

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 18 DECEMBER 2001

DEVELOPMENT ISSUES RELATING TO WEST OF SCOTLAND WATER

Report by Director of Development Services

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to raise awareness of recent difficulties with infrastructure provision which has implications for developments proposed in the Local Plan and to seek authority to raise this matter as appropriate.

2. BACKGROUND

- 2.1 Concerns have been emerging in recent months that there may be inadequate capacity in the sewerage and drainage systems in a number of areas within East Ayrshire to serve redevelopments. There are two principal reasons for this:

- insufficient funding is available for the water authorities to develop infrastructure capacity ahead of development
- higher standards of water treatment, and increased demands on existing capacity

The water services industry has responded to these pressures through new policies which have an impact on development:

- a requirement that developers should meet the costs of providing infrastructure which cannot be provided at “reasonable” cost (currently the water authority is required to meet “reasonable” costs as defined in the relevant legislation)
- a requirement for developments to incorporate “sustainable urban drainage systems” (SUDS)
- objections to new development releases which are not served by adequate infrastructure

- 2.2 Just before the public inquiry on the Local Plan which is now running was opened WOSWA submitted objections to a number of proposed sites confirming:

- That they have a duty to treat and dispose of wastewater where the cost is reasonable

- That upgrading of existing assets is included in reasonable cost and that the excess cost of upgrading systems must be met by developers
- That where the cost of providing infra-structure goes beyond reasonable cost, WOSWA will object to development
- Where a developer or any other person is unable to meet the costs then WOSWA has little option but to consider refusing consent for the developer to connect or discharge into the public sewerage system (Sections 12 and 29 of the Sewerage (Scotland) Act 1968.

2.3 WOSWA have indicated that their priorities in the capital programme are as follows.

- Resolving environmental pollution of watercourses and beaches to enable compliance with European and UK environmental legislation;
- Resolving internal foul flooding of property;
- Preventing structural collapse of major sewers;
- Resolving foul flooding of gardens, roads and other public areas;
- Removing development constraints and providing future growth;
- Addressing those areas of the wastewater network with excessive operating costs

2.4 With new development having such a low priority there is a particular difficulty for East Ayrshire as the costs of such infrastructure is difficult to meet in an area of relatively low demand by investors. On the basis of WOSWA's priorities identified in para 2.3 and their commitment to capital investment up to March 2006 there are restraints on development in Mauchline, Auchinleck, Kilmarnock, Galston, Kilmaurs and Hurlford and Crookedholm.

3. CONSIDERATION

3.1 The Statutory Planning System through Structure Planning and Local Plans identifies where development is proposed and this programming is important to guide developers. This late policy stance of WOSWA whilst understandable given the constraints, may result in sites allocated within local plans being unable to be developed and an exercise is underway to review the implications for housing supply.

3.2 These issues arise however from the financial and regulatory framework being set by the Scottish Executive. It appears that the Executive has not adopted a fully integrated approach to developing its framework for the Water Services Industry. There needs to be a more integrated approach within the Executive which draws together the development policies reflected in documents such as the Review of Strategic Planning, the Framework for Economic Development in Scotland and the environmental policy and regulatory framework being established for the Water Services Industry. An opportunity may arise

in the consideration of the Water Services Bill and appropriate lobbying regarding this issue would be useful.

- 3.3 In the meantime, it is important that the Council works with WOSWA to ensure that investment decisions match the local plan allocations. WOSWA are embarking on a strategic review of wastewater assets and the Council should co-operate with this review to ensure that its findings can be considered against the Reporter's report on the public local inquiry. This can then be dealt with when the Plan is considered by this Committee for Adoption.

4. LEGAL AND FINANCIAL IMPLICATIONS

- 4.1 There are no immediate financial or legal implications arising from the recommendations of this report, although there may be a need relating to specific developments for S75 Agreements resulting from new sewerage and drainage requirements. The maintenance of SUDS features may also have financial implications for roads maintenance.

5. RECOMMENDATION

5.1 It is recommended that

- (i) COSLA, the Minister for Planning, Minister for Rural Development and Local MSPs are advised of the concerns set out in this report**
- (ii) that the Council works with WOSWA to achieve the Local Plan allocations as set out in the Finalised Local Plan with Modifications**
- (iii) that a further report on the matter be considered by the Committee in tandem with the Reporters Findings on the Local Plan Inquiry.**

Stephen Chorley
Director of Development Services

7th December 2001 (AN/SA)

LIST OF BACKGROUND PAPERS

- 1. Objection by WOSWA to East Ayrshire Local Plan dated 4th December 2001.**

Anyone wishing to inspect the above paper please contact Alan Neish on (01563) 576767.

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I:/DevServices/DevelopmentIssues-WOSWA

AGENDA