

Braintree District Pt 2 Local Plan Examination

Statement of Common Ground

As agreed between
Braintree District Council
and Anglian Water

Policy 75

Policy 80

March 2021

Introduction

1.1 This addendum to the Statement of Common Ground has been prepared jointly between the parties of Braintree District Council (“the Council”) and Anglian Water.

1.2 The Statement sets out the confirmed points of agreement between the Council and Anglian Water with regard to Policies LPP75 Energy Efficiency and LPP78 Flooding Risk and Surface Water Drainage set out in the submitted Braintree District Local Plan, which will assist the Inspector during the examination of the Plan.

1.3 The Statement reflects the discussions that took place during the meeting between representative of Braintree District Council (Julie O’Hara) and Anglian Water Day (Stewart Patience) on the 11th March 2021.

1.4 The Council has reviewed the application of the optional higher water efficiency standard with reference to A Green Future: Our 25 Year Plan to Improve the Environment 2018.

1.5 It is recognised that Braintree District does fall within an area of acknowledged water stress according the Environment Agency’s Water Stressed Areas – Final Classification 2013, and efforts should be made improve water efficiency. There is therefore reasonable justification for seeking improved efficiency and applying the specific higher standard. If set out in local plan policy this would necessitate an appropriate condition to be attached to residential planning consents which would then be reflected in the application of Building Regs. A developer would need to provide a water consumption calculation to demonstrate that the standard would be met.

1.6 The additional cost of complying from the developer’s perspective are minimal (£6 - £9 per dwelling, DCLG Housing Standards Review (Sept 2014) and could be used as a marketing benefit it is considered appropriate to introduce the requirement given the wider benefits.

1.7 The Council has discussed the approach with Anglian Water and has agreed suggested modifications which address their concerns and which the Council is in agreement to make. This Statement of Common Ground has subsequently been provided which sets out the points of agreement.

ID	Policy	Representations on the Publication Local Plan Part 2	Action Requested	Actions Proposed
399	Policy LPP 75	<p>Policy LPP 75 includes reference to encouraging appropriate efficiency measures including water efficiency but does not include reference to specific standard(s) for new development.</p> <p>The Environment Agency has advised the Secretary of State that the areas classified as 'Serious' in the final classification table of the above document should be designated as 'Areas of serious water stress'. The Anglian Water company area is considered to be such an area.</p> <p>The Housing Standards Review Cost Impact report (2014) prepared for DCLG advises that the cost of introducing such a standard would be between £6-£9 per dwelling.</p> <p>The above report is available to view at the following address:</p>	<p>It is therefore proposed that Policy LPP 75 should include the following additional wording to follow the first paragraph of this policy:</p> <p>‘Residential developments in the area served by Anglian Water should comply with the Building Regulation water efficiency standard of 110 litres per occupier per day’</p>	<p>Title of LPP75 is altered to read “Energy and Resource Efficiency”</p> <p>The following text shall be inserted into LPP75 as paragraph 2</p> <p>“In the interests of balancing water supply and quality for the environment, and ensuring sufficient water resources for new residential development, residential proposals shall comply with the Building Regulation water efficiency standard of 110 litres per occupier per day”</p>

		<p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353387/021c_Cost_Report_11th_Sept_2014_FINAL.pdf</p> <p>Anglian Water consider that the addition of the optional higher water efficiency standard and associated cost will not make the Plan unviable.</p> <p>In addition the Colchester Local Plan include reference to the optional higher water efficiency standard which is particularly relevant given that the Braintree Colchester Border Garden Community straddles the administrative boundary.</p> <p>Therefore for the above reasons Anglian Water consider that there is sufficient evidence to demonstrate that the optional higher water efficiency standard (110 litres per day) for residential development should be applied in the Anglian Water area.</p>		
400	LPP78	<p>Flooding Risk and Surface Water Drainage</p> <p>Policy LPP 78 as drafted is focused on the potential for fluvial and surface water flooding. We would recommend</p>	<p>The following additional text to the end of the policy:</p> <p>“Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be</p>	<p>In paragraph 1, line 1, after “flooding”, insert “from all sources”</p> <p>The following additional text shall be inserted</p>

		<p>that Policy LPP 78 includes reference to foul sewerage systems and the potential risk of flooding from this source consistent with the requirements of the National Planning Policy Framework.</p> <p>It is also important to include reference to sewage treatment and how this will be aligned with development over the plan period having regard to the findings of the Council's Water Cycle Study for specific catchments.</p>	provided in time to serve the development”.	<p>immediately prior to paragraph 1.</p> <p>“Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”</p>
403	LPP80	<p>Anglian Water is supportive of Policy LPP 80 including the requirement for applicants to follow the surface water hierarchy and that the use of SuDS should be used as normal practice so as not to increase flood risk and to reduce flood risk where possible. We also welcome the reference made to proposals for alternative methods of surface water disposal being considered where it can clearly evidenced</p>		Support Noted
404	LPP82	<p>Infrastructure Delivery and Impact Mitigation</p> <p>Anglian Water is supportive of Policy LPP 82 as it states that planning permission will only be</p>	.	Support Noted

		granted if it can be demonstrated that there is, or will be sufficient infrastructure capacity for the proposed development. We also welcome the reference made to both funding and timing in relation to the provision of infrastructure to serve development		
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Policy Revision

The agreed final wording for Policy LPP 75, incorporating the contents of the table, is set out below.

LPP75 Energy and Resource Efficiency

The Local Planning Authority will encourage appropriate energy conservation and efficiency measures in the design of all new development. Such measures could include site layout and building orientation, natural light and ventilation, air tightness, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.

In the interests of balancing water supply and quality for the environment, and ensuring sufficient water resources for new residential development, residential proposals shall comply with the Building Regulation water efficiency standard of 110 litres per occupier per day

Opportunities for decentralised energy networks will be encouraged and promoted where possible and where they conform to other Local Plan policies in order to reduce carbon emissions.

The agreed final wording for LPP78 is as follows

Flooding Risk and Surface Water Drainage

Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development

The Council will ensure that all proposals will be located to avoid the risk of flooding **from all sources** and where development must be located in an area of higher flood risk, development must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development taking climate change and the vulnerability of the residents into account. Development will take climate change into account in accordance with the most up to date analysis of flood risk and will not increase flood risk elsewhere.

Development shall be located on Floodzone 1 or areas with the lowest probability of flooding, taking climate change into account. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be required to provide sufficient evidence for the Council to assess whether the requirements of the sequential test and exception test have been satisfied, taking climate change into account. Inappropriate development will be steered away from flood zones and site specific Flood Risk Assessment will be submitted which meet the requirements of the NPPF and Planning Practice Guidance.

- Retain at least an 8m wide undeveloped buffer strip alongside Main Rivers and explore opportunities for riverside restoration. Any proposed development within 8m of a main river watercourse will require an environmental permit from the Environment Agency.
- Retain at least a 3m buffer strip on at least one side of an Ordinary watercourse. Any development that could impact the flow within and ordinary watercourse will require consent from Essex County Council (as LLFA).
- All new development within Floodzone 2 and 3 must not result in a net loss of flood storage capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.

- Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail. Where the development sites will benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought.

New development in Flood Zone 3 must provide adequate flood storage and not result in a net loss of flood storage unless there is compensation on site or, rarely if not possible, off site capacity. Where possible opportunities must be sought to achieve an increase in floodplain storage.

All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.

In areas at risk of flooding of low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included.

For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference;

- a. Safe dry route for people and vehicles
- b. Safe dry route for people
- c. If a. is not possible a route for people where the flood hazard is low and should not cause risk to people
- d. If b. is not possible, a route for vehicles where the flood hazard permits access for emergency vehicles

All new development in Floodzones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make a space for water.

For all developments (excluding minor developments and change of use) proposed in Flood Zone 2 or 3, a Flood Warning and Evacuation Plan should be prepared.

Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.

- a. Development shall not: Have an adverse impact on a watercourse, floodplain or its flood defences
- b. Should not impede access to flood defence and management facilities
- c. Where the cumulative impact of such developments would have a significant effect on local flood storage capacity of flood flows
- d. Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping

Signed Julie O'Hara Senior Planning Officer (Policy).

Braintree District Council

Signed Stewart Patience, Spatial Planning Manager

Anglian Water Services Limited