



Report to the Partnership for Urban South Hampshire Overview and Scrutiny Committee

Date: 10 April 2018

**Report of: David Bibby, Principal Planning Officer (Strategy),
Test Valley Borough Council**

Subject: South Hampshire Integrated Water Management Study

SUMMARY

The updated Integrated Water Management Study has now been completed and the final version incorporates amendments to address the previous outstanding issues raised by Natural England and the Environment Agency. It provides a framework to guide future Local Plans, although there remain uncertainties regarding the potential need for further mitigation of the impact of development after 2020 on water quality, water resources and to satisfy the Habitats Regulations. Therefore there is a need for a commitment to continued collective joint action to work to resolve these issues going forward and to implement the study's action plan.

The appendix to this report is deemed CONFIDENTIAL pursuant to Section 100A(2) and (3) of the Local Government Act 1972 (as amended). Accordingly it cannot be published or discussed in public. The Department for Environment, Food and Rural affairs has not permitted the publication of water supply source locations. Hence, to retain confidentiality, a paper copy of the study will be handed out at the meeting to members only and the final version will need to redact the exact location of water supply locations to meet national security requirements before publication.

RECOMMENDATIONS

It is RECOMMENDED that the Overview and Scrutiny Committee NOTES that the Joint Committee deferred this item until the 05 June 2018 Joint Committee Meeting.

INTRODUCTION

1. PUSH commissioned an update of the 2008 study to provide an evidence base to assess the capacity for new development to inform the review of Local Plans across the PUSH area. The purpose was to assess the potential impact of future development on the water environment (both water quality and water resources) and ensure compliance with the requirement of the Habitats Regulations which apply to the European nature conservation designations of water bodies in and around the Solent. The aim was to ensure that the level of development identified in the Position Statement could be accommodated without adverse impact on the water environment and European sites, including the need to mitigate any impact from development.

BACKGROUND

2. A presentation on the findings of the previous final draft version of the study was made to the Joint Committee on 16 October 2017. At that time there remained outstanding issues, which had been raised by Natural England (NE) and the Environment Agency (EA) as key stakeholders with legal duties with regard to water quality and water resources. These covered issues around the quality of data and the impact of the yet to be held Public Inquiry into Southern Water's abstraction licences limits appeal. Following a joint workshop between NE and EA and subsequent in depth discussions between the NE and EA and the consultants, these have now been resolved and amendments accordingly made and incorporated into the final version.
3. It was crucial that the concerns of NE and EA were satisfactorily addressed in order for the study to provide a sound evidence base for future Local Plans and for the delivery of the development proposed in the PUSH Spatial Position Statement.
4. However, at this stage it is not possible to assess the impact of development on the water course and water quality after 2020. There needs to be continued assessment of the impact of development and for this reason it is necessary to include an action plan on how the relevant parties will work together going forward to continue to monitor the situation and agree how to mitigate the impact of development across the area.

FINDINGS OF THE STUDY

5. The final version of the study incorporates amendments which have resulted in it being edited and slimmed down in order to reduce some of the previous detail and achieve a high level document. This focuses on an action plan identifying the infrastructure that needs to be upgraded as mitigation in the short term and sets out steps towards an interim position to 2020. It therefore takes the form of a summary report with a master table of actions. A paper copy of the study will be available at the meeting.
6. At present, whilst there is sufficient capacity to accommodate development in the short term, we are not yet in a position to be able to demonstrate with certainty beyond 2020 that there will be no adverse impact on European nature conservation designations. PUSH therefore needs to acknowledge that

it is not possible to assess the impact of development post 2020 at this stage and that collectively there is responsibility to work together to continue to assess the impact of future development. We don't currently have the necessary data to give answers, but a commitment is sought to addressing these as appropriate in due course.

7. In the short term this has implications for the location of new development, such that it is directed to those areas which have capacity. This will give confidence that there will be no adverse impact to 2020.
8. Later in the plan period of future Local Plan (beyond 2020), there may be a requirement for further mitigation and possibly for development overall to be neutral on the level of nutrients and pollutants it generates as these affect waste water discharge. This further mitigation could include the consideration of wider options (beyond 'pipe end' measures at waste water treatment works), for example offsetting of the impacts of new development and catchment wide solutions. This will also necessitate a further full review of the study.

ACTION PLAN

9. The study includes an action plan which details the ongoing future dialogue and joint working which is proposed. This sets out where there currently remain gaps in the evidence base that require further investigation, monitoring and potentially action to ensure future compliance with legislation. Catchment measures take time to result in a measurable difference to water quality. It is not yet known how effective existing measures will be, although it is hoped they will deliver improvements. However, should this not occur, then this may constrain the potential for further development without additional mitigation actions. A summary of the actions set out in the action plan are detailed below.

	Action	Suggested Timescale
1	PUSH, NE, EA continue to work together and produce a joint Position Statement	ASAP
2	Establish Water Quality Group comprising PUSH LPAs, NE, EA and water companies, to meet regularly to receive and discuss emerging evidence, taking action where necessary to ensure mitigation is developed which enables both environmental protection and mitigation	Establish and meet before Q2 2018/19
3	Water Quality Working Group remit (minimum): a) Note and agree WWTW improvements and delivery timescales b) Refresh IWMS in 2020 c) Work together to scope potential future Nutrient Management Plan, taking account of timescale for preparation	ASAP 2020 As necessary, in advance of need
4	To effectively deal with remaining uncertainty around water quality, Local Plans must: a) Acknowledge uncertainty over whether housing development in later part of Local	ASAP and as Local Plans come forward

	<p>Plan period would require mitigation</p> <ul style="list-style-type: none"> b) Acknowledge effective mitigation may mean development proceeding on a nutrient neutral basis in some catchments c) LPAs will work in partnership to identify timely mitigation if emerging evidence indicates it's needed d) Phase new development where necessary to ensure headroom in most sensitive WWTW is not exceeded prior to future review of IWMS and any necessary mitigation being identified and secured 	
5	<p>In order to deal effectively with uncertainty over water resources, Local Plans within Southern Water's supply area must:</p> <ul style="list-style-type: none"> a) Acknowledge uncertainty over delivery of water resources of Local Plan period (given Water Resources Management Plans are not finalised and outstanding appeals on changes to abstraction licences) b) Include a policy requiring development to be built to higher standard under Building Regulations (110l/p/d including external water use) 	ASAP and as Local Plans come forward

10. It is important that a joint Position Statement setting out an interim position to 2020 is agreed between PUSH, NE and the EA, to allow PUSH local authorities to move forward with their Local Plans without the risk of objections being raised on grounds of the water environment and Habitats Regulations with Local Plans potentially being found unsound at examination. This would include focusing on delivery of the study's action plan on addressing the uncertainties.
11. It is proposed that a Water Quality Group be established which would also include Southern Water and Portsmouth Water, in order to take the action plan forward and implement it collectively, working together to find solutions and resolve the issues over the potential need for further mitigation after 2020.

CONCLUSION

12. The completed final version of the study addresses the previous outstanding issues raised by NE and the EA and provides a framework to guide future Local Plans and deliver the development proposed in the PUSH Spatial Position Statement. However there remain uncertainties regarding the potential need for further mitigation after 2020. The study includes an action plan on how these can be resolved.
13. There is a need for continued collective joint action to work to resolve these uncertainties going forward and to have an agreed 'interim position' in order to avoid the risk of future Local Plans being found unsound. This agreed intent should be set out in a joint Position Statement between PUSH, NE and the EA

and a Water Quality Group should also be established, to include in its membership all PUSH local authorities together with Southern Water and Portsmouth Water, which would take the study's action plan forward.

RECOMMENDATION

It is RECOMMENDED that the Overview and Scrutiny Committee NOTES that the Joint Committee deferred this item until the 05 June 2018 Joint Committee Meeting.

Appendices:

- **CONFIDENTIAL** (The appendix to this report is deemed CONFIDENTIAL pursuant to Section 100A(2) and (3) of the Local Government Act 1972 (as amended). Accordingly, it cannot be published or discussed in public.

Background Papers:

- Integrated Water Management Study, Amec Foster Wheeler, 2018

Reference Papers:

- None

Enquiries:

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