

## Central Bedfordshire Council

### SUSTAINABLE COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

Thursday, 14 September 2017

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#### Partnership working with Anglian Water

Report of: Cllr Ian Dalgarno  
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**This report relates to a decision that is Non-Key**

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#### Purpose of this report

1. To provide an update on partnership working arrangements and activities with Anglian Water, including; planning applications, flood risk management and funding to mitigate the ability of drainage to manage excess water.
2. The following report has been written to support and prompt discussion between the Committee and Anglian Water.

#### RECOMMENDATIONS

The Committee is asked to:

1. Support the recommendations made in this report and to identify further issues or actions arising as a result of this meeting with Anglian Water.

#### Issues

##### Involvement in the planning process

1. Water companies are legally obliged under Section 106 of the Water Industry Act 1991 to accept new connections to their existing sewerage infrastructure. This is known as the 'automatic right to connect'. Water companies are not however statutory consultees to the planning process and do not have statutory powers to suggest alternative options or locations for development based on their knowledge of infrastructure capacity and subsequent flood risk.
2. Anglian Water (AW) does voluntarily provide informative comments on foul and surface water proposals for major planning applications, i.e. of 10 or more dwellings or 0.5ha for other uses, to CBC as the Local Planning

Authority. There is no formal process for this and AW relies on CBC sending consultations through for their comments and by checking weekly planning lists.

3. Comments provided by AW are based solely on the feasibility of a site connecting to its system without causing deterioration. They do not normally provide comments on historical or current operational issues such as blockages in a specific area.
4. Where necessary, AW will request the LPA include a foul and/or surface water condition to be attached to a planning permission, i.e. to ensure additional drainage infrastructure is put in place before a connection to its network is made. AW does not have its own powers to apply these conditions directly or to enforce them. If a condition is breached the LPA will take the appropriate enforcement action.
5. At the national scale, AW has expressed it would like the automatic right for developers to connect surface water drainage from new developments to its sewers to be removed. The Lords amendment 110 of the Housing and Planning Bill, which would have enacted this, was recently defeated in the Commons although the Government has promised to review the current legislation. AW has expressed it will “actively seek to engage and make our position heard during the forthcoming review”. Removal of the right to connect would mean development at all scales would have to consider all other potential solutions for surface water drainage before being allowed to connect to the sewer network. This would incentivise developers to consider sustainable drainage systems (known as SuDS) in place of traditional surface water drainage systems, leading to more sustainable development and reduction of the risk of flooding in periods of heavy rainfall.

### **Outcome of CBC and AW proposal to improve the local planning process**

6. AW and CBC met in 2016 to discuss potential improvement to the consultee arrangements outlined above. AW advised it was exploring a number of process and system improvements, these included:
  - The trialing of a software system to enable AW to access submitted and approved planning applications quicker and easier.
  - Improvement of web pages and improving communication channels with residents to improve awareness of the role and remit of Anglian Water in the planning system.
  - Making it easier for Anglian Water customers, developers and their agents to get pre-planning advice.
7. The extent to which the above have been actioned is currently unknown, however, CBC officers have since reported a marked improvement in the quality and detail provided by AW. CBC planning officers should continue to consult AW on all major applications and on any other application where drainage is perceived to be a limiting factor. The possibility of AW doing a training presentation to a group of CBC staff was discussed however this is yet to be delivered.

8. Residents or individuals concerned about the impact of a proposed development in their area are also now able to contact AW and ask they provide comments to the Local Planning Authority on the planning application. Residents/individuals will be made aware of this by CBC as need arises.
9. AW does not cover all of Central Bedfordshire. Thames Water (TW) has responsibilities for a small part of Central Bedfordshire and additional discussions will be required with TW regarding its processes.

### **Strategic planning**

10. As a statutory undertaker AW has a duty under Sections 37 and 94 of the Water Industry Act to extend their services and provide for growth. AW is therefore committed to working with Local and National Government to explore how significant growth can be facilitated locally.
11. AW was formally consulted on CBCs Draft Local Plan, its Sustainability Appraisal Scoping Report and supporting technical evidence. This includes the Water Cycle Strategy and Strategic Flood Risk Assessment, which will inform issues of water supply, water treatment and drainage infrastructure associated with the delivery of growth to 2021.

### **Flood risk management and partnership working**

12. Surface water flooding and sewer flooding are often interlinked meaning partnership working between authorities is crucial. CBC and AW are working together in several locations, most recently as part of studies commissioned for Stotfold and Dunstable. These studies aim to identify and assess the interaction of different drainage systems and subsequent alleviation works that could be implemented to reduce the risk of flooding in the future. AW is a key stakeholder in the delivery of these and other projects including data sharing, hydraulic modelling and review of the feasibility of measures and opportunities for funding of mitigation works by AW.
13. Like CBC, AW record reports of flooding from its sewers and is committed to reducing the number of properties at risk. Residents and/or individuals are therefore encouraged to report flooding from the sewer to AW so it may be logged and investigated further. The relevant authorities cannot investigate and see if there is a solution to flooding if they are not aware of the situation.

### **Flood risk management funding opportunities**

14. AW and CBC are working together to discuss project ideas to inform AWs business case for partnership funding for flood prevention schemes to be delivered in the next Asset Management Period 2020-2025 (known as 'AMP7').
15. CBC has submitted several potential schemes for further consideration by AW for delivery in AMP7, these includes initiatives to reduce the risk of flooding by reducing surface water flows into sewers, enhancing the

resilience of AW assets, and further investigation work that will help to build the case for future investment and mitigation works.

16. AW will only invest in solutions where there is clear demonstrable benefit to its customers and this will dictate which schemes are taken forward.

### **Council Priorities**

17. There are not considered to be any Legal, Financial, or Equalities implications.
18. There are not considered to be any additional implications for public health, community safety, sustainability, ICT, or procurement.

### **Recommendations arising from this report**

- a. CBC planning officers to consult AW as part of the process for individual planning applications and strategic planning documents where the public sewerage system or other AW asset is concerned, or where there is a known history of flooding from the public sewerage system.
- b. CBC and AW to determine further actions required to improve the planning process, including; quality of AW responses, triggers for consulting AW and opportunity for automatic consultation, and training sessions between CBC and AW staff.
- c. Local flood issues associated with AWs system to be made known to the CBC Flood Risk Management Team so these may be considered for partnership funding under AMP7.
- d. Residents and individuals to be encouraged to report flooding from a public sewer to AW so it may be recorded for further investigation.

### **Appendices**

There are no appendices attached to this report.

### **Report author**

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