

## **Review of SG DC3: Water and Waste Water Drainage Infrastructure**

### **1. Introduction**

- 1.1 This paper will review the Aberdeenshire Local Development Plan SG DC3: Water and Waste Drainage Infrastructure and assess whether any changes are required in light of amendments to national policy and changes in the local context. It will also assess whether the guidance provides a sound and robust basis for ensuring that all new developments are provided with an adequate water supply and achieve satisfactory disposal of sewage and surface water.
- 1.2 SG DC3 puts responsibility on the developer to satisfy Aberdeenshire Council that they have met the required standards in terms of servicing new development.

### **2. Policy Approach**

- 2.1 DC3 will approve development, subject to other policies, if it complies with the following criteria
- All new development must be satisfactorily serviced either by a mains water supply or an adequate private water supply

For waste disposal:

- Development is in an area serviced by existing public waste water drainage infrastructure with additional capacity
- Where a public drainage connection is demonstrated to be unfeasible, it must be demonstrated that satisfactory private drainage infrastructure can be provided without negative impacts on amenity, public health or the environment.

Surface water drainage must be dealt with in a sustainable manner and in ways that avoid flooding and pollution, through the application of an integrated SUDs.

### **3. Background**

#### 3.1 National context

- 3.2 The EU Urban Waste Water Treatment Directive (UWWTD) 1991 aims to protect the environment from the adverse effects of urban waste water discharges and certain industrial discharges. Article 3 of the directive requires provision of a sewer network for sewage discharges, unless this would provide no environmental benefit or would involve excessive costs. Alternative private treatment systems must deliver the same level of environmental protection as a public sewer system.
- 3.3 The UWWTD was transposed in Scotland by the Urban Waste Water Treatment (Scotland) Regulations 1994 (as amended). Under regulation 4 of the UWWTR, Scottish Water is required to provide public sewers for new development. While the UWWTD does not prohibit the installation of private waste water treatment systems, SEPA takes the view that the provision of private sewage systems is not compatible with the principles of the UWWTD. For example, private systems don't provide a long term sustainable solution to waste water drainage provision.
- 3.4 Under the Sewerage (Scotland) Act 1968 (as amended) Scottish Water has a duty to provide sewerage infrastructure to effectively drain domestic sewage, surface water runoff from roofs and paved areas within the curtilage of premises, and trade effluent, where practicable. This duty does not require Scottish Water to

provide infrastructure 'which is not practicable at reasonable cost'.

- 3.5 The Water Environment Controlled Activities Scotland Regulations 2005 (CAR), which transposed the EU Water Framework Directive (2002), requires all surface water from new development to be treated by a sustainable drainage system (SUDS) before it is discharged into the water environment, unless it is for single houses or where the discharge will be into coastal water. CAR also requires all waste water discharges to be authorised through registration or licence.
- 3.6 In general, Scottish Planning Policy 2010 (SPP) supports DC3's flexible approach to the provision of water and waste water infrastructure, stating that "*if a proposed development is considered acceptable in a location where the current water or drainage infrastructure would be insufficient, stakeholders should work together to identify the best practicable option to accommodate the development*". SPP reflects the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and directly supports the need for DC3 when it states that "*Local development plans should incorporate the legal requirement for SUDS*". SPP also requires development plans to "*set out expectations in relation to the long term maintenance of SUDS*". Finally, SPP requires SUDs to mitigate or have a neutral effect on flood risk, both on and off the site".
- 3.7 Planning Advice Note 79: Water and Drainage (2009) provides advice on good practice in relation to the provision of water and drainage within a planning context. PAN 79 states that where possible, connection to Scottish Water's network will be the preferred option. However, it acknowledges that, for a number of reasons, private systems may be proposed and states that "*there are advantages and disadvantages to this approach, which the planning authority must weigh up within the context of sustainability considerations and other policy objectives*". PAN 79 also requires developers to submit sufficiently detailed information to allow consultees to comment on the likely impacts. In addition, PAN 79 points out that proposals should not have a negative impact on water quality, public health or the environment. PAN 79 also advises that "*a condition or legal agreement will be appropriate to ensure that (temporary private) systems are designed and built to a standard to allow adoption by Scottish Water and that connection to Scottish Water's network be made at the earliest possible date*".
- 3.8 Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems (2001) provides good practice advice for planners and the development industry.
- 3.9 SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements (2008) sets out their approach to waste water drainage. The guidance includes a model LDP policy, which states that "*a public connection will be required in all cases unless the development is unable to connect to a public sewer for technical or economic reasons; and the proposal is not likely to result in or add to significant environmental or health problems*".
- 3.10 SEPA's Planning Advice on Sustainable Urban Drainage Systems (2010) points out that while SUDs is a legal requirement, as outlined above, the location, design and type of SUDs is largely controlled through planning. The advice also points out the need for development plans to "*promote SUDs as an important measure to reduce diffuse pollution from surface water run-off, to free up capacity in water management infrastructure and to ensure efficient water management, in light of predicted changes to climate*". SEPA recommends that applicants engage with them early in the planning application process, in order to identify and address any significant obstacles to SUDs provision.

3.11 SEPA's webpage on Suds states that *"it is important to ensure that adequate space to accommodate SUDS is incorporated within the site layout"*.

### 3.12 Strategic/Regional Context

3.13 The Proposed Strategic Development Plan directly supports the need for DC3 when it states that *"to make changes on the scale proposed in this plan, we must invest in existing and new infrastructure in the strategic development plan area. The existing roads, sewers and schools will not be able to cope with the demands extra development will bring"*. In addition, the proposed SDP also states that *"developers will have to accept the need for contributions towards necessary infrastructure, services and facilities within their own site"*.

### 3.14 Local Context

3.15 In 2002 Aberdeenshire and Aberdeen City Councils and SEPA jointly produced 'Drainage Impact Assessment' guidance to assist developers and agents develop satisfactory waste and surface water drainage facilities for new developments.

3.16 Aberdeenshire Council has also produced Technical Guidance on 'Providing Drainage for New Development Where Public Sewers are Not Available'.

3.17 DC3 aligns with the national/regional objectives and approach outlined above in the following ways. Criterion 2i) aligns with PAN79.

3.18 Criterion 2ii) and paragraph 6 of the justification text are in line with PAN 79 and the model LDP policy provided in SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements.

3.19 Criterion 3 accords with the legal requirement for SUDS provision, as reflected in SPP.

3.20 The last paragraph of the policy appears to address the SPP requirement for a comprehensive drainage assessment, covering both surface and foul water, for large-scale development proposals in areas where drainage is already constrained or otherwise problematic.

3.21 Paragraph's 3 and 5 of the justification text align with the Controlled Activities Regulations (CAR)

3.22 Paragraph 8 of the justification text is in line with PAN 79.

3.23 Paragraphs 9 and 10 of the justification text align with SEPA's Planning Advice on Sustainable Urban Drainage Systems (2010).

3.24 Paragraph 11 of the justification text aligns with SEPA's requirement for space to be provided for SUDS, as outlined on their SUDs webpage.

## **4. Drivers of Change**

4.1 While national and regional policy/legislation on the provision of water and waste water infrastructure has not changed significantly since DC4 was written, the Scottish Government is in the process of consolidating PAN 79: Water and Drainage and PAN 61: Planning and Sustainable Urban Drainage Systems. Publication is expected in 2013. DC3 will need to take account of any changes proposed.

4.2 Aberdeenshire and Aberdeen City Councils and SEPA have agreed to update their 2002 'Drainage Impact Assessment Guidance' in 2013, in order to align more closely with current policy/legislation and best practice. It is expected that significant changes will be required to the format and content of the guidance. DC3 will require to be amended to reference and utilise this guidance.

- 4.3 Following on from the above, SPP requires a comprehensive drainage assessment, covering both surface and foul water, for large-scale development proposals in areas where drainage is already constrained or otherwise problematic. While DC3 could meet this obligation by requiring applicants to submit a 'Drainage Impact Assessment', in line with the Council's guidance, it is not clear why a 'Development Impact Assessment' is required instead. While the latter identifies how a development will impact on Scottish Water (SW) assets, it is a SW assessment and does not take account of the Council's agreed guidance. A 'Development Impact Assessment' should inform a full 'Drainage Impact Assessment' (DIA), not replace it. In light of this, the last paragraph of the policy should be amended to require a 'Drainage Impact Assessment' (DIA). This paragraph should include thresholds for when a basic/comprehensive DIA will be required. Appropriate thresholds will be decided during the ongoing revision of the current DIA guidance. The 'foul drainage' and 'surface water' sections of the justification text should also reference the Council's DIA guidance.
- 4.4 SEPA's Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements states that "*for all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed (that the development could connect to a public sewer) a private system would only be supported if is designed and built to a standard which will allow adoption by Scottish Water and could easily be connected to a public sewer in the future*". Paragraph 8 of the justification text should be amended to reflect these requirements.
- 4.5 SPP requires development plans to "*set out expectations in relation to the long term maintenance of SUDS*". The ongoing revision of the Council's DIA guidance will address the issue of 'Suds maintenance' and develop an agreed approach. Following agreement, this approach should be included within the 'Surface Water' section of the justification text.
- 4.6 The 'foul drainage' section of the justification section should reference the Council's 'Providing Drainage for New Development Where Public Sewers are Not Available' guidance.

## 5. Recommendations

- DC3 should take account of the new consolidated PAN on Water and Drainage, which is due for publication in 2013.
- The last paragraph of the policy should be amended to require a 'Drainage Impact Assessment' (DIA). Thresholds for when a basic/comprehensive DIA is required will be decided during the ongoing revision of the Council's DIA guidance. The revised guidance should be referenced in the 'foul drainage' and 'surface water' sections of the justification text.
- The 'foul drainage' section of the justification text should also reference the Council's 'Providing Drainage for New Development Where Public Sewers are Not Available' guidance.
- Amend paragraph 8 of the justification text to read 'and the opportunity that certain Suds may contribute to satisfying a development's open space requirement. Further guidance is provided in the Aberdeenshire Parks and Open Spaces Strategy. Opportunities should be sought to enhance the biodiversity of a site through the design and planting of Suds. Further guidance is provided in Planning Advice 1/2012 Opportunities for Biodiversity Enhancement in New Development'.

- The last sentence of paragraph 9 of the justification text should be amended to read 'All Suds should conform to the standards set out in Sewers for Scotland 2<sup>nd</sup> Edition, the Suds Manual 2007 and Suds for Roads Manual (2009)'.
- The 'surface water' section of the justification text should provide information on SUDs maintenance. This will be developed during the ongoing revision of the DIA guidance.
- For clarity, the last sentence of paragraph 10 of the justification text should be removed and included as the second sentence of paragraph 9.
- Paragraph 8 of the justification text should be amended to include 'The private treatment system should be designed and built to a standard which will allow adoption by Scottish Water. The system should also be easily connected to a public sewer in the future. Further guidance is provided in the Council's 'Providing Drainage for New Development Where Public Sewers are Not Available' guidance'.

## **6. Summary of Main Points**

6.1 Current national policy and legislation supports the need for DC3. While the policy forms a sound basis for ensuring that developments meet national policy/legislation, this review recommends a number of amendments. The requirement for a 'Development Impact Assessment' should be replaced with a 'Drainage Impact Assessment' (DIA), with the Council's guidance on DIA referenced in the justification text. The Council's Technical Guidance on 'Private Sewage Systems' and relevant planning advice should also be referenced in the justification text. Information on SUDs maintenance should be provided. Finally, DC3 should take account of the consolidated Planning Advice Note on Water and Drainage, which is expected to be published in 2013.

## **References**

- Aberdeen City and Shire (2013) *Proposed Strategic Development Plan*
- Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*
- Scottish Government (2010) *Scottish Planning Policy*
- Scottish Government (2009) *Planning Advice Note 79: Water and Drainage*
- Scottish Government (2009) *Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems*
- SEPA (2009) *Policy and Supporting Guidance on Provision of Waste Water Drainage in Settlements*
- SEPA (2010) *Planning Advice on Sustainable Urban Drainage Systems*