



East Cambridgeshire
District Council

East Cambridgeshire Local Plan
Local Plan Examination Stage

Statement of Common Ground between:

East Cambridgeshire District Council &

Anglian Water

In relation to Matters 5, 7, 14 & 15

31 August 2018

1 Introduction

- 1.1 This is a Statement of Common Ground (SoCG) between the following parties:
- East Cambridgeshire District Council ('the Council'); and
 - Anglian Water.
- 1.2 The SoCG has been prepared following engagement between the Council and Anglian Water in light of representations made by Anglian Water, and following publication of the Inspector's Matters, Issues and Questions (Stage 2) (Doc ref ED033).
- 1.3 The Statement sets out the confirmed points of agreement and disagreement between the above parties on matters relating to:
- Matter 5, namely the proposed approach to infrastructure delivery as set out in LP16, and settlement-specific infrastructure and facilities policies;
 - Matter 7, in respect of a proposed Local Green Space designation at Reach (REA.LGS1);
 - Matter 14, specifically policy requirements for a site in Soham (SOH.H10); and
 - Matter 15, regarding policy requirements for a site at Isleham (ISL.H1).
- 1.4 We hope this SoCG will assist the Inspector during the examination of the Plan.

2 Areas of Agreement - Approach to delivery of water-related infrastructure

- 2.1 Policy LP16 sets out the Council's proposed approach to the delivery of infrastructure to support growth. In addition, aspirations for new and improved infrastructure and facilities are set out in policy "2" for each settlement in section 7: Policies for Places.

Providing infrastructure

- 2.2 In principle, Policy LP16 supports the delivery of infrastructure. In its penultimate paragraph, the policy describes some examples of infrastructure types which are necessary to support growth, quality of life or economic prosperity. This includes infrastructure related to "water supply".
- 2.3 The policy makes it clear that the list of infrastructure types is not intended to be exhaustive. However, Anglian Water identifies in its representations that there are other forms of infrastructure, in addition to water supply, which constitute essential infrastructure. For example, all sites will require a local connection to the existing foul sewerage network, which may involve network upgrades. There may also be a need for further investment by Anglian at existing water recycling centres to accommodate additional growth.
- 2.4 The Council notes Anglian Water's concern with the policy as drafted. By referring to infrastructure related to water supply only, may imply that water supply is of greater importance than infrastructure related to waste water, which is not the case (both are equally essential in nature).
- 2.5 Therefore to ensure the policy is justified and effective, it is agreed that reference should be made to foul sewerage network and sewage treatment in Policy LP16. For example, with the penultimate paragraph amended as follows:

Such infrastructure will include, but is not limited to transport, telecommunications, community facilities, energy and water supply-, **foul sewerage and sewage treatment.**

Provision of infrastructure for water supply and treatment

- 2.6 Water and sewerage companies including Anglian Water prepare business plans on a 5 year investment cycle. Customer charges are set following submissions from Anglian Water about what it will cost to deliver the business plan. Anglian Water's business plan for the next Asset Management Plan period (2020 to 2025) is currently being finalised and is expected to be submitted in August 2018 to the regulator, Ofwat.
- 2.7 Through its business plan, Anglian Water is considering the implications of growth outlined in adopted and emerging Local Plans for Anglian Water's existing infrastructure.
- 2.8 To assist Anglian Water in making future investment decisions it is preparing two key long term strategies relating to the provision of water and water recycling infrastructure managed by Anglian Water as follows:
- Water Resource Management Plan (WRMP) for Defra's approval and
 - Water Recycling Long Term Plan (WRLTP).
- 2.9 The WRMP outlines the predicted supply/demand balance by water resource zones and identifies the proposals needed to meet the expected demand for additional water supply from new housing and development more generally. Anglian Water has recently published a Draft WRMP for public consultation which outlines proposals to how Anglian Water will manage the supply/demand balance so that we can continue to meet the needs of its customers.
- 2.10 Anglian Water closely monitors growth in its region and develops investment plans to reduce flow and load from the catchment or provide additional treatment capacity when appropriate.
- 2.11 Anglian Water is currently in the process of finalising a Water Recycling Long Term Plan which will set out a long term strategy to identify the need for further investment by Anglian Water at existing water recycling centres or within foul sewerage catchments to accommodate the anticipated scale and timing of growth in the company area. This document once finalised will be used to inform future business plans including the business plan currently being prepared for 2020 to 2025.
- 2.12 The WRLTP and final WRMP is expected to be published in September of this year with the final business plan being approved by the regulator, Ofwat, in December 2019.
- 2.13 Anglian Water as a water and sewerage company seeks fair contributions through charges directly from developers under the provisions of the Water Industry Act 1991 to supply water and/or drain a site effectively. **As such Anglian Water would not, in most cases, make use of planning obligations or standard charges under Planning Legislation for this purpose.**
- 2.14 The Council commissioned a Water Cycle Study (WCS) to inform the preparation of the Local Plan. The Water Cycle Study report (PE17) was published alongside the Proposed Submission Local Plan (PSLP) in November 2017. An addendum report to the WCS was also published (PE17A)
- 2.15 The WCS identifies constraints in terms of both the water environment and infrastructure capacity. For certain settlements, the WCS identifies a need for

additional infrastructure investment and potential solutions to overcome constraints and/or mitigate against adverse impacts.

- 2.16 Informed by this updated evidence, the Local Plan sets out infrastructure requirements identified by the WCS within its 'local' infrastructure policies (settlement policy "2", Section 7: Policies for Places).
- 2.17 In its representations, Anglian Water raised concerns that by identifying such infrastructure requirements in planning policies may imply that developers will be required to deliver such infrastructure as part of their development proposals. In general, such infrastructure (for example, water recycling centre upgrades) where required to provide for additional growth are wholly funded by Anglian Water through its Asset Management Plan, and therefore planning obligations would not be sought.
- 2.18 To ensure that the policy is positively prepared, justified and effective, the following policy requirements should be omitted:

Policy Bottisham 2

~~a. upgrade of sewage treatment facilities~~

Policy Ely 2

~~e. upgrade to sewage treatment facilities~~

Policy Isleham 2

~~'d. Potential upgrade to wastewater treatment works'~~

3 Areas of Agreement - Draft Site Allocations ISL.H1 & SOH.H10

- 3.1 The Local Plan identifies site allocations for the development of housing, employment and other uses.
- 3.2 In its representations, Anglian Water raised concerns regarding the effectiveness of policy *Isleham 3: Allocation Sites*, regarding policy requirements for *Site ISL.H1: Land south and west of Lady Frances Court*.
- 3.3 The policy makes reference to the site being located in Environment Agency Source Protection Zone 1 (SPZ1) for an Anglian Water public water supply source.
- 3.4 SPZ1s are designated to inform the planning process as to where constraints and measures would be required to provide the highest level of protection to groundwater quality. It is essential to protect the public water supply sources from contamination from any activities that might cause pollution.
- 3.5 As presently drafted, the policy includes a requirement to "ensure no adverse effect on groundwater...". However, this requires amendment to provide further clarity and ensure the policy is effective. It is therefore suggested by both parties that Policy Isleham 3 be amended as follows:

Ensure no adverse effect on groundwater (with part of the site falling within Inner Zone 1 Groundwater Source Protection Zone); **having identified any potential impacts and followed the Environment Agency's Groundwater Protection Guidance;**

- 3.6 In addition, Anglian Water raised concerns regarding the effectiveness of policy *Soham3: Allocation Sites*, namely in regards to site *SOH.H10: Land off Kingfisher Drive*.

- 3.7 As presently drafted, the policy includes a requirement for “an odour mitigation scheme to be agreed with Anglian Water” due to the site’s proximity to Soham Water Recycling Centre.
- 3.8 Water Recycling Centres may impact on residential amenity as a result of noise, lighting and traffic movements, but most prevalently, odour generated by the treatment of sewerage.
- 3.9 Anglian Water is concerned that it may be necessary to impose additional constraints on the operation of its assets, to ensure development provides satisfactory amenity for residents.
- 3.10 In some circumstances, mitigation is not always practicable. The following policy requirement should, it is agreed, therefore be removed:
- ~~An odour mitigation scheme agreed with Anglian Water;~~
- 3.11 To ensure the policy is effective, it requires further amendment to ensure that planning permission should only be granted where it has been demonstrated that the proposed development would not be adversely affected by the normal operation of Anglian Water’s operational assets.
- 3.12 It is therefore agreed and suggested that Policy Soham 3 should be amended as follows:
- ~~Extensive buffer/landscaping scheme to the north and west, the extent of which must be prepared in consultation with Anglian Water;~~
 - **Demonstrate that the amenity of future residents and ongoing operation of Soham Water Recycling Centre will not be compromised. This will require the provision of mitigation measures, such as an extensive buffer and landscaping, agreed through consultation with Anglian Water;**

4 The Areas of Disagreement – Local Green Space REA.LGS1

- 4.1 The Local Plan proposed the designation of land at The Hythe, Reach as a Local Green Space through policy *Reach3: Allocation Sites*.
- 4.2 The proposed local green space includes Reach Water Recycling Centre within its boundary, which is in the ownership of Anglian Water.
- 4.3 *Policy LP29: Conserving Local Green Spaces* states that land designated as local green spaces will be protected in line with the NPPF, which gives local green spaces the same status as Green Belt land. The National Policy Statement for Waste Management states that waste management development is considered to be inappropriate development in the Green Belt.
- 4.4 Anglian Water considers it to be unclear whether it can lawfully undertake development relating to the continued operation of Reach Water Recycling Centre, where this would require planning permission. Anglian Water has requested that Reach Water Recycling Centre is removed from the proposed local green space designation.
- 4.5 The Council believes the local green space designation to be appropriate. The site was assessed against the Local Green Space criteria set out in national policy. The findings of this assessment are presented in the Local Green Spaces Assessment Report (PE15).

- 4.6 The Council considers it undesirable to omit Reach Water Recycling Centre from the local green space boundary. Doing so would leave a ‘hole’ in the local green space designation, resulting in an illogical boundary.
- 4.7 To address Anglian Water’s concerns, and ensure the policy is effective, the Council proposes the following amendment to the site specific policy requirement relating to REA.LGS1 (Reach 3):

See Policy LP29, though, in principle, development proposals which relate to, and are necessary for, the continued operation of Reach Water Recycling Centre will exceptionally be permitted.

- 4.8 The Council considers that the suggested modification is sufficient to ensure that continued operations, including future development, of Reach Water Recycling Centre will not be prejudiced by the local green space designation.
- 4.9 The Council has provided Anglian Water with the suggested modification for its consideration. At present Anglian Water remain concerned that, despite the suggested modification, the local green space designation may result in future development relating to the operation of Reach Water Recycling Centre being inconsistent with the NPPF. Anglian Water therefore continue to request that Reach Water Recycling Centre be omitted from the Local Green Space.

5 Conclusion / Any Suggested Modification

- 5.1 The signatories to this SoCG confirm support for the following suggested modifications, and (subject to any public consultation on them) would welcome the Inspector recommending such Modifications in due course:

Policy	Suggested modification
LP16	Such infrastructure will include, but is not limited to transport, telecommunications, community facilities, energy and water supply-, <u>foul sewerage and sewage treatment.</u>
Bottisham 2	b. upgrade of sewage treatment facilities
Ely 2	e. upgrade to sewage treatment facilities
Isleham 2	d. Potential upgrade to wastewater treatment works
Isleham 3	Ensure no adverse effect on groundwater (with part of the site falling within Inner Zone 1 Groundwater Source Protection Zone); <u>having identified any potential impacts and followed the Environment Agency’s Groundwater Protection Guidance;</u>
Soham 3	• Extensive buffer/landscaping scheme to the north and west, the extent of which must be prepared in consultation with Anglian Water;

	<ul style="list-style-type: none"> • <u>Demonstrate that the amenity of future residents and ongoing operation of Soham Water Recycling Centre will not be compromised. This will require the provision of mitigation measures, such as an extensive buffer and landscaping, agreed through consultation with Anglian Water;</u> • An odour mitigation scheme agreed with Anglian Water;
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5.2 In addition, the Council requests (but Anglian Water does not support such a request) that the Inspector considers the following modification to Policy Reach 3:

See Policy **LP29, though, in principle, development proposals which relate to, and are necessary for, the continued operation of Reach Water Recycling Centre will exceptionally be permitted.**

6 Agreement

Agreement on behalf of East Cambridgeshire District Council	
Name and position	Date
<i>Richard Kay, Strategic Planning Manager</i>	<i>31/08/2018</i>
Agreement on behalf of Anglian Water	
Name and position	Date
<i>Allan Simpson, Strategic Growth Manager</i>	<i>31/08/2018</i>