

30th August 2012

Our ref CC/CS/509100

Ian Nelson
Spatial Planning Manager
North West Leicestershire District Council
Council Offices
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Leicestershire
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Dear Ian

Consultation on River Mease Contributions Strategy

Thank you for the opportunity to comment on the proposed River Mease Contributions Strategy. I shall set out comments on behalf of CLB (Ashby) Limited on the document, referring to the numbered sections.

B.3 It is stated that existing discharge consents are the contributors to the problem, rather than the causes of it. This is an incorrect statement. Existing consents at point sources (sewage treatment works) account for nearly 90%¹ of the phosphate load in the River Mease. They are therefore the main cause of the failure to meet the conservation target. As such the Contributions Strategy is not based on a sound interpretation of the situation.

B.4 The Regulations do not specify a timescale by which action should be taken to secure the integrity of the River Mease, i.e. to address the existing unfavourable conservation status. Therefore it is appropriate to apply a reasonable strategy to secure the integrity of the River Mease over a long term. However we consider it inappropriate to apply a long term strategy to resolve the new impacts of the significant additional Phosphate load from new dwellings planned in the District. Planning permission should not be granted for new development unless there is a robust strategy to mitigate its impact on the River Mease. Mitigation measures should be in place and proven to be effective before development is allowed to connect to sewage treatment works discharging to the River Mease. The Regulations require the competent authorities to avoid the deterioration of habitats and the Contributions Strategy as proposed could allow the deterioration of habitats in the short to medium term.

B.6 The use of planning obligations is inappropriate to secure funding towards 'mitigation' based on addressing diffuse sources. The main problem (as stated under B.3 above) is point sources and new development will impact on the River Mease at these point sources, through the disposal of sewage. Phosphate load from diffuse sources is not directly affected by new development and therefore the use of planning obligations is not in accordance with part 122 of the Community Infrastructure Levy Regulations 2010.

¹ River Mease Water Quality Management Plan: Developer Contributions Scheme FINAL VERSION 1.0 (29th June 2012) Appendix 1 b) P removal through amelioration of surface water input: Diffuse sources contribute an average of 11.7% of the overall load.

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F.3 Calculations of likely Phosphate load from new development and mitigation proposals in the Contributions Strategy are based on estimates made using available information and professional judgement. Judgements about the efficacy of the mitigation proposed refer to an example from elsewhere in the country (Appendix 1) and arbitrarily halve the likely success rate, since there is no other robust and scientific method available to determine likely efficacy. This is not good enough when the legal obligation on the competent authorities is to avoid the deterioration of habitats. This could be avoided by limiting development within the River Mease catchment or ensuring that sewage disposal from new development does not increase the phosphate load at relevant point sources. The Contributions Strategy would not reliably avoid deterioration of habitats.

Overall, the strategy pursued by the Council to promote development whilst avoiding impact on the River Mease is flawed. We have made representations in respect of the Core Strategy to describe how the development of 400 dwellings at Holywell Spring Farm, Ashby de la Zouch could be delivered with new infrastructure to dispose of sewage outside the River Mease catchment (at Milton Sewage Treatment Works) and to allow for an additional 1,000 dwellings to use this route also. This is a robust solution which will completely avoid impact on the River Mease, as opposed to the strategy pursued by the Council which is unreliable and based on a range of assumptions.

The River Mease Contributions Strategy will, at best, fail to deliver development and, at worst, fail to protect the River Mease from adverse effects to its conservation status.

Thank you for your consideration of these submissions and I look forward to hearing of the next steps.

Yours sincerely



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Associate

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cc Rupert Young, Nurton Developments
Ian Willicombe, DPM Limited

From: CHRIS ELSTON
Sent: 19 October 2012 15:22
To: EDMOND RILEY
Subject: FW: River Mease Contribution Scheme

NWLDC Logo email

Chris Elston

Planning and Development Team Manager, Planning and Development

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Any advice provided is offered without prejudice to future decisions made by the Authority.

From: Don Morgan [<mailto:don.morgan@gazeley.com>]
Sent: 28 September 2012 16:22
To: IAN NELSON; CHRIS ELSTON
Cc: SarahBurrows@hydrock.co.uk; Eddie Peat; Bruce Topley
Subject: River Mease Contribution Scheme

Gentlemen,

I am most obliged to Chris for forwarding to me the information about the above.

It is unfortunate that we were not aware of this consultation and that the Council did not draw our attention to it since we are likely to be developing one of the most significant new commercial developments in Ashby in the next few years. It is for this reason that we have not submitted a comment before the published closing date.

That said, I understand that the relevant authorities are likely to take into account a representation submitted by today's date.

I therefore write on behalf of Gazeley UK Ltd and Howarth Estates Ltd to make the following representation about the proposed River Mease Contribution Scheme.

Gazeley and Howarth Estates fully support the principle of the Contribution Scheme as a pragmatic response to overcome a technical problem that has created a block on major new development in the area for too long. During negotiations which led up to the grant of planning permission for a rail connected

employment building of roughly 850,000 sq ft on the former UK Coal distribution site at Lounge, it had been assumed that in the fullness of time such a Contribution Scheme would be agreed. The planning permission currently relates to a foul drainage solution by way of a cess pit. It was always expected that this arrangement would be dropped in favour of a proper drainage solution by a connection to the public sewer following the agreement of a Contribution Scheme.

Such reservations as we have however relate to the fact that the published document does not make it clear what the Developer Contribution will need to be for non-residential developments. The relevant extract from the detailed report is as follows:-

F.7 Contributions from non-residential development

The contributions from non-residential development will be calculated on a case by case basis in light of the estimated increased P loading to the river, which in turn is estimated from

the estimated volume of wastewater to mains associated with the nature and scale of the development being proposed whereby:

Contribution (£) = P load to river (mg/day) x 0.8*

**the P load to the river (mg/day) is equal to the volume (L/day) from proposed development multiplied by*

the P consent limit at the receiving works (ie: 1mg/L for category A works and 2mg/L for category B works

as set out in section F1)

The Consultation Document does not make it clear how the contribution will be calculated for non-residential developments. The equation quoted in Section F.7 needs to be clarified to explain:-

a) how development flows for proposed developments will be calculated (eg can this be based on information supplied by developers based on measured data from similar existing sites?) At the present time we are not sure what the size of the financial contribution will be for the major development at Lounge, and

b) why the equation results in higher contributions for developments discharging to category B works compared with category A works.

Subject to the amendment of the Consultation Document to properly address these matters, Gazeley and Howarth Estates would be willing to support its adoption by the relevant authorities.

Our civil engineers would be very happy to discuss with your consultants the appropriate drainage data for development of the kind we propose if this would be of assistance. The relevant person would be Sarah Burrows of Hydrock whose e mail address appears above.

I should be obliged if you would keep me informed as to the outcome of the consultation process.

Kind regards

Don Morgan

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Our ref: te/dap/01A73035
Your ref:

31 August 2012

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Dear Sirs

River Mease Water Quality Management Plan: Developer Contributions Scheme

This response to the Council's River Mease Quality Management Plan Developer Contribution Scheme (hereafter referred to as the DCS) has been prepared by GVA on behalf of William Davis Ltd and Jelson Limited, the owners and promoters of a large tract of land known as Stephenson Green, in Coalville.

We note that In order to allow new development to take place within the River Mease catchment, the DCS sets out a mechanism for securing section 106 contributions from all new homes built, within the defined River Mease catchment area, which connect to main drainage system. The contributions secured through the DCS would be collected by the Council, pooled and spent on a series of environmental improvements aimed at improving water quality of the River Mease, thereby enabling new development to come forward within the River Mease catchment area.

In regard to the above, our clients are concerned that the 'pooling' of s106 contributions in the manner proposed would conflict with Government guidance on developer contributions.

Community Infrastructure Regulations 2010

Part 11 of the Planning and Compulsory Purchase Act 2008 provided for the introduction of the Community Infrastructure Levy (CIL). These Regulations came into force in April 2010. The Regulations provide that CIL is intended to be used for general infrastructure contributions (such as developer contributions towards the River Mease Water Quality Management Plan) whilst s106 obligations should be for site specific mitigation only.

The regulations have three important repercussions for s106 obligations. They are:

- Making the test for the use of s106 obligations statutory;
- Ensuring that there is no overlap in the use of CIL and s106; and,
- Limiting the use of 'pooled' s106 obligations post 2014.

It is clear that CIL is now the preferred method for collecting pooled contributions to fund infrastructure and the continuing use of s106 based tariffs will, as a consequence become

problematic. Therefore, local authorities that are considering adopting charging tariffs (i.e. the DCS), should be looking to move to CIL as a priority.

Current and future arrangements continue on the principle that there is a clear need for s106 obligations **but** they should be restricted to the regulation of development and in particular, **site-specific** mitigation. They **should not** be used for **generic payments to the LPA**.

So, in summary, the District Council should in our Clients opinion, be producing a CIL charging schedule as a way of securing contributions towards the necessary infrastructure improvements in the River Mease, rather than seeking to do so through a series of s106 agreements.

Pooled Contributions

With regard to pooled contributions, after 6 April 2014, the collecting of monies through s106 obligations (tariffs) in the manner proposed in the DCS will be limited for all authorities. The impact of this provision is that local authorities will only be able to accept a **maximum of five** contributions towards an identified infrastructure project or type of infrastructure that could otherwise be funded from CIL.

Therefore, if the local authority has agreements in place for more than five s106 contributions after April 2010 for a project or type of infrastructure (such as the mitigation measures proposed in the DCS) from April 2014, or the date of the adoption of the Council's CIL charging schedule (if earlier), they will no longer be able to collect any more contributions for that purpose.

In the light of the above, it is entirely unclear why the District Council is seeking to produce a DCS for the River Mease SAC when such a scheme is likely to be rendered obsolete by the CIL regulations, as early as 2014.

Long-term Mitigation Strategy

In addition, to our Clients concerns about how CIL would impact on the delivery of the mitigation proposed in the DCS, it seems as though viable actions may not be available to mitigate the negative effects of development for water quality in the Rivers Mease SAC, beyond the initial 'development window'. As a consequence, there is no guarantee that the DCS would achieve its principal aim of allowing development to come forward in the River Mease SAC in the future.

We hope that you will find these comments will prove helpful, but if you do have any queries please do not hesitate to contact me.

Yours faithfully



Tim Evans
Principal Planner – Planning Development & Regeneration
For and On Behalf of GVA

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28 August 2012

Dear Sir/Madam,

Representation to Consultation Draft of the River Mease Developer Contribution Strategy

Introduction

Thank you for the opportunity to comment on the above document.

Jones Lang LaSalle acts on behalf of The Measham Land Company Limited/Ideal Holdings Group. In this capacity, we wish to make the following representation to the Consultation Draft of the River Mease Developer Contribution Strategy.

Our client is in the process of working up a planning application for the development of the Measham Wharf and adjoining 40 acre Burton Road site. These proposals, through extensive discussion and collaboration with NWLDC and Leicestershire County Council, are now at an advanced stage. A planning application is due to be submitted in September 2012. The site lies within the River Mease SAC Catchment Area.

Concurrently to developing their proposals for the re-instatement of the Measham Wharf and associated residential and commercial development, our client has invested significant time and capital into the research and development of a long term, sustainable, solution for the removal of phosphate from effluent, particularly the River Mease Catchment. This is discussed in more detail within the body of this representation.

We have drawn on the specialist advice of Dr Paul Withers from Bangor University and David Naismith from the Wildfowl and Wetlands Trust Consulting in formulating this representation.

Our comments relate specifically to section H of the DCS, however, we do consider the wider strategy in context.

Comments

The overall DCS strategy that developers will only be required to offset any 'extra' phosphate discharged from sewage treatment is considered to be fair. The basis for calculating the charge as set out within Section F appears to be sound and reasonable.

With regard to the proposed window allocation of 800mg/day, this specifically relates to total P loading to the river. The relationship between reductions in total P load and reductions in river soluble P concentrations is highly complex. However, the iterative nature of the process is welcomed in that the identification of future development windows, will not allow the development pipeline to be choked indefinitely.

Central to the success of reducing P levels to the required 0.06mg/L, are the findings of and the subsequent measures as set out within the Water Quality Management Plan (WQMP). Section E1 of the Consultation Draft of the Developer Contributions Strategy highlights that, action funded through developer contributions must be linked to mitigating the negative effects associated with development. The document states that actions which are purely investigative in nature cannot provide such mitigation and will not be funded by the DCS.

However, the importance of investigative studies and research being carried out, to inform eventual mitigation, is critical to the overall success of the Water Quality Management Plan. We would support a more positive reference to investigations and research in the final paragraph of Section E1. In this context the very costly investigations undertaken by our client have been recognised by your Authority, Leicestershire County Council, Severn Trent Water, Natural England and the Environment Agency to be of significant value to sustainably dealing with 'P' in the long term. The document must not stall investigations of this nature.

Section H

We welcome the inclusion of Section H within the DCS. Specifically, we support the principle of your Planning Authority and Natural England remaining committed to considering bespoke mitigation proposals put forward on a case by case basis.

With regard to investigative studies, we seek further commitment within the DCS, on the principle of the investigative aspects of bespoke solution, where deemed significant, to be taken into account when assessing a planning application under the DCS. Although receipts received through the DCS will make an important contribution to meeting the objectives of the WQMP, the development of bespoke solutions should not be stifled.

Our client, The Measham Land Company Limited/Ideal Holdings Group, has funded significant research into phosphate mitigation. The research and findings to date, whilst confidential, are backed up by support from Natural England, Environment Agency and Severn Trent Water. In addition, North West Leicestershire District Council and Leicestershire County Council has been actively involved with the research. This research has the potential to offer a sustainable,

long term solution, to managing phosphate levels within the Measham Catchment Area and further afield.

The DCS should allow for potential contribution reductions for organisations which can demonstrate research and findings significant to meeting WQMP objectives. We would support a clearer indication of how significant investigative studies will be measured and discounted against the DCS. For instance, the total cost of a significant investigation should be discounted from the final DCS amount.

Conclusions

There remains significant uncertainty over the figures for P reduction by silt traps and river restoration. Equally, there are uncertainties over the cost of implementing and monitoring the success of such measures.

We support the principle of developers contributing, through the DCS, to meet the objectives of the WQMP. However, given the high level of uncertainty over current methods of P reduction, there should also be incentives for bespoke solutions to be investigated.

We seek further strengthening of Section H, within the DCS, in order to provide a reduced tariff to developers who can demonstrate that investigative studies undertaken or funded by them have provided results significant to meeting the overall goal of the WQMP.

Yours Sincerely,

Elle Cass



31st August 2012

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Dear Sir or Madam

River Mease Water Quality Management Plan: Developer Contributions Scheme

SF Planning Limited is a firm of RTPI member planning consultants. We represent our client in respect of their land (approximately 5.5 hectares) within the catchment area for the River Mease, Ashby-de-la-Zouch.

We have studied the proposed Developer Contributions Strategy (DCS) on behalf of our client and can confirm that we are supportive of the principle behind the strategy; namely, the principle of "the polluter pays" in order to facilitate major new development. We consider this to be particularly important for sustainable locations such as Ashby-de-la-Zouch, especially when brownfield sites are involved.

The National Planning Policy Framework (NPPF) is most clear about the emphasis it places on sustainable forms of development and the use of brownfield land. In helping to achieve these overarching principles of the NPPF, the DCS is a most important mechanism. Paragraph 187 of the NPPF also advocates the need for Local Planning Authorities to find solutions rather problems, and this is an excellent example of a number of local authorities coming together with other stakeholders to actively find solutions and assist in delivering sustainable forms of development.

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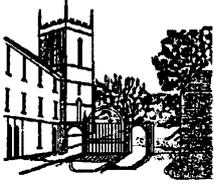
The proposed schedule of contributions, graded according to the size of the proposed dwelling(s) and their sustainability credentials, is also something that we are supportive of in principle. We consider it will be important to ensure that the contributions achieved under this Strategy do go directly towards the matter which the Strategy is laudably seeking to address; and in that respect we trust that any contributions will be appropriately recorded and monitored in accordance with the relevant Development Plan Policy, the CIL Regulations and the NPPF.

I trust this representation assists you in hopefully taking this proposal forward to a successful conclusion, and I look forward to being informed about any future stages of consultation on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Firkins', written in a cursive style.

Simon Firkins **MRTPI**



Ashby de la Zouch Civic Society

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30th August 2012

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River Mease Water Quality Management Plan Developer Contribution Scheme

We welcome the opportunity to comment on this proposed scheme.

However we wish to register our concern that members of the public were not given the same opportunity to input to the Water Quality Management Plan. This shows the Board's inconsistency of approach.

We would like to make the following points in relation to the WQMP.

- The board have failed in their duty under regulation 9 in failing to carry out an appropriate assessment of the plan. When questioning this point I was told that the plan had been submitted to DEFRA and approval obtained. We do not consider this satisfactory under regulation 9.
- It is stated "that short term increases in phosphate levels in the SAC caused by plans and projects (for example those associated with housing growth) are to be accommodated within a general downward trend in phosphate concentrations"
- This is in conflict with the Habitats Regulations which demand concurrent mitigation be adopted. It also conflicts with the commitment within the DCS for timely mitigation to be undertaken.
- The board is also inconsistent in its approach in adopting a constant load approach only after existing headroom is used up. This means in reality that there will be an 8% deterioration in the P levels due to utilising spare head room before any mitigation is undertaken.
- The question of CSO spills is scheduled within the WQMP. For investigation. The water cycle study model predicts that there is a large number of overspill incidents. However the findings are dismissed as model errors. Local residents in Packington report regularly (at least monthly) overspills of sewage from the Packington STW, suggesting capacity shortfalls. I am told by ST that CSO spills are not reported or monitored. It is unacceptable that such an obvious source of P pollution has not been investigated.
- The data used within calculations throughout the DCS and in the Water Cycle Study are erroneous. These are fundamental flaws which discredit the conclusions of the reports. These need to be corrected and new recommendations made based on the corrected facts.

The Developer Contribution Scheme

We would wish to make the following comments on behalf of the residents of Ashby:

B1

The scheme introduces mitigation proposals which have not been considered in the WQMP. As such under regulation 9 of the habitat directive an appropriate assessment should have been undertaken. **The scheme does not therefore conform to Habitats Regulation legislation.**

B2

The WQMP states that:

NWLDC have received advice from consultants specialising in the Habitats Regulations (David Tyldesley and Associates). This advice focuses much attention on an outcome from the RoCs, which related to a water quality action plan to tackle diffuse P loads within the catchment. *“As yet the River Mease Water Quality Action Plan, as detailed in the SAP, is yet to be delivered. Until such time that this “further action” (which was relied upon by the EA under the provision of Regulation 64(3) to enable them to conclude their RoC) is delivered, the residual “adverse effect on integrity” associated with Packington WWTW remains.”* The advice goes on to direct NWLDC that any increase in flow arriving at the STWs within current consent limits even if there is DWF headroom, would result in an adverse effect. **Therefore mitigation must be in place to avoid adverse effect before development can be allowed and any spare headroom utilised.**

B3

The WQMP relies on “further action” under ROC which was

- Minimising any future growth within the catchment
- Working to improve point source discharges
- Working to improve diffuse pollution

Future housing growth is not proposed to be limited under the core strategy. No work has been completed to reduce point source discharges. The DCS does address diffuse pollution. **As actions have not been taken. No adverse effect can be claimed. The Tyldesley conclusion above must therefore be applied.**

B4

We agree that general action unrelated to consent should be undertaken to restore the River Mease to favourable condition. **However these initiatives cannot substitute the required immediate mitigation of any adverse effect of development applications.**

B6

It is proposed to pool contributions under the section 106 agreement of planning permissions. If NWLDC adopts, as proposed, its CIL policy in August 2013 or after 2014 it will no longer be able to pool more than 5 planning obligations. **The DCS has therefore defined a collecting policy that is inoperable.**

Planning obligations must be directly related to the development. The use of the obligation to reduce diffuse pollution is not directly related. STW have the legal responsibility to deal

with sewage from development and this is funded by OFWAT. **The DCS is therefore legally questionable in its concept.**

The WQMP defines that development of less than 10 houses will not attract objections due to adverse P impact. However the DCS defines that all houses impact and therefore must contribute. **The two policies are therefore in conflict.**

C1

We agree that any development must mitigate any increase in P through the removal of at least an equivalent level of P. **This mitigation must also be within the same time scale as the development to be considered to have no adverse impact.**

C4

The river Mease is an SAC which is failing the habitats directive, water framework directive and the urban waste water directive, mainly due to excessive phosphorus content.

The proposal to develop 1850 houses in the Mease catchment is contrary to Region Plan Appropriate Assessment which concluded that "The level of planned housing growth represent a significant risk to the SAC". The NPPF policy section 11 para 109-124 give protection to the SAC from inappropriate development.

The proposal to utilise existing headroom to connect 1218 houses to the Packington STW will lead to an 8% increase in phosphates in the River Mease (ref: water cycle study) This is recommended as acceptable as the ROC appropriate assessment concluded "nil detriment" and a Developer Contribution Scheme is proposed.

This is a misinterpretation of the Habitats Directive. We insist that mitigation of the 8% worsening phosphate load be put in place before connection of these houses is allowed. The DCS can only be directed to long term riparian improvements as these funds cannot be used to improve the Packington STW, the largest contributor of phosphorus load. (supreme court judgement Welsh Water v Barratt Homes).

Appendix 6 of the Habitats Regulations appropriate assessment says:

The sewer to Packington STW is a combined sewer which is heavily impacted by rainfall. The discharge limit at Packington STW is set at 4656 m³/day

In 2009 the 5 year average flow at Packington STW was 4540 m³/day. The Severn Trent quoted long term average in 2010 was 4600m³/day
Severn Trent now calculate the average flow for the last 7 years (adjusted) to be 4320 m³/day. The calculation that Severn Trent has used is severely skewed because they choose to remove the readings from 2008 which was a particularly wet year when the DWF exceeded the permitted flow. There was no justification to remove this data. Over the last eleven years in the Midlands there was similar levels of rainfall in 2007 and 2002. So 2008 was not an unusual year and the data should have remained in the average. However 2011 was declared by the Environment Agency to be the Midland's driest year on record in over 100 years. It would therefore be reasonable to remove this year from the dataset.

If we then recalculate the dry weather flow the average is calculated to be 4534 m³/day. This is a similar figure to the average calculated in 2009 and 2010.

This gives a gross headroom of 122 m³/day versus the ST calculated 336 m³/day.

Severn Trent are about to close the Anwell sewerage works and pipe the foul waste to Packington. This reduces the Headroom by 73 m³/day.

Also we have to subtract planning commitments .already approved. These are:
15 hectares of commenced industrial development (see appendix 1 of core strategy)
=75m³/day

11 houses equivalent for new homes and extensions (2011-12) =3 m³/day

Large extensions of Ashby School and Ashfield House. (2012)= 5 m³/day

We therefore have no headroom but in fact a shortfall of 34 m³/day

High levels of developments in Ashby has lead to both surface water and sewer flooding in Packington There have been 8 incidents of simultaneous sewer and surface flooding in the last 5 years.. There have been 21 incidents of reported sewer floods in Ashby over the last 10 years. Although Ashby has 14% of the houses in NWL it has had 36% of sewer flood incidents. There have been 4 major sewer blowouts and 2 severe sewer blockages in recent years.. There have been a significant SAC fish kill incident from discharges from Packington Sewerage works and a resident was hospitalised due to sewage infection. The regional plan Appropriate Assessment concluded that there was inadequate sewer capacity.

Packington residents report that already raw sewage is entering the River Mease at least once a month to south of the village from the Packington STW storm tanks. Modelling in the water cycle study suggests that CSO's will operate 48 times at Willesley and 76 times at the Bathground Ashby.

The sewer and surface water systems are clearly under stress and these discharges are detrimental to the SAC.

Policy CS33

We believe that policy CS33 does not adequately protect the Rver Mease. In fact it supports actions which will create adverse effects and is contrary to NPF and the regional plan.

We conclude that:

- There is no headroom capacity at Packington SSTW
- The provision of infrastructure at Packington STW must be funded by OFWAT and not a DCS
- That development should only be allowed where it can be demonstrated that the proposed development will not have an adverse impact on the River Mease SAC irrespective of headroom.

Dry weather flow	M3/ day	Severn Trent	Corrected figure
Current Consent	4656		
2009 5 year AVE	4540		
2010 AVE (Severn Trent)	4600		
2011 5 year AVE Severn Trent adjusted	4320		
2011 5 year AVE Corrected figure	4534		
Head room		336 (1218 houses)	122
Subtract 73m3 / day for transfer of load from Annwell sewerage works Subtract 75 m3/ day for committed industrial development commenced 2011 (appendix 1 CS) Subtract 3m3/ day for homes and extensions 2011-12 total:12 Subtract 5m3/ day for School extension and Ashfield House extension TOTAL: 156m3/ day			Minus 34
OVERALL HEADROOM AT PACKINGTON IS MINUS 34m3			

E1

We believe that the DCS contributions are being used to deliver improvements in management and avoidance and is not to be used to mitigate the actual adverse impact which is sewage.. The actions proposed in the DCS are those recommended in the River Mease Restoration Plan. E2 states that this plan is about management and avoidance of deterioration- exactly what is denied in the E1. **We conclude that the use of the DCS for these purposes does not conform to paragraph 204 of the NPPF.**

F2

We agree with the concept of development windows. However the size of the first window is large at 800g/day. This is the equivalent of 2500 houses and represents the total catchment development until 2031. **As the proposals of mitigation are untested this seems to be an very large experiment with significant adverse consequences if the mitigation plan fails. A first window of 150g/day would be more appropriate.**

F4

We disagree with the proposal that sustainable homes will pay a lower contribution.. the policy is developed on the basis of the weight of P produced by the household. The amount of P produced is defined by the weight of sewage and washing powders etc. produced by the household, not the volume of foul water. **Sustainable homes do not produce less P, therefore all houses should pay the same. We agree the mitigation should be implemented in a timely manner.**

F5

We disagree with the P reduction calculations and therefore the cost of the project. The reasoning will be shown in subsequent sections.

Appendix 1

Installation of Silt Traps

Silt traps will only remove P that is in solid phase attached to silt. It will therefore only remove P associated with diffuse pollution. Phosphates from STW will be dissolved P not removable by traps.

The EA state that background P levels with treatment works switched off would be 0.08mg/l . The figure of 0.838 quoted is therefore incorrect and is higher than the discharge from the STW which is approximately 0.5mg/l

The following calculations of phosphate removal per trap is therefore incorrect. The P removed should be 69g P per day per trap not 724g

Long Term Measure: River Restoration

The principal of flood plain P removal is accepted, assuming that the flood plain is not intensively farmed and fertilised in which case it could actually be detrimental.

The calculation does not take into account that under flood conditions and intensive rainfall the P levels will be significantly reduced due to dilution by rainfall.

The calculation uses an average P concentration of 1.2mg/l. The water cycle study states in P2.2.3 that the average is 0.31mg/l.

If we recalculate the P per day per project it will remove 14.7g of P not 59g stated.

P Removal Through Amelioration of Surface Water Input

The calculation in this section uses figures from previous sections. **If the corrections are taken into account amelioration creates a reduction of P of 13.7g per day per project or 96g for the 7 reaches, not 55g and 385g.**

Overall P Removal

If we correct the errors in all sections the total P removal is 199g P per day not the 798 quoted.

It can clearly be seen that the P removal claimed in the report is dramatically overstated.. The costs are likewise understated and should be £2.5 million rather than £640K.

We look forward to your confirmation that these issues will be corrected.

C.Tandy

Vice Chairman: Ashby Civic Society



Our ref: MW/SJP

29th August 2012

River Mease DCS
c/o Planning Policy
North West Leicestershire District Council
Council Offices
Whitwick Road
Coalville
Leicestershire
LE67 3FJ

Dear Sirs

RE: RIVER MEASE DEVELOPER CONTRIBUTIONS STRATEGY CONSULTATION

I refer to the above.

Representations on the draft Developer Contributions Strategy (DCS) on behalf of Bloor Holdings Ltd are set out below. The Company operates a number of established businesses in the area with both offices and land holdings / interests within the River Mease Special Area of Conservation (SAC) catchment.

We appreciate the work carried out so far by the District Council and partner bodies on the River Mease Programme Board in addressing the River Mease SAC situation. We recognise that this has not been a straightforward issue to deal with and we are sure that what in effect has been an embargo on development has been as frustrating to Board members as it has been to those with development and operational interests in the catchment. As such, we welcome the Developer Contributions Strategy in principle and trust that it will be amended as appropriate following this consultation and then adopted without further delay.

We understand that the 'first development window' as set out in the draft DCS will allow for the construction of approximately 1800 dwellings discharging to category A treatment works in the catchment area built to non-Code for Sustainable Homes standard (this figure would increase should higher standards of sustainability in respect of water consumption be incorporated and is also affected by the amount of non-residential development occurring). We also understand that the treatment headroom at the category A treatment works within the catchment is also for a similar amount of dwellings. Our comments on the detailed aspects of the draft DCS are made on this understanding, although this should be clarified in the final version of the DCS.

Phasing of contributions

We recognise the need for contributions to be made available early in order for the necessary P-reducing measures to be implemented in a timely fashion. However, where a proposed development is of a significant scale it may not be possible for the contribution required from the development as a whole to be made up front in its entirety for viability / cashflow reasons, given the other significant infrastructure and start up development costs often associated with large projects.

The DCS should allow for phased payments to be made as appropriate throughout the lifetime of a development.

bloorhomes.com

Result of contributions being made

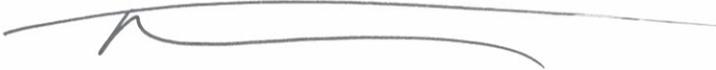
The DCS should be clear that, once the relevant contribution has been made for a development or a phase of development, then connection can be made to the foul water sewerage system with no further conditions or hindrances related to the River Mease, in order that the DCS removes the effective development embargo in the catchment whilst securing improvements to the River Mease as intended.

Planning obligation

In order to expedite the preparation of planning obligations that provide contributions toward River Mease Water Quality Management Plan projects, the Council may wish to prepare a standard form of wording for inclusion in S106 agreements or undertakings.

I trust these comments are useful.

Yours faithfully,



Max Whitehead MTCP MRTPI
Strategic Planning Manager

From: Gary Lees [Gary.Lees@pegasuspg.co.uk]
Sent: 29 August 2012 10:12
To: RIVER MEASE
Cc: Althorpe, Ian; Simon Dawson
Subject: River Mease WQMP: Developer Contributions Scheme (DCS)
Attachments: water_efficiency_calculator.pdf

I make the following submissions in response to the above consultation on behalf of David Wilson Homes and Oakland Hotels:

First, the adoption of the DCS is welcomed and the principle is fully supported to ensure much needed development can now proceed. However, I set out below a few comments to ensure the DCS is robust, fair and hopefully more easily implemented:

B.6 What is a Planning Obligation?

This section ought to spell out the legal requirements for planning obligations as set out in the CIL Regulations 2010 (122) and as repeated in paragraph 204 of the NPPF. Section C 'The Requirement for a Developer Contributions Scheme' should then clearly set out how the DCS accords with the three legal tests for planning obligations.

F.4 How contributions will be linked to P reductions

First, Part G of The Building Regulations require all new homes to achieve water consumption of a maximum of 125 litres/head/day under Regulation 17.K. This is required to achieve a completions certificate. Accordingly, the water consumption rate for litres/head/day should be 125 and not 135.

Further, compliance with Building Regulation 17.K of Part G requires a calculation to be made in accordance with the methodology set out in '*The Water Efficiency Calculator for New Dwellings*'. This calculator (attached) is therefore the appropriate reference document against which to set the developer contribution and NOT the code for sustainable homes levels 3 or 4. It would be appropriate to include the table under paragraph 1.1 of the document in the DCS:

Performance target person/day)	Maximum consumption of potable water (litres/
17.K Compliance	125
Code for Sustainable Homes (Level 1/2)	120
Code for Sustainable Homes (Level 3/4)	105
Code for Sustainable Homes (Level 5/6)	80

A clearer explanation of when contributions will be payable is required. It is suggested that the DCS state that payment should be made prior to first occupation, in order that the developer and authority will then be clear what level of water consumption the dwellings will achieve and thus the amount payable.

F.6 Contributions from residential development

The tables in this section need to be amended to reflect the comments above.

F.7 Contributions from non-residential development

It would be helpful if the DCS makes clear how increased P loading will be estimated for non-residential development – is agreement from Severn Trent expected?

Other

The amount of development anticipated in the first window ought to be set out in the DCS.

If the DCS is to be adopted as a SPD, is there a requirement for you to undertake an appropriate assessment?

Please confirm receipt and keep me informed of further progress.

Regards

Gary Lees

Director

Pegasus Planning Group Ltd

4 The Courtyard | Church Street | Lockington | Derbyshire | DE74 2SL

T 01509 670806 | **F** 01509 672247 | **M** 07795 657310 | **E** gary.lees@pegasuspg.co.uk

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Planning Policy Team
North West Leicestershire District Council
c/o Ian Nelson
Council Offices
Coalville
Leicestershire
LE67 3FJ

24 August 2012

Reference: DC/07/057
BY POST AND EMAIL

Dear Mr Nelson,

RE: NORTH WEST LEICESTERSHIRE RIVER MEASE DEVELOPER CONTRIBUTIONS SCHEME

a) Background to Representations

We are writing in response to the Council's publication of the River Mease Developer Contributions Scheme (DCS), which has been prepared with the Environment Agency, Natural England and Severn Trent Water. Accordingly, this letter provides the considered comments of the Money Hill Consortium (MHC), which comprises of Cogent Land LLP, Bloor Homes and Taylor Wimpey Plc. The MHC has a long-term controlling interest over land within the north of Ashby-de-la-Zouch broad location, hereafter referred to as "Money Hill", which is identified for the delivery of a minimum of 605 new homes in the Pre-Submission North West Leicestershire LDF Core Strategy (April 2012).

The Money Hill Consortium (MHC) is legally bound by a Collaboration Agreement and includes housebuilders and strategic land delivery partners. This consortium has a proven track record of delivery, including schemes in Leicestershire. Recent schemes include Fairfield Manor, Castle Donington (Bloor Homes), Meredith Park, Ashby-de-la-Zouch (Bloor Homes) and Terracotta Gardens, Hathern (Taylor Wimpey).

Cogent Land LLP is a property fund, which invests in strategic land opportunities operated by investment managers Cordea Savills. Cogent Land LLP has access to significant assets to assist in the delivery process. It has nationwide experience of securing development plan allocations and planning permissions for major development sites. The MHC combines these resources with the expertise of Bloor Homes and Taylor Wimpey Plc; leading national housebuilders with over a hundred years of collective experience.

b) Executive Summary

The Mease DCS has emerged from the River Mease Water Quality Management Plan, which was published by the Environment Agency and Natural England in 2011. It seeks to reduce phosphate levels in the River Mease, which currently exceed that of the European Community Habitats Directive. The objective of the Mease DCS is to provide a framework to allow major new development to re-commence, but with an emphasis on new development financially contributing towards short and long-term mitigation measures and phosphate reduction.

c) Policy Context

The Leicestershire LDF Core Strategy is being advanced alongside the River Mease DCS. *Policy CS33: River Mease Special Area of Conservation* advises that new development within the River Mease catchment will only be approved if it meets the following:-

.Cont.2...

- There is sufficient headroom capacity available at the Wastewater Treatment Works to which it is proposed that flows from the development will go; and
- The proposed development is in accordance with the provisions of the Water Quality Management Plan including, where appropriate, the provision of infrastructure or water quality improvements proposed in a Developer Contributions Strategy.

Policy CS33: River Mease Special Area of Conservation states that in the event of no headroom being available development will only be allowed where it can be demonstrated that the proposed development will not have an adverse impact on the River Mease Special Area of Conservation.

d) The Role of Severn Trent Water

Under the Water Industry Regulations 2011 Severn Trent Water is responsible for all existing sewers and lateral drainage. DEFRA is now seeking to apply the same principle to all development, with the objective of aiding long-term planning, particular in terms of climate change and housing growth. It is understood from DEFRA that at the national level the cost for these works will be transferred to the customer, resulting in a £3 - £14 increase per annum increase in household bills.

e) Consultation Response

The MHC supports the principle of reducing phosphate levels in the River Mease. Notwithstanding this, Severn Trent Water, as a statutory provider, must ultimately drive the process and deliver on its statutory obligations. Not least, because the Mease DCS states that improvements to its sewage treatment facilities would provide an efficient means of mitigating the negative effects of development, but would also be easily capable of management and monitoring. Likewise, Severn Trent Water has an investment plan in place to make improvements during the 2010 – 2015 period.

It is essential that objectives to reduce phosphate levels in the River Mease are not undermined by developers offering on-site private provision. Not only does this jeopardise the successful implementation of the Management Plan, but, moreover, unless such facilities are properly operated and managed through a binding legal agreement they increase the risk of pollution.

The North West Leicestershire District Council Environmental Scrutiny Committee Report (September 2010) confirms that an assessment of the Packington Sewage Works was completed in November 2009, which crystallised that the treatment works could accommodate the waste from an additional 710 new homes.

The MHC supports the objectives of the Mease DCS but does have some concerns with regards to the payment of the contributions. The Money Hill site is identified in the LDF pre-submission Core Strategy (April 2012) as providing 605 new homes over a period from 2016/17 – 2027/28. Therefore, it is considered excessive to seek all contributions upon first implementation, as this will place impediments on delivery through unnecessary pressure on project cash flow – especially as the impact of development will not be felt until much later in the delivery pipeline. Instead, it is recommended that the Mease DCS remove this policy burden; something that is supported by the National Planning Policy Framework (Paragraph 173). This could be achieved by collecting contributions on a regular phased basis, i.e. on the commencement of each 150th unit.

The MHC supports a case-by-case assessment of non-residential schemes based on the estimated phosphate loading on the River Mease. This mechanism creates flexibility and recognises that not all non-residential uses produce identical levels of phosphate. Notwithstanding this, as with residential contributions, a single contribution made payable on implementation of a scheme is considered excessive and unnecessary, and therefore, should be phased.

In addition to the above, Appendix 1 of the Mease DCS confirms that approximately 50% of the phosphate removal that is to be funded through developer contributions will be achieved with the installation of silt traps. The DCS advises that these mitigation measures will “remove phosphate as soon as they are installed”. Consequently, it is considered that mitigation measures can be implemented in parallel with development, instead of causing a potential burden to development and growth by seeking full contributions upon implementation.

The Mease DCS should make provision for claw-back in the event that contributions are not committed, or no longer necessary.

f) Conclusions and Recommendations

In conclusion, the MHC supports the principle of the Mease DCS and the environmental improvements it seeks to achieve. Likewise, by establishing a delivery framework, development can continue to both meet the needs of the local community in providing new housing, whilst safeguarding the environment (particularly in respect of its European designation). It is essential that the Mease DCS is not undermined by permitting development that does not positively contribute to bringing about improvements to the River Mease. Such an approach will not only threaten the overall success of the Mease DCS objectives, but could increase the risk of pollution elsewhere.

In administering and implementing the Mease DCS, it is recommended that the policy afford greater flexibility to enable the phased contribution of payments. The collection of contributions should accord with development milestones and actual effects, to avoid placing a stranglehold on development and growth that has not yet been recognised. Mitigation measures can be implemented incrementally to provide immediate reductions in phosphate levels.

Therefore, in conclusion, the MHC is supportive of the Mease DCS but respectfully request that flexibility is built-in to the policy to better balance social, environmental and economic factors.

We look forward to playing a productive role in the development of the DCS, and please do not hesitate to contact us should you require clarification on any point.

Yours faithfully,

James Bompas
ASSOCIATE

Copy

Matthew Inman
Kevin Ashman
David Joseph
Andrew Tildesley
Ed Riley

Cogent Land LLP
Cogent Land LLP
Bloor Homes
Taylor Wimpey
North West Leicestershire District Council

Gladman Developments Ltd

**Representations on
River Mease – Developer Contributions Strategy
(North West Leicester District Council)**



August 2012

1 INTRODUCTION

- 1.1.1 Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.
- 1.1.2 These representations have examined the River Mease Developer Contribution Strategy (DCS) which forms part of the River Mease Water Quality Management Plan (WQMP).
- 1.1.3 Gladman disagree with the DCS and the financial responsibility it places on Developers for addressing the rising levels of Phosphate in the River Mease.

2 DEVELOPER CONTRIBUTIONS STRATEGY (DCS)

Context

- 2.1.1 The Developer Contributions Strategy (DCS) forms part of the River Mease Water Quality Management Plan (WQMP) which was published by the Environment Agency and Natural England in 2011.
- 2.1.2 The Phosphate Levels in the River Mease are above the levels required by the European Community Habitats Directive.
- 2.1.3 The DCS provides a formula to calculate the amount of Phosphate (P) that might be expected from certain types of development and allocates a cost per unit to these developments.
- 2.1.4 The DCS identifies a different cost per unit in relation to non-sustainable and sustainable homes (code for sustainable homes level 3/4).
- 2.1.5 The DCS proposes that the contributions are sought on an equitable basis, whereby different sized dwellings make different contributions relative to the scale of their potential impact. The proposed cost for new houses in the catchment area is as follows:

Size of dwelling	DCS Contribution (£)	
	Non-sustainable home	Sustainable home (level 3/4)
1 bed	126	98
2 bed	186	145

3 bed	250	195
4 bed +	350	272

Representations

2.1.6 Gladman disagree with the Developer Contribution Scheme (DCS) and the financial responsibility that this places on the Developer.

2.1.7 The cost of reducing Phosphate Levels in the River Mease should not be placed upon the Developer; it should be the responsibility of the relevant water company (Severn Trent Water Limited) who are a profit making organisation who will hold the rights to discharge water in to the River Mease with the Environment Agency.

From: clerk@packingtonpc.org.uk

Sent: 20 August 2012 16:46

To: RIVER MEASE

Subject: RIVER MEASE CONTRIBUTIONS SCHEME AGREED FOR CONSULTATION

Attachments: ATT00001.txt; ATT00002.htm

> Dear Sirs

>

> The consultation above was discussed by Packington Parish Council at
> our meeting on Wednesday 15th August, our comments are below:

>

> There were some queries as to what was actually being proposed as the
> document was difficult to understand in many places.

>

> The proposal that the polluter pays is in no way acceptable - what
> about the present state of the River Mease? If pollution is a risk,
> then the development or building should be stopped. The Parish Council
> have grave concerns with any development which will have adverse
> effects on the River Mease. Development should not be allowed to go
> ahead if the phosphate levels will be increased or will give a greater
> risk of flooding. If the payments were direct payments to provide a
> new treatment plant in the area, then there may be some little merit in the scheme.

>

> Packington Parish Council strongly object to any kind of scheme or
> offset that would risk an increase in the phosphate and flooding
> levels in the area. A scheme is needed that increases the quality of
> the water in the River Mease and reduces the risk of flooding downstream.

> This proposal which offsets or negates the responsibilities of the
> developers is absolutely NOT acceptable.

>

> Ann Marshall

> Clerk to Packington Parish Council

>

>

From: Fritz Graves [fritz.graves@andrewgranger.co.uk]
Sent: 06 August 2012 14:42
To: RIVER MEASE
Subject: RIVER MEASE CONTRIBUTIONS STRATEGY
AGREED FOR CONSULTATION

Dear sirs,

Thank you for the opportunity to comment on the above.

Our comments are confined to the aspects of obligations arising which will be placed upon landowners and developers. The principle is not challenged but the published document does not clearly relate the extent of the new development anticipated; and the Local Plan time frames to which this will apply, presumably as the first 'development window'. In our view the quantitative planning parameters of homes and jobs should be clearly stated to support and demonstrate deliverability within prescribed Local Plan time frameworks.

There is no mention or reference, as far as we can see, of funding from primary sources which we believe should be forthcoming bearing in mind the European wide significance of the Habitats Directive. This should clearly be taken into consideration when determining the level of contribution from landowners and developers.

Your comments would be appreciated and we request that the above be incorporated into the document with clear quantitative substantiation and explanation.

Kind regards

Fritz Graves BA (Hons.) MRTPI
Head of Planning
Andrew Granger & Co

Direct dial 01858 439088
Mobile 07872 400922

Description: Twitter logo

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DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HIGHWAYS AND TRANSPORT

18 September 2012

Report of the Strategic Director- Environmental Services

RIVER MEASE DEVELOPER CONTRIBUTION SCHEME

(1) Purpose of Report To seek the Cabinet Member's approval of the points set out below as the basis for Derbyshire County Council's response to South Derbyshire District Council's consultation on behalf of the River Mease Programme Board regarding the River Mease Developer Contributions Scheme.

(2) Information and Analysis South Derbyshire District Council is consulting on a new River Mease Developer Contribution Scheme on behalf of the River Mease Programme Board.

The River Mease is designated as a Special Area of Conservation (SAC) under the European Habitats Regulations. The River Mease Developer Contribution Scheme is a requirement of the River Mease Water Quality Management Plan which was published by the Environment Agency and Natural England in 2011. The phosphate levels in the River Mease currently exceed those required by the European Habitats Directive. This means that no major new development is permitted without first showing how it would reduce phosphate reaching the river.

The proposed Developer Contribution Scheme provides a mechanism by which, to put it simply, the polluter pays, and new development could be allowed again on water quality terms. The scheme would apply to new development that connects to the foul sewer network in the villages of Overseal, Netherseal, Lullington and Smisby. The Scheme proposes a financial contribution from developers of between £98 and £350 per residential dwelling (depending on the size and sustainability of the dwelling), and financial contributions from developers to be assessed on a case-by-case basis for commercial and non-residential uses.

Contributions would be collected by South Derbyshire, North West Leicestershire and Lichfield District Councils as the Local Planning Authorities on the granting of planning permission. Contributions would be spent on environmental improvements such as the installation of silt traps, to reduce the phosphate levels in the river.

You can view the consultation documents online here: http://www.south-derbys.gov.uk/planning_and_building_control/planning_permission/river_mease_dcs/default.asp.

Following this consultation, the River Mease Programme Board will consider the responses received before amending and implementing the Scheme, subject to adoption by the relevant Local Planning Authorities.

In 2010 South Derbyshire District Council issued a Section 106 Agreements Guide for Developers. In May 2012 Derbyshire County Council issued a Developer Contributions Protocol. Together these documents provide guidance on the contributions which may be required from developers to accommodate new development. These documents cover a wide range of infrastructure, including County Council services such as education, waste management, libraries, adult care and broadband. Contributions towards highways and transport infrastructure requirements also need to be taken into account. Current market conditions for new development are still difficult and the viability of some development schemes may be marginal. It may not always be possible to secure all of the contributions required from developers to fully mitigate all of the impacts of a development proposal.

The introduction of the proposed River Mease Developer Contribution Scheme adds another competing priority for financial contributions which the Local Planning Authority would need to consider when determining planning applications. Potentially, the introduction of this Scheme could impact on the availability of funding from developers for financial contributions towards County Council services. It is crucial that the proposed Scheme strikes the right balance between managing the phosphate levels in the River Mease to meet environmental standards whilst not detracting from the importance of securing contributions towards the wide range of other infrastructure that is also required to support new development.

The proposed Scheme should helpfully assist the River Mease Programme Board in meeting its obligations to improve the water quality of River Mease under the European Habitats Directive. However, the introduction of the Scheme could also present opportunities to secure improvements to land and water management including flood risk management, as well as water quality. Measures that could be supported by the Scheme could include land management and flood risk awareness; river bank maintenance; and ditch maintenance.

The Cabinet Member is asked to review and approve the following points as the basis for Derbyshire County Council's response to this consultation:

- The proposed River Mease Developer Contribution Scheme is supported in principle as it provides a mechanism by which to ensure future development contributes to improvements to water quality and
- The proposed Scheme will also provide clarity to developers and house builders on the financial contributions that will be required for new development impacting on the River Mease catchment and

- The proposed Scheme could also help to support measures to improve land and flood management as well as water quality and
- It is crucial that the introduction of the proposed Scheme strikes the right balance between managing the phosphate levels in the River Mease to meet environmental standards whilst not detracting from securing contributions towards the wide range of other infrastructure and services required to accommodate new development, as set out in the existing Section 106 Agreements Guide for Developers (issued by South Derbyshire District Council) and Developer Contributions Protocol (issued by Derbyshire County Council).

(3) Financial Considerations The proposed River Mease Developer Contribution Scheme will impose a financial contribution on developers of between £98 and £350 per residential dwelling (depending on the size and sustainability of the dwelling), and of a rate to be determined on a case-by-case basis for commercial and non-residential uses. These contributions will be collected by South Derbyshire District Council and spent by the River Mease Programme Board.

There is therefore no direct financial impact for Derbyshire County Council. However, there is potential for the imposition of this new charge to impact on the availability of funding from developers for financial contributions towards County Council services (for example school place provision) where the viability of development schemes is marginal. Conversely, the proposed Scheme could also help to support the County Council in its role as Local Lead Flood Authority through measures to improve land and flood management.

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) Key Decision No.

(6) Call-In Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) Background Papers Held on the Policy and Monitoring file by the Planning Services Manager. Officer contact details – Harriet Fisher, extension 39551.

(8) OFFICER'S RECOMMENDATION That the Cabinet Member

8.1 Approves the points set out above as the basis for Derbyshire County Council's response to the River Mease Developers Contributions Scheme consultation.

Ian Stephenson
Strategic Director – Environmental Services

Having read the relevant documents I wish to object to the whole scheme for developer contributions and individual parts of it. The initial objection is that the scheme is at odds with the Community Infrastructure Levy Regulations 2010. You will know that Regulation 122 clearly states that a planning obligation may only constitute a reason for granting planning permission for the development if each of three tests is passed. It is necessary to make that judgement in respect of each individual application and not through a general levy. Moreover it would be for the relevant Council to prove that the proposed development would adversely impact on the water quality in the river and not just to assume that it would. My objection to the suggested fees for housing development is that it penalises small development where the costs are disproportionate to development costs. That is particularly the case if a Section 106 Obligation has to be entered into in each case. The process is cumbersome and causes delay. Council solicitors usually charge at least £500.00 to draft or check Obligations and the applicant will probably have to pay a solicitor too so it would probably be realistic to add £1K to each of the levy figures you are suggesting. That is too much, particularly for small developments. Please keep me informed of the Board's decision on this. John Wren. JMW Planning Limited.

john wren [john@jmwplanning.co.uk] received 14 August

Mr David Berry

Planning Liaison Manager The Coal Authority

Thank you for consulting The Coal Authority on the above document. Having reviewed your document. I confirm that we have no specific comments to make on it at this stage. We look forward to continuing to receive your emerging planning policy relating documents; preferably in an electronic format.

Mr Edmund Davey

Under B5 the document states " A developer contribution is made by a landowner or developer to ensure that where planning permission is granted for new development the impact on the environment is minimised ..." This is an almost empty statement capable of many shades of interpretation, depending on one's concept of 'minimised'. As an example, an upgrade of a treatment plant might necessitate bulldozing away a bit of the bank and dredging a small section of the river. No doubt efforts would be made to contain any fallouts, but a small portion of bank would be lost and some silt would drift downstream. The Mease is a small river of reasonably high purity, and there would be environmental loss, though 'minimised'. I suggest the document should guarantee no environmental damage, subject to significant penalties, because 'mimimised' is a highly flexible weasel word.

Mr Justin Milward

Regional & Local Government Officer Woodland Trust

River Mease Water Quality Management Plan - Developer Contributions Scheme Woodland Trust comment - Appendix 1 Measures to be funded through the Developer Contributions Scheme. We would like to see this document specifically include tree planting and woodland creation as potential mitigation measures suitable for developer contributions, as highlighted in the River Mease SSSI/SAC Restoration Plan (Natural England/Environment Agency Dec 2011). The Plan states: 'Bankside tree cover varies, but they are a vital feature of a fully functioning river corridor and channel, as submerged root systems provide important in-channel cover for fish, crayfish and aquatic insects. Fallen trees are an important source of in-channel woody debris which plays an important role in helping previously modified parts of the river recover lost variation in physical habitat. Shading by trees also influences water temperatures which is important for fish'. The Plan also highlights woodland creation for restoration opportunities under 'Woody debris' (p.18) and 'Create wetland and wet woodland' (p.23). The current Lichfield District Local Plan (proposed submission draft, July 2012) states in Core Policy 13 : Our natural Resources that: 'The District Council will support the safeguarding of our ecological networks, including the restoration and creation of new habitats, veteran trees, tree and woodland planting and local nature reserves including through the opportunities provided within the Cannock Chase Area of Outstanding Natural Beauty, the National Forest, the Forest of Mercia, the Central Rivers Initiative, the River Tame Management Strategy, the restoration of the Lichfield Canal and the nationally important lowland heathland linking the Cannock Chase SAC and Sutton Park' . Policy NR8: River Mease SAC also states that: 'Evidence has shown mitigation of effects is possible by investment in... habitat management ...'. The Woodland Trust believes that trees and woodlands can deliver a major contribution to resolving a range of water management issues. They offer opportunities to make positive water use change whilst also contributing to other objectives, such as biodiversity, timber & green infrastructure - see the Woodland Trust publication Woodland actions for biodiversity and their role in water management (pdf) - <http://www.woodlandtrust.org.uk/en/about-us/publications/Pages/ours.aspx> . Trees and woodland are very well placed to contribute to the emerging agenda of water risk management in the light of a changing climate. For example: - Creation of tree and woodland buffers to improve water quality · Buffers adjacent to surface waters, pollution sources or pollution pathways can improve water quality by reducing sediment, nitrate, phosphate and pesticide concentrations. Trees on river banks can help reduce water temperature, thus helping to maintain oxygen levels. Native woodland creation to improve water quality, Native woodland creation on arable, improved pasture and urban areas can improve water quality by reducing sediment, nitrate, phosphate and pesticide concentrations. Native woodland creation as part of sustainable urban drainage systems (SUDs) can reduce surface run-off and retain pollutants on brownfield sites. The recently published joint Environment Agency/Forestry Commission publication Woodland for Water: Woodland measures for meeting Water Framework objectives states clearly that: 'There is strong evidence to support woodland creation in appropriate locations to achieve water management and water quality objectives' (Environment Agency, July 2011). The Government's recently published Independent Panel on Forestry states: Recommendation: 'Planning policy and practice should:.... Encourage local authorities to look creatively, and across boundaries, at the use of S106 agreements, biodiversity offsets and particularly the Community Infrastructure Levy. These levers could produce greenspace schemes, including trees and woodland, that make a significant difference to the landscape as a

whole'. Defra, Final Report, July 2012). The refreshed West Midlands Forestry Framework (Growing our future , May 2010, Forestry Commission) contains Objective CC5: 'To seek further ways to deliver ecosystems services via trees and woodland, in respect of improving water and air quality, reducing flood risk, preventing soil erosion and enhancing connectivity for wildlife'. We would also like to see the cost of provision of native woodland reflected in the calculations for Developer Contributions. In this regard, we offer indicative costs for creating new native woodland. Although these will clearly vary depending on site character, size and circumstances, the following cost estimates per tree could usefully inform this document - Cost of tree and guard - £1.50 Cost of planting - £1.00 Cost of short term establishment - £0.25p. Longer term maintenance into the future can also be usefully factored into these costs. If clarification on these costs is required, please contact the Woodland Trust. The Forestry Commission may also be able to offer advice in the above regard. We would therefore like to see this River Mease Water Quality Management Plan Developer Contributions document fully incorporate the mitigation option of native woodland creation and tree planting. For further information please contact: Justin Milward Regional & Local Government Officer (West Midlands) Woodland Trust Jayrise Butcombe Bristol BS40 7UT Tel: 08452 935 739 Email: justinmilward@woodlandtrust.org.uk