Water Pollution and Infrastructure Provision

Report of the Head of Planning Policy and Economic Development (Portfolio: Planning)

Recommended:

That the report be noted

SUMMARY:

- The report outlines the roles and responsibilities of different agencies in managing water pollution and infrastructure provision.

1 Introduction

1.1 The water environment of the Borough is highly valued by the community, particularly the chalk streams and rivers, a number of which are designated of local and national ecological importance, as well as being a key factor in the identity of Test Valley.

1.2 The importance of water quality is well recognised by the Council and as such the Overview and Scrutiny Committee has requested a briefing on the issue of 'matters relating to water pollution in regard to infrastructure provision'.

2 Background

2.1 The role and responsibility for water quality and infrastructure provision is complex with multiple agencies responsible for delivery, monitoring and enforcement. The source of impacts on water quality also vary. The Council's role with regard to water pollution is limited, with the main responsibilities falling within the remit of other organisations. Particularly, the regulation of agriculture and wastewater treatment works (WwTW), as the main sources of water pollution are outside the scope of the Council's control. However, to an extent, the issue is relevant to the duties of both Planning and Environmental Health.

2.2 Southern Water is the water company providing both water supply and wastewater treatment services to the majority of Test Valley. Other water companies provide either water supply or wastewater treatment to some smaller areas of the Borough. Some rural parts of Test Valley are not served by mains water supply or mains drainage and therefore use private supplies and/or non-mains drainage provision.

GOVERNMENT

2.3 Defra is responsible for setting the legal and policy framework for England, including the regulatory regime which governs the water industry, advice for farmers, and drinking water quality. Defra is also the lead department for arm's length bodies and regulators.

2.4 The Environment Agency (EA) is the Government's environmental regulatory and implements permitting and licensing regimes for water pollution and water quality, together with inspections and enforcement action. It also leads on the Water Industry National Environment Programme (WINEP).

2.5 Natural England (NE) is the Government's advisor on the natural environment, including the impacts of water dependent habitats, such as nationally and internationally designated nature conservation sites.

2.6 Ofwat (Water Services Regulation Authority) is the economic regulator of the water and sewerage companies, including on the financing and delivery of investment plans, and regulation of customers' bills. They undertake price reviews every five years, taking account of investment under WINEP.

2.7 Government and its arm's length bodies and regulators are working to a number of targets and interventions to improve the quality of the water environment and significantly reduce levels of water pollution. The Environment Act 2021 has set targets for pollution improvements and water quality through 2022 Regulations and the Environment Improvement Plan 2023 (EIP23). These build upon the 2017 Regulations which includes restoring 75% of water bodies to good ecological status.

2.8 New legally binding targets are in place to significantly reduce pollution from farming and wastewater. Targets include a 40% reduction in total nitrogen, total phosphorus and sediment entering the water environment through agricultural diffuse pollution by 2038, with an interim target of 10% by 2028 and 15% in catchments containing protected sites in unfavourable condition due to nutrient pollution. There is also a target for the total load of phosphorus discharged into freshwaters from wastewater discharges by 80% by 2038. EIP23 has set a further interim target of a 50% reduction is phosphorus from wastewater by 2028. These targets are separate and additional to those specifically related to major WwTW in catchments affected by the nutrient neutrality issue (see para.2.26 below).

2.9 Increased monitoring of storm water overflows from 10% in 2015 to over 90% in 2023 has also been implemented, which is expected to be 100% by the end of the year. Additional investment is planned through the Storm Overflow Discharge Reduction Plan and all chalk streams have been designated a priority. Protecting and restoring chalk streams is also a priority under the National Chalk Stream Restoration Strategy 2021.

2.10 Increased regulation and inspection of agricultural pollution and slurry and nutrient management, including additional funding, has also recently been announced.

2.11 The Government is taking an integrated approach across whole catchment areas, underpinned by improvements to how the water system is managed. Key actions include better integration of water and flood planning, giving the EA the power to issue bigger penalties to water and companies when they pollute, and giving Ofwat through the Environment Act 2021 to link water company dividends to environmental performance.

ROLE OF THE COUNCIL

2.12 The role of the Council is concerned with helping to co-ordinate the future provision of sufficient water resources supply and wastewater treatment capacity, including mains supply pipes and sewer infrastructure, for new development through the Local Plan. Evidence is gathered to inform the position with regard to the capacity to accommodate additional development without adverse environmental impacts.

PLANNING

2.13 The Council is currently preparing the next Local Plan covering the period to 2040. As part of this work, the Council is identifying the infrastructure provision required to mitigate the impact of new development. New infrastructure will be provided to support new development which comes forward over the plan period. This will be required to meet the needs of the development. This includes water resources and ensuring that there is a sufficient water supply to new development, along with wastewater infrastructure. Through engagement with Southern Water and relevant evidence base documents (such as the Water Cycle Study, see below), the Council gathers a picture of the infrastructure needs of the Borough. This understanding of the challenges faced in relation to the delivery of water infrastructure informs our Infrastructure Delivery Plan (IDP).

2.14 The IDP as part of the evidence base is a supporting document which sits alongside the Local Plan. It identifies the infrastructure needs of the Borough covering a range of topics including: highways, education, healthcare facilities and affordable housing. It sets out a picture of the current challenges in providing the infrastructure and identifies where additions or improvements to provision are required.

2.15 The Council has undertaken engagement to inform the next Local Plan, including in preparing the IDP. This has involved meetings with Southern Water to understand more about water capacity and infrastructure needs within the Borough. This discussion includes consideration of the current challenges with provision within the area as a whole, and also site specific infrastructure requirements of potential development site allocations. The Council seeks to maintain and a good working relationship with Southern Water to ensure effective communication and engagement is undertaken. This assist the Council is being able to identify future water infrastructure needs.

2.16 The provision of sufficient capacity and infrastructure for water supply and wastewater treatment is also considered at the development management stage, as relevant to the proposal, in the determination of planning applications for new development. New residential development will be required to mitigate any impacts upon the water quality of protected sites in order to meet the Habitats Regulations enabling permission to be granted. This is often achieved by the use of nutrient credits where the effects of development is mitigated by removal of nutrients elsewhere in the fluvial catchment. More details are included below at para.2.24 to 2.26.

WATER CYCLE STUDY

2.17 The evidence base for the next Local Plan includes the preparation of a Water Cycle Study (WCS) for the Borough, which is currently underway. This will inform the infrastructure and environmental context for future development to 2040, particularly housing. The outputs of the study will also be used as relevant to inform the Council's wider planning functions. It is being prepared in consultation with the Environment Agency, Natural England, Hampshire County Council, Southern Water and other water companies, as relevant.

2.18 The scope of the WCS is to assess the current and future position with regard to water resources and supply, wastewater conveyancing and treatment, water quality and environmental standards. This will inform the distribution and phasing of development as appropriate (particularly residential), as well as infrastructure needs for new development. This is in order to ensure that this can take place within the capacity of water and wastewater infrastructure, and that local needs can be met in a manner which protects, and ideally enhances water quality and the environment.

2.19 The study will identify the environmental capacity available for development growth within environmental standards, and then the implications of planned development growth, taking into account planned and potential improvements to infrastructure, and measures and wider changes in population and water consumption. This is in the context of the potential scale and location of future development. It will be used to inform the spatial distribution of development and the identification of potential site allocations.

2.20 There are a number of plans, studies and strategies which are in place, or are being prepared by local water companies, regulators and other key stakeholders to consider future capacity and environmental constraints. These include: Drainage and Wastewater Management Plans, Water Resources Management Plans, River Basin Management Plans, Water Level Management Plans, and Abstraction Licence Strategies. These will be taken into account including the associated infrastructure upgrades and enhancements and environmental improvements.

2.21 Account will also be taken of protected Special Protection Areas (SPA), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI) and Ramsar site conservation objectives, and the wider issues of biodiversity and climate change as relevant. These national and international nature conservation designations cover the main rivers and coastal and marine waterbodies in and around the Solent.

2.22 The Council also works in partnership neighbouring local authorities and the Partnership for South Hampshire (PfSH) has a Water Quality Working Group (WQWG) set out to consider water supply, wastewater treatment and water quality at a sub-regional issue. Its members include local water companies and Government agencies. The aim to ensure that development needs can be met, without compromising the water environment, and that necessary infrastructure investment is made in line with planned future development. This has included the joint commissioning of Integrated Water Management

Studies, to cover similar issues to the current Water Cycle Study which will update this work Borough-wide to 2040.

2.23 The WQWG also work collectively on addressing the issue of excessive nitrogen on the SPAs and SACs in and around the Solent and excessive phosphates in the River Itchen SAC. The Council also participates in a similar working group for phosphates in the River Avon SAC. Both of these are in the context of achieving nutrient neutral development.

NUTRIENT NEUTRALITY

2.24 Since spring 2019, following advice from Natural England, the Council has been affected by the issue of needing to ensure that new development for residential and overnight accommodation is nutrient neutral (NN) in order to satisfy the Habitats Regulations. In order to achieve nutrient neutrality a development's nutrient budget must be calculated and any residual nutrient load met through off-site mitigation provision to be in place at the point of first occupation. Nutrient budgets will be calculated for each of the allocations in the next Local Plan to ensure that there are nutrient neutral. A number of off-site mitigation solutions are now available on a catchment wide basis for development in Test Valley.

2.25 The Solent region SPAs, SACs and Ramsar was one of the first areas in the country to be affected by this issue at a significant scale for excessive nitrates. This applies to the area of Test Valley which falls within the catchments of the River Test and River Itchen and their tributaries, which then flow into the Solent. A small area around Shipton Bellinger and Cholderton fall within the catchment of the River Avon, which is rather affected by excessive phosphates in the River Avon SAC. For the area of the Borough which drains to Chickenhall WwTW (which discharges into the River Itchen), which covers Valley Park and the Hocombe area of Ampfield, this is also affected by excessive phosphates in the River Itchen (in addition to excessive nitrates in the Solent) for the wastewater only.

2.26 The Levelling-up and Regeneration Act 2023, includes a new duty on water companies to upgrade major WwTW within catchments affected by the NN issue to the highest technical standards or technically achievable limits (TAL) by 1 April 2030 for both nitrates (N) and phosphates (P). Should the Bill receive Royal Asset this year, a list of WwTW to be upgraded should be published in spring 2024. This would significantly reduce the amount of nutrients in wastewater from developments which are served by WwTW currently without a N permit limit, plus some existing N and P limits may be strengthened. However, upgrades are unlikely to apply to WwTW serving a population of less than a 2,000 threshold, although the Secretary of State will have the ability to lower this threshold to 250 for a specific WwTW. However, even after these upgrades, some degree of mitigation will still be required, though how much is required would likely be significantly reduced in its scale per new home. These specific WwTW upgrades are separate and additional to the more general national reduction targets in pollutants (see para.2.8 above).

ENVIRONMENTAL HEALTH

2.27 The Council's Environmental Protection team has a limited and specific role in helping to address concerns about water pollution. They assist residents when water pollution directly affects them, either in terms of amenity impacts and health concerns. They also feed into the planning process, for example to identify, and ensure any necessary remediation of, ground contamination that might cause water pollution and to protect private water supply abstraction sources from impactful new development such as septic tank discharges.

2.28 Where the source of a pollution problem is unclear or there is uncertainty as to overall responsibility the Environmental Protection team often provide advice to both members of the public and responsible bodies. The Environmental Protection team is the most likely area of the Council to be aware of heating oil or sewage leaks at an individual property level, but the regulatory response to these incidents would be from the Environment Agency. This team is also involved with the monitoring of a larger number of groundwater boreholes and wells across the area which provide private water supplies, and this information is shared with the Environment Agency whenever there are concerns around health and or wider pollution impacts.

3 Corporate Objectives and Priorities

3.1 The Council's Corporate Plan 2023-2027 includes a priority of Environment, which includes protecting and enhancing our natural environment, including on biodiversity and the environmental impacts of development.

4 Conclusion

4.1 The importance of preserving the quality of our water courses is of recognised importance. This complex responsibility requires multi agency working, which the Council playing a relatively small part.

4.2 Whilst the Council's role is limited, we help to secure mitigation for new development and hopefully improvements where possible, through planning policy development and decision making. This is therefore a narrow remit, but does make a real difference is protecting the environment from further pollution.

4.3 The Overview and Scrutiny Committee are asked to note the content of this paper.

Background Papers (Local Government Act 1972 Section 100D) None			
Confidentiality It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0		
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