

Statement of Common Ground between Braintree District Council, Colchester Borough Council, Tendring District Council, the Environment Agency and Anglian Water Services

Introduction

December 2019

1. This Statement of Common Ground has been prepared as an addendum to the Statement of Common Ground between Braintree District Council, Colchester Borough Council and Tendring District Council [the North Essex Authorities (NEAs)] and the Environment Agency (SCG/003) and the Statement of Common Ground between the Braintree District Council, Colchester Borough Council and Tendring District Council [the North Essex Authorities (NEAs)] and Anglian Water Services (SCG/002).
2. The purpose of this Statement of Common Ground is to set out the areas of agreement between the NEAs, Environment Agency (EA) and Anglian Water Services (AWS) in relation to water issues. It should be read alongside SCG/002 and SCG/003. The basis for this Statement and agreement arises from the representations submitted by the EA and AWS to the Suggested Amendments to the Publication Draft Braintree, Colchester & Tendring Local Plans: Section One - July 2019.

General matters

3. There are policy safeguards in the Local Plan, including the proposed amendments below, to ensure that the NEAs will work with relevant providers to ensure that there is sufficient capacity in the water supply and waste water systems to ensure the scale and timing of new development and provide improvements, where necessary, to address the risk adverse impacts on the water environment.
4. A Stage 1 Integrated Water Management Strategy (IWMS) was prepared to identify sustainable solutions for water supply, waste water treatments and flood risk management for the proposed garden communities. Stage 1 of the IWMS (EB/015) identified feasible and deliverable strategic options for water supply and wastewater treatment that could be delivered to serve the proposed growth. These options will be further explored in stage 2 of the IWMS. Stage 2 will assess each of the garden communities in more detail, and identify and determine site specific water management measures which can serve to minimise demand for water and set out how surface water and flood risk can be managed on site in an integrated way. The EA, AWS and Affinity Water are key stakeholders in the IWMS.

Proposed modifications

5. Modifications were agreed between the three parties in SCG/002 and SCG/003. All parties continue to agree that these modifications are necessary. The following further modifications are proposed and address all of the representations made by the EA and AWS in their representations to the Suggested Amendments to the Publication Draft Braintree, Colchester & Tendring Local Plans: Section One - July 2019.
6. There are no areas of disagreement between the parties.

Representation reference & organisation	Modification reference	Local Plan Policy/ paragraph (Modification reference)	Summary of the representation	NEAs agreed response with EA and AWS
AM140 EA	7	Paragraph 1.26 (Mod A & B)	<p>To emphasise the negative impacts developments, business or housing, can have on the local and wider flora, fauna and habitats, it should say 'conservation and enhancement of the natural and historic environment, including landscape and habitat creation.' Habitats are often segmented once construction begins and even with enhancements to existing onsite habitats, the habitat quality cannot be matched and therefore often would be net biodiversity gain to create new habitat elsewhere of the same habitat type.</p> <p>Where it says '...and will also seek net environmental gains where possible', the 'where possible' should be taken out and replaced with 'and 'make use of the Defra biodiversity accounting metric 2.0 to account for possible effects'.</p>	<p>"...continues to conserve and where possible enhance the historic and natural environment, including landscape and habitat creation, and will also seek net environmental gains, possibly making use of the Defra biodiversity accounting metric 2.0 to account for possible effects where possible."</p>

AM90 AWS	25	Para 6.1 (SP5)	We note that changes have been made to paragraph 6.1 of the supporting text to include explicit reference to water supply and wastewater infrastructure which is supported. However the text should refer to wastewater systems and treatment for consistency with Policy SP5 as amended.	“Section 1 of the Local Plan highlights strategic and cross-boundary infrastructure, identifying the strategic transport infrastructure projects required to underpin delivery of the planned growth in the area including the proposed Garden Communities, and sets priorities for other infrastructure requirements such as education, healthcare, digital connectivity, water supply and wastewater infrastructure and treatment. ”
AM130 EA AM91 AWS	56	Para 6.24, which supports new Section E Water Supply and Wastewater and in SP5	EA: The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and other infrastructure providers to ensure sufficient capacity and provision of adequate water supply and waste water management facilities to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change and pressures from continuing growth and development. Water provisions need to be protected and it is essential for adequate water infrastructure to be in place to accommodate the demands of growth and development and ensure that there is no breach of existing environmental legislation, notably WFD and the Habitats Directive. Garden Communities have the opportunity to minimise demand and wastewater	“The authorities will need to work with Anglian Water, Affinity Water, Environment Agency and developers other infrastructure providers to ensure sufficient capacity and provision of an adequate water supply and foul drainage and wastewater treatment waste water management facilities to support growing communities as outlined in the Integrated Water Management Strategy and Infrastructure Delivery Plan. This will be particularly important as water supplies continue to be threatened by climate change and pressures from continuing growth and development. Water provisions need to be protected and it is essential for adequate water and wastewater infrastructure to be in place to accommodate the demands of growth and development in accordance with the Water Framework Directive and the Habitats Directive. Garden Communities have the opportunity to minimise demand and

			<p>generation, through exploring opportunities at both the strategic and local level.</p> <p>AWS: We note that a new paragraph has been added to the supporting text to add reference to North Essex Authorities working with water and sewerage companies and Environment Agency to ensure sufficient water supply and wastewater management facilities are provided.</p> <p>Reference is made to 'other infrastructure providers' it is not made clear which organisations are being referred to in this context. We would therefore suggest the text refer to developers rather than 'other infrastructure providers'. Also for clarity it would be helpful if the text foul drainage and wastewater treatment as developments sites would be expected to connect to the public sewerage network.</p>	<p>wastewater generation, through exploring opportunities at both the strategic and local level.”</p>
AM131 EA AM92 AWS	62	SP5 – new section E. Wastewater	<p>EA: This section should be reworded to ensure that no breach of environmental legislation and protect water capacity.</p> <p>The authorities will work with relevant providers to ensure that there is sufficient capacity in the water management and waste water systems to accommodate new development and provide improvements where necessary to water infrastructure, waste water treatment and off-site drainage ahead of the occupation of dwellings. This will ensure there is no breach</p>	<p>“The authorities will work with relevant providers to ensure that there is resilient sufficient capacity in the water supply and management and waste water infrastructure systems to respond to new development. and provide improvements Where necessary, improvements to water infrastructure, and waste water treatment and off-site drainage should be made improvements ahead of the occupation of dwellings in accordance with environmental legislation.</p>

			<p>of environmental legislation and reduce the risk of adverse impacts on the water environment.</p> <p>AWS: We note that an additional paragraph has been added to the text of Policy SP5 of the submitted Local Plan to refer to the North Essex Authorities working with water and sewerage undertakers for the area which is supported.</p>	
AM142, AM147, EA	64	Para 7.3	<p>Where it says ‘Incorporate biodiversity creation...’ the following should be added to the end ‘to ensure net gain.’</p> <p>Addition of - including the use of the defra biodiversity accounting metric 2.0 to accurately assess habitat impacts.</p>	<p>“Incorporate biodiversity creation and enhancement measures to ensure net gain”</p> <p>Amend paragraph 7.3 as follows: Strategic scale and more local green infrastructure can make a vital contribution to quality of place, biodiversity and health outcomes if properly integrated into the design and delivery of new development. The Defra biodiversity accounting metric 2.0, or future iterations of this, can be used to accurately assess habitat impacts;”</p>
AM142 EA	65	SP6 (Mod G)	<p>Where it says ‘Provide an integrated and connected network of public open space...’ it should say ‘Provide an integrated and connected network of biodiverse public open space...’. As mentioned in the subsequent text in the policy, alleviating pressure on designated sites is key in respect to all new development. Even if designated sites are not in the immediate vicinity</p>	<p>“Provide an integrated and connected network of biodiverse public open space...”</p>

			of a development, increases in local population have a domino effect on the local natural infrastructure.	
AM147 EA	65	SP6 (Mod H)	We support the addition of the words ‘including the use of open space to provide sustainable drainage solutions...’. We would add that it should further this even more by reading along the lines of ‘including the use of open space to provide green sustainable drainage solutions - flora and fauna rich solutions. Sustainable Drainage Systems (SuDS) are abundant opportunities to introduce wildflower strips and soft landscaping to a development or urban area. This not only brings an attractive feature to the area for people but acts as a wildlife corridor, connecting the rivers, ditches, hedges, verges and gardens, allowing movement of wildlife through an area, connecting to the wider environment and therefore greatly enhancing the biodiversity value of the site.	<p>“... including the use of open space to provide flora and fauna rich sustainable drainage solutions”</p> <p>Add the following to the end of paragraph 7.3 (please note the proposed addition to paragraph 7.3 in response to the EA reps reference AM142, AM147):</p> <p>“Sustainable Drainage Systems (SuDS) provide abundant opportunities to introduce wildflower strips and soft landscaping to a development or urban area. This not only brings an attractive feature to the area for people but acts as a wildlife corridor, connecting the rivers, ditches, hedges, verges and gardens, allowing movement of wildlife through an area, connecting to the wider environment and therefore greatly enhancing the biodiversity value of the site.”</p> <p>This modification is not necessary for soundness, however it provides further explanation of the multiple benefits of SuDS.</p>
AM132 EA AM94, AM95, AM96, AM98 AWS	75	Criterion (iv) of policy SP7, F17 of SP8 and F18 of policy SP9	EA: Sequencing of development and infrastructure provision (both on-site and off-site) to ensure that the latter is provided ahead of or in tandem with the development it supports to address the impacts of the new garden communities, meet the needs of residents and	<p>“To ensure new development does not have an adverse effect on any European Protected or nationally important sites and complies with environmental legislation (notably the Water Framework Directive and the Habitats Directive), the required waste water</p>

		<p>and F18 of SP10</p>	<p>establish sustainable travel patterns. To ensure new development does not have an adverse effect on any European Protected sites or contribute to a breach of important environmental legislation (notably Water Framework Directive & Habitats Directive), the required waste water infrastructure and treatment capacity must be available including any associated sewer connections ahead of the occupation of dwellings.</p> <p>This paragraph is repeated in Section F “Other requirements” in points 17 and 18. We suggest the amended wording to be added to all sections containing this paragraph.</p> <p>AWS: Point 17 - Agree with proposed modifications to the first and second sentence of point 17 which is consistent with the agreed Statement of Common Ground with Anglian Water (document SCG/002). This modification would address our previous comments relating to the wording of Policy SP8.</p> <p>Point 18 - We note that the policy SP10 as modified refers to adequate wastewater infrastructure capacity and connections to the public sewerage network being provided in advance of planning permission being granted for West of Braintree Garden Community. The reasoning given for this modification is to take a precautionary approach to ensure that Natura 2000 sites are not adversely affected due</p>	<p>treatment capacity must be available ahead of the occupation of dwellingsin advance of planning consent.”</p>
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			<p>to a deterioration of water quality arising from the proposed garden communities.</p> <p>Anglian Water is supportive of the objective of the modification to avoid a deterioration of the water quality particularly in relation to internationally designated sites. However we consider the proposed modification is ineffective in that it is inconsistent with Anglian Water's Business Planning process and the provisions of the Water Industry Act 1991.</p> <p>Sewerage companies including Anglian Water have a statutory obligation to ensure that sufficient sewage treatment capacity is made available for sites with the benefit of planning permission.</p> <p>Any investment which is required at existing Water Recycling Centres is funded from customer bills as part our business planning process. As such developer changes are not sought by Anglian Water for this purpose.</p> <p>As drafted the policy would require investment to be made to at the receiving Water Recycling Centre in advance of planning permission being granted. However the timing of any investment is dependant upon the certainty of when development will come forward.</p> <p>Similarly developers would apply directly to Anglian Water as sewerage undertaker to connect to the public sewerage network in accordance with the provisions of the Water Industry Act 1991 rather than as part of a planning application to the relevant North Essex</p>	
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			<p>Authorities. Applications to Anglian Water can be made at any time and are not required to be made in advance of planning permission being granted.. As such we unable to specify when an application is made to Anglian Water to connect to the public sewerage network. For this reasons the wording as proposed is ineffective. It is therefore proposed that Policy SP10 is amended to make this clear and ensure the policy is effective. It is therefore proposed that point 18 of Policy SP10 is amended as follows:</p> <p>18. Provision, management and on-going maintenance of sustainable surface water drainage measures to manage and mitigate the risk of flooding on site and which will reduce the risk of flooding to areas downstream or upstream of the development; To ensure new development does not have an adverse effect on any European Protected sites, the required waste water treatment capacity must be available including any associated sewer connections in advance of planning consent in time to serve the development</p>	
AM137 EA	84	Policy SP8, Para F.17 and SP9, Para F.18 Policy SP10 Para F.17	The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Taking a strategic approach to Flood Risk through the use of Strategic	“The delivery of smart, innovative and sustainable water efficiency/re-use solutions that fosters climate resilience and a 21st century approach towards water supply, water and waste water treatment and flood risk management. Taking a strategic approach to Flood Risk through the use of Strategic

			Flood Risk Assessments and the updated Climate Projections 2019 and identifying opportunities for Natural Flood Risk Management.	Flood Risk Assessments and the updated Climate Projections 2019 and identifying opportunities for Natural Flood Risk Management.”
AM93 AWS	-	Policy SP6 – 10 th bullet point	Mod H: Anglian Water is generally supportive of Policy SP6 of the submitted Local Plan. We note that a modification is proposed made to Policy SP6 of the submitted Section 1 North Essex Local Plan to refer to use of open spaces to provide sustainable drainage solutions which is supported. Please note that Anglian Water had sought changes to the 10th bullet point to include reference to water infrastructure as agreed with North Essex Authorities (document SCG/002) which are not included in the Proposed Changes consultation.	“Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater infrastructure and flood mitigation measures”.

Agreed by

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