

Position Statement

Between

The Environment Agency (EA)

and

Uttlesford District Council (UDC)

In respect of the UDC Local Plan Regulation 19 submission version June 2018 ('the Local Plan')

Background

The UDC Local Plan makes provision, as part of its proposed housing growth, for three new garden communities within the District. Policy SP5 in the Local Plan – this is an overarching policy that sets out principles for the delivery of the garden communities and requires, among other things, that 'Phasing, infrastructure and delivery plans will form part of the development framework...'.

Policies SP6, SP7 and SP8 are concerned with specific requirements for the proposed garden communities at Easton Park, North Uttlesford and West of Braintree respectively. Each of these three policies includes a similarly worded point 7 which requires: 'Enhancements to the water recycling centre at [Easton Park, North Uttlesford and West of Braintree respectively], new connections, network upgrades and reinforcements to the sewerage network. It is acknowledged that UDC carried out a high-level Water Cycle Study for the local plan in January 2017. However, while point 7 provides in each policy for enhancements to the water recycling centres, such provision had not been subject to detailed assessment in the earlier Water Cycle Study.

Local planning authorities must, [in exercising their functions](#), have regard to the [river basin management plans](#) that implement the Water Framework Directive. The proposed garden communities are likely to give rise to additional discharges to water bodies within the scope of the regulatory objectives of the Water Framework Directive which amongst other objectives, obliges all public bodies to ensure that their activities do not cause deterioration in the waterbody WFD status. It is acknowledged that there may be different methods to enable compliance with this obligation. Accordingly, as outlined further on, there is a requirement to carry out an assessment so as to ensure no potential breach will occur under this environmental legislation.

Furthermore, UDC's District falls within the waste water infrastructure apparatus of separate water companies, namely Thames Water and Anglian Water. Thames Water is not in an immediate position of being able to carry out the necessary detailed investigatory work, including modelling, to inform the first part of the detailed

Water Cycle Study which the EA considers should be carried out as discussed below under the heading 'Issue'.

Due to the quantum of growth proposed in the Thames Water served part of the District, and the available capacity of the receiving water recycling centres, Thames Water is required to complete a comprehensive analysis of the various options available to them to accommodate the new development. This would consider:

- Land availability for additional treatment assets at three sites.
- Potential effluent discharge consent limits under a series of scenarios that are acceptable to the Environment Agency.
- Available technology to achieve the expected standard
- Reconfiguration of the existing sewer network to transfer the flows from the development sites to the most appropriate treatment site.

Thames Water expects to complete its work for the second part of the detailed WCS before submission of the plan to the Secretary of State.

Summary

The EA and UDC recognise the importance of a detailed Water Cycle Study forming part of the evidence base that underpins the Local Plan being found sound in line with paragraph 182 of the National Planning Policy Framework. Both parties to this Position Statement are working closely together to achieve this outcome and to support delivery of the detailed WCS which commenced in September 2017. With this in mind there is a reasonable expectation that deliverable solutions can be found, through the water cycle study work, to the issues raised by the EA in their letter dated 8 September 2017, and subject to a viable option being identified, the Local Plan can thus be supported by the EA.

Issue

The EA in its comments on the Local Plan consultation suggested that further detailed Water Cycle Study (WCS) assessments be completed in order to properly assess the potential impact of the proposed garden communities on the environment at all locations. Such WCS assessment work would ensure that UDC met (1) the requirements of paragraph 162 of the National Planning Policy Framework and (2) confirm that the provision of wastewater infrastructure for the garden communities would not result in a breach of environmental legislation in respect of the water environment. The locations for the garden communities are newly identified and no previous studies/assessments have been specifically carried out in relation to them. As these are very large development sites the risk of environmental damage to rivers could be significant. It is acknowledged however, that completing the first part of the detailed WCS adds greater certainty to the process.

Action

UDC has engaged constructively with the EA and other relevant partners to undertake a detailed WCS. A detailed WCS project programme has been devised by consultant Arcadis to reflect the different complexities of catchments within the Thames and Anglian Water Areas. The detailed WCS is therefore being progressed in the format of a two part approach for the purposes of assessing the provision of waste water infrastructure for the proposed garden communities. The first part considers the Anglian Water area in full and the Thames Water area as an interim report. The second part is at the request of Thames Water to allow them, in line with their projected financial resources, to perform detailed modelling of the options in their area in order to identify a deliverable wastewater solution. The second part of the WCS therefore covers the Thames Water area in more detail, modelling different options for the delivery of waste water infrastructure requirements for the Easton Park Garden Community.

Specific actions required are:

- (1) The first part of the detailed study will be completed by the end of April or the date of submission of the UDC Local Plan to the Secretary of State, including the identification of initial options by Thames Water; A draft document will be made available to EA on the 19 March
- (2) Part 2 of the WCS must be completed before commencement of the Examination in Public of the UDC Local Plan [submission version]; and
- (3) Thames Water has confirmed they expect to identify a viable option for serving the waste water infrastructure requirements for the Easton Park Garden Community in this detailed part 2 WCS.

Outcomes

The EA are broadly in agreement for the UDC Local Plan submission consultation document (June 2018) to go through the final public consultation stage prior to completion and sign-off of the full detailed WCS. This is on the basis that (1) The first part of the study will be completed by the date of submission of, the UDC Local Plan to the Secretary of State, including the initial options work of Thames Water: (2) Part 2 of the detailed WCS must be completed before commencement of the Examination in Public of the UDC Local Plan submission version and (3) Thames Water has confirmed they expect to identify a viable option for serving the waste water infrastructure requirements for the Easton Park Garden Community in the detailed part 2 WCS.

The Sustainability Appraisal (SA) accompanying the UDC Local Plan consultation submission version (June 2018) should, be informed by the issues emerging from the first part of the detailed WCS in respect of the appraisal of the three garden communities against SA Objective 2ⁱ in the SA Framework.

Subject to these outcomes the EA will enter into, in accordance with common practice, a statement of common ground with UDC shortly prior to or shortly after submission of the Local Plan.

Uttlesford District Council

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20 June 2018

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8 May 2018

ⁱ SA Objective 2: To conserve and enhance water quality and resources and help achieve the objectives of the Water Framework Directive