*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.

*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.

## **8. Conclusion**

8.1. 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 Bawdeswell Housing Allocation 1. 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 infrastructure.

**9. 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:

Signed on behalf of Anglian Water:

Phil Mileham  
Strategic Planning Manager  
Date: 5<sup>th</sup> March 2018

Stewart Patience  
Spatial Planning Manager  
Date: 12<sup>th</sup> March 2018