

WATER MANAGEMENT CYCLE WORKING GROUP - NOTES

THURSDAY 22 DECEMBER 2022

11 A.M. – 12.30 P.M. VIA MS TEAMS

Present: <u>Members</u> Councillor English (Chairman) Councillor Cleator Councillor Garten Councillor Brice Councillor Jeffery <u>Reserve Member</u> Councillor Springett		<u>Officers</u> Director of Regeneration and Place Interim Local Plan Review Director Principal Planning Officer Principal Planning Officer Environmental Health Manager Democratic Services Officer
Item	Minute	
1. Apologies	Apologies had been received from Councillor Harwood.	
2. Substitute Members	There were no Substitute Members in attendance. Councillor Springett was in attendance as a Reserve Member in accordance with the Overview & Scrutiny Committee's previous agreement that Reserve Members would be welcome to attend all Working Group (the Group) Meetings.	
3. Interviews with Council Officers, in accordance with the lines of enquiry.	<p>The Groups Members and Officers introduced themselves.</p> <p>Each of the Council's Officers in attendance were asked to provide introductory remarks:</p> <p><u>Environmental Health Manager, Tracey Beattie:</u></p> <p>The Environmental Health Manager outlined their role and stated that environmental health had historically been associated with water quality in relation to consumption, and wastewater in regard to public health.</p> <p>In relation to water quality, the Council monitored private water supplies for commercial properties and businesses that were not linked to the mains (public) water supply. Maidstone has one commercial bottling plant in the borough.</p> <p>In relation to wastewater, environmental health worked with two other service areas; private sector housing, in managing residents that have blocked drains that impacted their housing standard and community safety in responding to complaints of blocked drains, sewers and flooding issues.</p> <p><u>Principal Planning Officer, Richard Timms:</u></p> <p>The Principal Planning Officer outlined their role in dealing with planning applications, with the group's lines of enquiry all considerations to those applications to differing degrees. To allow the</p>	

Council to apply standards greater than nationally required, for surface water drainage for example, further policy and guidance would need to be created to support this.

Interim Local Plan Review Director, Philip Coyne:

In their introductory remarks, the Interim Local Plan Review Director reference the ongoing Local Plan Review (LPR) in relation to the group's lines of enquiry; the LPR contained a policy to restrict water usage per dwelling of 110 litres per person each day, with further exploration into the details relating to water capture and re-use as part of the ongoing progression of the Design and Sustainability Development Plan Document (D&S DPD).

In relation to wastewater, the proposed Heathlands Development had been captured by the Nitrate Phosphate guidance issues by Natural England in 2020, which limited additional release in various areas such as the River Stour. The existing wastewater treatments works in Lenham would be unable to provide the capacity and treatment levels now required, with a privately operated wastewater treatment plant proposed as part of the scheme. Southern Water did not want to operate the new plant; a private operate would have to be secured. To achieve the required levels, additional wetlands would be needed.

Principal Planning Officer, Helen Garnett:

The Principal Planning Officer provided introductory remarks alongside the Interim Local Plan Review Director, and highlighted several policies contained within the LPR that applied to the review, including:

- Policy DM3, which required the Council to control pollution to ground water, surface water and mitigate against the irrigation of water bodies and ground water sources of protection zones. The policy had been enhanced to allow major developments to demonstrate that the existing infrastructure could accommodate new developments; and
- Updated SP14A, which applied across the borough.

Director of Regeneration and Place, William Cornall:

The Director of Regeneration and Place stated that the issues relating to the Water Management Cycle were more pertinent than ever before. The Council's involvement in building regulations was highlighted.

During the discussion, the following points were raised:

- The involvement of Environmental Health in the Water Management Cycle.

In response to questions, the Environmental Health Manager outlined the public health legislation applicable to drainage, (Public Health Act 1961) and reference various building control

acts. The Environmental Health service worked collaboratively with the Council's other service areas to resolve drainage problems, only becoming directly involved in instances where a breakdown in communication between the property owner and occupier had occurred, although this was rare.

Several of the group's members expressed concern on the management of drainage and/or sewage infrastructure within the Private Rental Sector (PRS) by private companies, due to there having been several mis-management issues in recent years.

In response, the Environmental Health Manager outlined the difficulties associated with this, in that those companies were responsible for maintaining the infrastructure. The potential for a cyclical effect of council involvement was highlighted, although they were unsure how often the private rented housing within Maidstone had experienced drainage and/or sewage infrastructure related issues. It was stated that the Community Safety Team received an average of 12 complaints annually from the public relating to the water management cycle, which were investigated with the relevant parties directed as required.

In response to further questions, the Environmental Health Manager stated that the Council was responsible for testing private water supplies only (public supplies were tested by the relevant suppliers). There were only five private water supply sites in the Maidstone Borough, and a detailed overview of the testing parameters was provided. The Environmental Health Manager confirmed that if any of the tests were failed, then action had to be taken, although there was no evidence to suggest that the quality of the private water supply was in decline; it was cyclical.

The importance of raising water supply, infrastructure and water transfer with the Water Companies that would be consulted as part of the External Stakeholder consultation was highlighted, to gain further insight into how their management.

It was suggested that the Group review the processes for monitoring tap water quality in the near future.

- The Council's involvement in mitigating flooding from individual developments.

Several Members of the group queried the actions that could be taken by the Council in mitigating flooding, given that some residents were unaware of the measures taken historically to support the water management cycle, such as shared culverts and soakaways.

In response to questions, the Principal Planning Officer confirmed that where an individual property owner had made improvements to their home (such as extensions) which

inadvertently impacted neighbouring properties, these would be classed as a private matter. In many cases, extensions could be facilitated through permitted development, rather than through the submission of a planning application.

The Interim Local Plan Review Director further advised that in such circumstances the Council had to be mindful of providing advice directly to the affected individuals as the matter concerned civil law; the authority could advise individuals on which organisations they could contact to obtain the relevant advice.

- The Council's involvement in mitigating surface water flooding, as several of the group's members highlighted the issues faced by residents in recent years arising out of new developments.

In response, the Principal Planning Officer stated that any major developments on greenfield sites in recent years should not initially be directing surface water into public sewers, in accordance with the national SUDs hierarchy. The hierarchy was explained as surface water being directed into the ground in the first instance, then to a suitable body of water and then to the public sewer as a last resort. In relation to land levels, it was stated that they had previously discussed the impact of run off with Kent County Council acting as Lead local Flood Authority (KCC LLFA). KCC LLFA had advised that raising land levels wouldn't necessarily cause increased surface water flow.

Surface water drainage measures were only applicable to major schemes and the Principal Planning Officer confirmed that the definition of a major development was set nationally and was unable to be set by the Council.

In response to further questions on the involvement of the Council and other relevant parties, the Principal Planning Officer stated KCC LLFA was a statutory consultee (planning) on the surface water drainage and had its own guidance in addition to national guidance. The Group was advised that if the Council wished to develop and/or influence sustainable urban drainage on developments, there would need to be a hook through local policy which could be through the D&S DPD.

- The Council's involvement from a planning perspective in managing wastewater, particularly in relation to the briefing note provided as part of the information pack.

In response to questions on the Council's remit in managing wastewater, the Principal Planning Officer explained that national guidance generally advises that Development Management should not become heavily involved in wastewater management as part of an application's assessment, as developers had a right to connect to the public sewer which was dealt with under the Water Industry Act (1991). If there were evidenced concerns about capacity the developer can be asked

to clarify how they will manage wastewater but this would be at a high level. Development Management would not be able to get into the fine detail as this would be dealt with between the developer and Southern Water.

It was stated that Southern Water were not a statutory consultee for planning applications, but the Council does consult them. They usually advise there is sufficient capacity or that upgrades are required, which they can facilitate under the Water Industry Act.

Government guidance generally advises that Development Management should only become involved if there was a large-scale development where they may consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out, where reasonable. This would be the limit of Council involvement.

The Director of Regeneration and Place stated that attaching too detailed a set of conditions to a planning approval could lead to the production of extensive technical documents by the relevant parties, which could make the application's determination difficult; particularly when the Council's involvement should have been limited in the first instance to that advised within the government guidance.

- The importance of promoting and achieving behavioural change in relation to water usage.

Several Members of the group expressed concern at the likelihood of achieving behavioural change, with an example given of Southeast Water's target of reducing daily usage per person from 150 litre to 112, alongside Southern Water's 100 litre target.

The Interim Local Plan Review Director reiterated the Council's role to work with water companies in promoting behavioural change, including from a Communications perspective to jointly present the work undertaken. Another route was to promote behavioural change through schools, as children were likely to discuss these matters with their parents.

The Group felt that it would be beneficial to explore whether the Water Companies would sponsor and assist with delivering an educational campaign with the Council.

The Interim Local Plan Review Director also stated that the D&S DPD would likely contain further information on recycling water within properties, to reduce overall usage. The Principal Planning Officer confirmed that water capture methods, such as those that collected rainwater to appliances within the home, were being explored. However, the D&S DPD would have to be viability tested, and the implementation of the equipment

required to support water recycling within individual properties was costly. The Principal Planning Officer referenced Policy DM2 of the Local Plan which addressed water efficiencies and gave an example of Woodcut Farm which had a BREEAM condition placed upon its planning approval. The relevant Government guidance promoted rainwater harvesting in commercial developments where it was viewed as being of the greatest benefit.

The Group felt that it would be beneficial to further explore the use and range of mechanisms to recycle water, as this could be facilitated in small- and large-scale developments. The benefit of promoting these types of measures in the first instance, such as through Council policies, was highlighted as this would prevent retrofitting which could be time consuming and more expensive.

- The role of the Council's policies in positively affecting the Water Management Cycle.

As a result of the Group's questioning and sentiments expressed, the importance of the Council's policies contributing to the promotion and management of the water management cycle was highlighted throughout the meeting.

This included:

- Promoting the mechanisms available to recycle water and the importance of sustainable measures, including sustainable urban drainage;
- Reiterating previous references made to the above two aspects, including removing hard standings and vehicle standpoints;
- The inclusion of the points raised where possible in relation to the D&S DPD, to assist in the measures implementation; and
- The links to biodiversity, and the actions discussed with the Director of Finance, Resources and Business Improvement as the groups previous two meetings (feasibility studies and access to funding).

In response, the Interim Local Plan Review highlighted the 20% biodiversity net gain included within the LPR, which was the same value being used by KCC and had been viability tested. There were no reasons to suggest that the level set would not be achieved. From a LPR perspective, it was assumed that the biodiversity net gain would be achieved through development. However, the LPR and D&S DPD could not achieve retrospective improvements.

The Interim Local Plan Review Director stated that it would be very useful for the Council to be able to identify areas where additional funding and/or the biodiversity net gain could be accessed to carry out priority projects. As such, the Interim Local Plan Review Director would discuss the feasibility studies

	<p>previously suggested with the Director of Finance, Resources and Business Improvement to ascertain if a collaborative approach could be achieved.</p> <ul style="list-style-type: none"> • The need for improved communication on the importance of the water management cycle. <p>The group felt that further efforts should be made to improve the attention given to Water Management cycle and suggested the following actions:</p> <ul style="list-style-type: none"> ○ For representatives of the Parish, District and County Councils, alongside the relevant officers as required, to meet on an annually or every-other-year, to discuss local issues and ensure that local knowledge is maintained in preventing negative effects such as flooding and property damage in the future; ○ For the group members to provide feedback to their respective political networks (such as specific environmental networks), to support continued attention to the matter; and ○ For the Council to proactively identify water management cycle related matters for inclusion at events such as the Local Government Association Conference and Rural and Urban Commission.
4. Any Other Business.	None.
5. Summary of Agreed Actions	<p>Actions: That</p> <ol style="list-style-type: none"> 1. The Democratic Services Officer ensure that the Officers that have attended both the 15 and 22 December 2022 group meetings receive the minutes of both meetings; 2. The Chairman research the appropriate method for the full Council to be presented with motions applicable to external stakeholders; and 3. The Interim Local Plan Review Director discuss the previously mentioned feasibility studies with the Director of Finance, Resources and Business Improvement to ascertain if a collaborative approach could be achieved.
6. Duration of Meeting	11 a.m. to 12.30 p.m.