

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 8 MARCH 2006

SEPA POLICY ON PROVISION OF WASTE WATER DRAINAGE IN SEWERED AREAS: A CONSULTATION PAPER

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee and obtain the Committee's views on a consultation paper on SEPA's policy on the provision of waste water drainage in seweraged areas, and to homologate the officer response on the document already sent.

2. INTRODUCTION

- 2.1 SEPA is of the opinion that sewerage provision should be strategically planned and maintained to ensure a sustainable means of draining settlements and urban areas and that the planning regime (i.e. local or structure plans) provides the most appropriate mechanism to achieve this.
- 2.2 A current lack of capacity in the sewerage system means that developments could be prevented from taking place. As part of the Quality and Standards III process, Scottish Water are obliged to provide sufficient strategic capacity to meet all new estimated housing and commercial development. However, developers are likely to be required to fund their connection and any other improvements to local parts of the network that may be required over and above reasonable cost contributions by Scottish Water. In some cases this could be a substantial amount of funds which SEPA believes could provide a financial incentive for developers to install a private drainage treatment system with a direct discharge to the water environment.
- 2.3 Responsibility for the maintenance of private systems usually falls to the individual home owners whose homes are served by it which, in SEPA's view is likely to result in long term failure to maintain or replace assets leading to environmental harm and public health risks. Also of concern to SEPA is the fact that such systems are not connected to the public network leading to an increasingly fragmented system which could potentially prevent further connections to, and the expansion of, the strategic sewerage system maintained by Scottish Water.
- 2.4 In light of the above, SEPA has written a series of draft policies for consultation which set out their approach to dealing with applications for new connections to the network. It is hoped that introducing an element of flexibility for developers will ensure that eventual connection to the strategic sewerage system is made whenever possible to ensure protection of the environment. It is also considered by SEPA that this approach will assist in modernising an aging system. SEPA's proposed policy is outlined below.

3. PROMOTING CONNECTION TO A SEWER

- 3.1 SEPA considers that all developments within or close to a settlement boundary should be connected to the public sewer and will work with developers to facilitate this. Developers should investigate all possible routes to enable connection to the public sewer and if SEPA considers that this has not been done, objections to planning applications will be made. SEPA also insists that all new draft Development Plans contain a policy to the effect that;
- Connection to a sewer owned and maintained by Scottish Water (or an equivalent water utility) will be a prerequisite of all development within or close to publicly sewered areas. Temporary provision of private systems may be allowed where connection to the strategic network has been agreed in the current Quality and Standards investment period.
- 3.2 SEPA will formally object if such a policy is not included within new draft plans.

4. AVOIDING DEVELOPMENT CONSTRAINTS

- 4.1 In order to maximise the capacity available for new developments to connect to the sewer, SEPA propose to work with Scottish Water to develop a flexible approach to the assessment of development constraints. It is also stated that SEPA will input into the land use planning process (i.e. local and structure plans) to support local planning authorities in ensuring that developments do not compromise environmental quality or fragment a strategic sewer network.
- 4.2 Where a development constraint exists due to SEPA's discharge consent, SEPA will reassess whether additional capacity can be allocated without causing deterioration in water quality. If environmental flexibility exists, SEPA will review the consent to allow for further development. The policy also states that SEPA will work with local planning authorities and Scottish Water to ensure that Local Plans identify only development allocations with timescales that can be accommodated within the capacity of existing and proposed public sewerage infrastructure.

5. FLEXIBLE APPROACH TO CONSTRAINED SITES

- 5.1 In order to provide flexibility, SEPA is prepared to allow the use of private treatment systems on a temporary basis provided connection to the public sewer is possible in the current Quality and Standards investment period either by investment by Scottish Water alone or with confirmed developer contributions. SEPA considers that this will allow development to proceed in most circumstances as it allows the local planning authority or Scottish Water to agree funding by a consortium of developers.
- 5.2 There are a number of requirements that would be applied by SEPA to any temporary private treatment systems, namely

- Multi-ownership systems above 15 properties must be designed and built to a standard which will allow their adoption by Scottish Water.
- Such systems must be capable of being easily connected to a public sewer in future.
- A planning condition must be imposed requiring connection to a public sewer when planned capacity has been implemented and a connection can be made.

5.3 This flexible approach policy also refers to industrial developments. The consultation paper states that connection to the public sewer is preferred. However, a private discharge from a single industrial site will be considered on its own merits and may be acceptable in certain circumstances.

6. DEVELOPMENT IN AREAS WITH NO OR LIMITED SEWERAGE INFRASTRUCTURE

6.1 In areas where there is limited or no public sewerage infrastructure, SEPA will not oppose private sewerage provision and the preference is for discharges to be made to land rather than water. SEPA recognise that it would be unreasonable to expect the development of strategic infrastructure unless the development is of a sufficient scale to warrant it. Certain settlements exist where most properties have private systems but a small number are served by a sewer operated by Scottish Water. SEPA will not regard such areas as sewered and will not object to new properties with private systems so long as they remain small scale and do not pose an environmental risk due to cumulative development. Where development is at risk of creating cumulative environmental, health and amenity impacts, SEPA considers that a strategic sewerage system managed by a 'responsible body' should be provided.

7. MULTI-OWNERSHIP OF SEWERAGE INFRASTRUCTURE

7.1 SEPA proposes that the development industry creates a national 'responsible body' which will own, and be responsible for the maintenance and renewal of sewerage assets for development which Scottish Water is not able to adopt as a result of funding and other constraints. This would apply to temporary private systems and those systems in areas with no or limited sewerage infrastructure as SEPA is of the opinion that groups of householders would not be able to provide the long term guarantees regarding maintenance and replacement of sewerage infrastructure that would be required.

7.2 SEPA states that the 'responsible body' must have the organisational, technical and financial capacity to provide for the long term management of sewerage assets. SEPA recommends that, in such cases, the developer should enter into a Section 75 Agreement with the Council which will detail how maintenance and replacement of the sewerage infrastructure will be provided for in perpetuity and which puts in place a 'responsible body'. This means that enforcement action against the 'responsible body' would be possible.

8. COMMENT

- 8.1 The proposed approach by SEPA can generally be supported. It is agreed that new development should connect to the public sewerage system whenever possible to ensure the retention and improvement of a single strategic system. Similarly, a flexible approach to the assessment of development constraints is welcomed as this allows each proposed development to be examined on its own merits even if there is a known constraint in the area.
- 8.2 The proposed approach by SEPA in areas of development constraint is in principle supported if it is clearly understood that the basis of any decision in relation to existing public sewerage capacity and any extension to the public sewerage system proposed by private developers in support of new development is no deterioration in water quality using current standards.
- 8.3 Allowing the use of temporary private systems where connection to the public sewerage system is not possible is also supported as this should prevent unnecessary delays for those sites which are constrained but which have agreed funding in place to remove the constraint. However, as the Quality and Standards III programme of investment by Scottish Water covers a period of 8 years (2006 – 2014), the policy must allow for review on an annual basis.
- 8.4 The creation of a ‘responsible body’ by the development industry may be problematic as SEPA cannot force developers to set up such an organisation as they may be unwilling to do so.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no direct legal or authority implications for the Council as a result of this report.

10. LEGAL/AUTHORITY IMPLICATIONS

- 10.1 There are no direct legal or authority implications for the Council as a result of this report.

11. COMMUNITY PLAN IMPLICATIONS

- 11.1 The strategic approach advocated by SEPA, subject to the comments contained in section 8 above, will assist in ensuring that regeneration priorities involving new development as contained in the Community Plan are considered in their proper context.

12. PERSONNEL IMPLICATIONS

- 12.1 There are no direct personnel implications for the Council as a result of this report.

13. RECOMMENDATIONS

13.1 It is recommended that Committee

- (i) note the contents of the report; and
- (ii) agree that the comments contained in section 8 be passed to SEPA;
- (iii) agree to homologate this response already sent to SEPA

James Lavery
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23 February 2006
(EM/SA) - FV

LIST OF BACKGROUND PAPERS

Nil

For further information on the contents of this report please contact Emma Fyvie, Senior Planning Officer, telephone 01563 576756.

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