

## 10. Implementation

The primary function of a Water Cycle Strategy is to provide an evidence base to support the planning process and inform the provision of water infrastructure through asset management planning by the service providers. At this stage of the WCS it is not possible to provide detailed information on infrastructure requirements or costs because the proposed development sites are yet to be determined. The detailed phase 2 WCS will aim to provide further details on the infrastructure requirements and timescale for their provision in relation to the development sites. This will identify key dates for the provision of water infrastructure in relation to the trajectory of housing growth to inform the planning process and also feed into Anglian Water's asset management programme to ensure timely and phased provision of infrastructure. It will also support the process of securing sufficient developer contributions toward the provision of infrastructure.

Implementation of the recommendations of the WCS is dependent on local authority policy and leadership. This may take the form of:

- Promotion of aims of the WCS through the Core Strategy;
- Guidance on planning through development of Supplementary Planning Documents;
- Development of provisions in Area Action Plans;
- Council advice and guidance notes for developers. This may take the form of a developer's checklist that will aim to ensure that developers follow all the necessary steps to minimise the impact of developments on the water environment. Adoption of this approach will help ensure that the Environment Agency does not object to development in relation to water issues. Guidance might also be provided by a local framework for the design of sustainable urban drainage; and
- Continued stakeholder engagement.

### 10.1 Stakeholder engagement

Stakeholder engagement in the WCS to date has been based on the steering group and wider consultation group. Following sign up of the stakeholders to the Outline WCS, it is planned to engage in wider stakeholder engagement through the release of a summary report and leaflet followed by a one day exhibition event organised and staffed by the consultants to report the findings of the study to the public.

Stakeholder engagement will also form an important part of taking forward the recommendations of the WCS and be an important element of the Phase 2 work. This may include release of information through the Council's website, further stakeholder meetings and consultation with developers. In addition to providing local policy, the Council has a key role in providing leadership and communication of the aims of the strategy to the wider stakeholder group, politicians and general public.



## 10.2 Planning Policy

Delivering the necessary supporting water infrastructure is critical to facilitating the envisaged residential and commercial growth of the Borough. Communities require access to water, drainage, flood defences and green infrastructure. According to the Barker Review, shortcomings in the delivery and funding of water infrastructure and services, has delayed the delivery of around 40,000 dwellings in the South East.

Whilst the specific cost of the required water infrastructure will be investigated further in the Phase 2 Water Cycle Study, the funding mechanisms and their policy implications need to be considered further and are outlined below.

### 10.2.1 Community Infrastructure Levy

The Planning Reform Bill (2008) seeks the establishment of the Community Infrastructure Levy (CIL) which will give local authorities the ability to charge developers to help fund new infrastructure provision. The CIL is currently going through Parliament and being amended as a result of the Taylor Review.

CIL will enable local authorities to apply a levy to all new developments (residential and commercial) in their area, subject to a low de minimis threshold. Where appropriate the local planning authority would use a CIL to supplement a negotiated agreement, which may be required for site specific matters, including affordable housing.

The CIL should be based on a costed assessment of the infrastructure requirements arising specifically out of the development considered by the development plan for the area, taking account of land values and potential uplifts. Standard charges would be set, which may vary from area to area and according to the nature of development proposed. The Phase 2 Water Cycle Study would investigate the cost of required infrastructure further, to inform a potential King's Lynn and West Norfolk CIL.

The CIL would break the current planning obligation regime's required link between a contribution and a particular development. However, the Government states that CIL should not be used to remedy pre-existing deficiencies in infrastructure provision, unless these have been, or will in time be, aggravated by new development.

If the levy raised on particular sites is too large (given all the different infrastructure requirements) there is a risk that it could make development of those sites uneconomic, therefore preventing some land from coming forward for development. For example, the value uplift when planning permission is granted may be smaller on certain brownfield sites, in particular those that require substantial remediation.

CIL payments could be collected for the delivery of water infrastructure and for maintenance arrangements of SuDs for example, however, if the Council seeks to use CIL for collecting contribution, analysis of all infrastructure requirements and cost will be required to ensure that an appropriate level of contributions is sought. It should be noted that as a result of the April 2009 budget, the introduction of CIL is to be delayed until April 2010.



## 10.2.2 Planning Obligations/Section 106

Planning obligations are typically undertakings by developers or agreements negotiated between a local planning authority and a developer in the context of granting planning consent. These are underpinned legally by section 106 of the Town and Country Planning Act 1990, and are also known as section 106 agreements. Government policy is that, in the context of planning consent, planning obligations should be used to make development acceptable in planning terms. This could be by securing contributions towards the provision of infrastructure and facilities required by local and national planning policies.

The scope of such agreements is laid out in the government's Circular 05/2005. Matters agreed as part of a S106 must be:

- relevant to planning
- necessary to make the proposed development acceptable in planning terms
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects.

In particular a contribution to the cost of a piece of infrastructure can only be sought if it is necessary to make a development acceptable in planning terms and has a direct relationship to a particular development. A contribution can only be justified on water infrastructure where there is no legal requirement for the statutory undertaker to provide the specific infrastructure. However, if there is a development site that is precluded from coming forward for development due to a lack of water infrastructure and there are no commitments from Anglian Water within their 5 year Asset Management Plan to deliver the required infrastructure. The developer could offer to provide the required infrastructure, through a unilateral agreement with the Council, to ensure that the development can come forward.

## 10.2.3 Regional Infrastructure Fund

A regional infrastructure fund is currently being explored by the East of England Development Agency. Investment and the facilitation of infrastructure is often required to ensure that development comes forward. However, the necessary funds are not always available. The fund could potentially provide upfront funding to pay for infrastructure such as key large scale water infrastructure and the fund replenished from future incomes such as a levy on new developments.

Funding could be sought from the Regional Infrastructure Fund, if the scheme is launched to front load the delivery of water infrastructure in the Borough, to ensure that development is brought forward in line with the Regional Spatial Strategy.



## 10.2.4 The Adoption and delivery of SuDs

The Council may wish to investigate further a specific policy for SuDs in the Core Strategy, currently only a commitment is made to the management of SuDs (see Section for 7.3.5 for further information on SuDs regulations and policy). A potential policy could be:

*All development, including redevelopment, should include appropriate sustainable drainage systems (SuDs) for the disposal of surface water, in order to avoid any increase in flood risk or adverse impact on water quality.*

*For greenfield developments SuDs features shall be required so as to achieve a reduction from the existing runoff rate but must at least, result in no net additional increase in runoff rates.*

*SuDs features should normally be provided on-site. If this cannot be achieved, then more strategic forms of SuDs may be appropriate. In such circumstances, developers will need to contribute toward the costs of provision via Section 106 Agreements or the strategic tariff. In all cases, applicants will need to demonstrate that acceptable management arrangements are funded and in place so that these areas are well maintained in future.*

*SuDs should be sensitively designed and located to promote improved bio-diversity, an enhanced landscape and good quality spaces that improve public amenities in the area.*

The draft Core Strategy states: “Where appropriate, SPD and masterplans will be prepared to provide further guidance on the provision of green infrastructure.” The Council may wish to consider producing a SuDs and Green Infrastructure SPD which provides design guidance for the delivery of SuDs on strategic sites. Such work could be investigated further within Phase 2 of the Water Cycle Study. It is expected that the Floods and Water Management Bill currently going through Parliament will address issues related to the delivery and maintenance of SUDS.

## 10.3 Recommendations for Phase 2

The following elements should be included in the Phase 2 Detailed Water Cycle Study:

1. Review the findings of the Phase 1 WCS in light of any new information available at the time of commencement particularly in relation to the site locations for the proposed housing growth;
2. Develop a strategy for water demand management in the housing developments in consultation with the Borough Council. This strategy will identify a programme of policy development and stakeholder engagement to achieve the agreed objectives for water demand management (this will include the consideration of water neutrality plus available options for achieving high levels of water efficiency in planned development);



3. Identify key infrastructure for the provision of potable water to the housing developments and timescales for provision of these services;
4. Assess options for achieving Water Framework Directive targets in water courses in the Borough, particularly in relation to nutrients, taking into account impacts of housing growth and water management in upstream catchments;
5. Carry out further analysis on the impacts of planned growth at the wastewater treatment works exceeding their current consented DWF and how this may be mitigated by proposed changes to the consents on receiving waters.
6. Carry out further analysis on the impacts of the wastewater treatment works exceeding their current consented DWF and proposed changes to the consents on receiving waters increases in wastewater flow at Downham market sewage works on the Flood Relief Channel;
7. Review output of Anglian Water sewerage modelling on impacts of CSOs;
8. Review Anglian Water investigations on Bathing Water compliance, particularly in relation to Heacham Beach and how housing growth might affect this;
9. Identify key infrastructure for the provision of wastewater services to the housing developments and timescales for provision of these services;
10. Develop a strategy for the development of SuDs and linkages between this and the Green Infrastructure Strategy. This could take the form of a Supplementary Planning Document;
11. Assess local drainage issues at the development sites in collaboration with the Internal Drainage Boards;
12. Assess the sustainability of water infrastructure provision with particular regard to carbon emissions. Sustainability issues should form a key element of the options appraisal process for identify infrastructure solutions;
13. Assess impacts of climate change on water resources, compliance with water quality standards, flooding and water demand management measures taking into account the recent UKCIP 09 output;
14. Provide estimated costs of water infrastructure provision. This information will be used in options appraisal of infrastructure solutions;
15. Develop a programme of stakeholder engagement to ensure implementation of the recommendations of the water cycle strategy. This will include development of planning guidance documents and a detailed developer checklist.

