

**WORSHIPFUL COMPANY OF WATER CONSERVATORS
RESPONSE TO THE MINISTRY OF HOUSING, COMMUNITIES AND
GOVERNMENT (MHCLG) ON PROPOSED CHANGES TO THE PLANNING
FRAMEWORK**

SEPTEMBER 24th 2024

<https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

PROLOGUE

1 The Worshipful Company of Water Conservators (WCWC) is a City of London Livery Company focussed on the long-term health of our water resources and the broader related industries and their regulators, along with others who share our concern for water and the environment. Our experience and knowledge ranges from the complexities of environmental sciences, through the application of engineering to deliver the goals identified by those sciences, and the subsequent management of assets created. The WCWC's purpose is *promoting a diverse and sustainable environment*.

2. As part of that purpose, the WCWC has been responding to relevant consultations particularly on matters relating to water conservation. These are archived on its website¹. It has been advocating a further review of the National Planning Policy Framework (NPPF). The WCWC is pleased to be able to submit this response reflecting its concerns about biodiversity and landscape and, in particular, as a contribution to the evolution of planning in water conservation policy and practice. It looks forward to being able to make further inputs as the opportunity arises in the future.

CREATING THIS RESPONSE

3 This response contains background information to aid readers other than the Ministry of Housing, Communities and Local Government. There are many papers, reports, consultations and initiatives relevant to the topics addressed by the WCWC and more emerge daily. It is impossible to capture them all. So, the WCWC recommends that readers follow environmental news agencies such as ENDS and CMS.

4 For ease of reference in navigating this response the WCWC has used red text for the summary and suggestion highlights. The WCWC considers that the broad substance of its submission answers all the questions but does add answers to specific questions at the end of the summary.

5 Whilst the principal focus of the WCWC is water conservation, it does have sufficient broad experience on the impact on planning to offer some thoughts and

¹ [Consultation Responses – The Worshipful Company of Water Conservators](#)

suggestions on proposals related to the broader issues of environmental conservation. The experience of the members of the WCWC in coping with planning in water conservation also provides insight to how well systems work. The response does focus particularly on water issues. The WCWC has members from all parts of the UK and notes that the delivery of planning differs in each UK country and that this consultation and response focuses on England.

SUMMARY

6 The planning system, with the NPPF as its central feature, was last updated in December 2023, after a previous consultation. The WCWC has continued to advocate a further review as the system still does not address its concerns over planning and the water sector. The current government does not agree with some of the revisions and has some fresh ones. It has thus prepared this set of proposed revisions, driven in part by the urgency of the mandatory housing targets for the next five years. It would appear that further change is envisaged under the Levelling Up and Regeneration Act and in an Infrastructure and Planning Bill proposed in the King's Speech².

7 The WCWC has approached the creation of its response from a general perspective, but with a particular focus on the implications for water management. There is a need:

- a. to streamline the planning system in general;
- b. to better determine the role of planning in water management through a national water strategy;
- c. to understand the consequences of the invigorated housing programme and its impact on a water service system already under financial and political pressure; and
- d. to understand that the take up of systemic spare capacity over the last few years has resulted in a situation where much of the existing physical infrastructure cannot accommodate the implied level of growth without major extensions to treatment plants and the networks that support them with very significant financial consequences. In practical terms because of the relative difference of speed of housing development and asset inertia of the water infrastructure, whatever capacity for the future may have been installed, the growth in population of recent years has outstripped it. And it is often overlooked that there are different dynamics of impact between sanitary biochemical loading and hydraulic loading

8 In preparing its response, the WCWC has come to understand that there is as much to comment on (c) & (d) point as the others, whilst acknowledging that this is outside the strict terms of the consultation in which the questions do not allow these broad strategic points to be made.

² [The King's Speech 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

9 The WCWC understands that the planning system proposed must facilitate the delivery of housing targets and that this transitional change is needed. The WCWC supports this with significant caveats particularly in relation to the impact on water services and the consequent investments and water charges; and in relation to the need for assurance that biodiversity and landscape values be given proper consideration.

10 It also understands the urgency of the task on housing and the need for swift enabling change in planning, but it also recognises that the essential systemic changes it is advocating, particularly in relation to water management, if not handled effectively, risk delaying the housing task in hand but are needed. Housing and water management are two big national issues not clearly linked in the political debates, while they are intimately connected in practice.

11 The government is proposing legislative changes and reviews of water management in parallel with these planning changes. So, the WCWC suggests very strongly that these are carried out in a parallel but well-connected process (which the WCWC has termed 'tandem reviews'). It would appear that timescales of change could be linked better and the WCWC suggests a number of linked strategic changes could be incorporated into the next steps in the planning reform process and suggests that this could be addressed in a swift joint consultation or in any White Paper before the forthcoming Bill.

12 It would be very helpful if the Ministry and Defra could agree what tactical changes could be implemented swiftly alongside this planning review and what strategic changes could be left to the next steps. For example, the WCWC would advocate a resolution of mandatory Sustainable Drainage Systems (SuDS)³ as a matter for swift tactical change. The supporting guidance on water is in badly in need of an update.

13 The WCWC recognises that speed is of the essence and speculates that it might be faster and easier to build a new town than it is to build the associated water infrastructure. It is paradoxical that when environmental concerns are driving major infrastructure developments like renewable energy creation and distribution, and new water service assets, the consequent assets are unpopular; and at the same time there is a drive for massive extension of house building, which is also unpopular in many places, and that creates demands of growth of the public infrastructure.

14 The consultation suffers from an assumption of knowledge by the reader. It needs some clearer explanatory text. The WCWC has, therefore, included material not strictly necessary for the submission to aid its members and, indeed, a wider audience of readers, understand some of the issues. The extent and complexity of the legislation is such that it can only be fully understood by legal specialists and those within the professional town planning community. The WCWC has adopted the term Town Planning Community. In fact, one of the caveats to supporting these Proposals is the urgent need for an updated Plain English (Planning) Guide and for

³ [Sustainable drainage systems review - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

the Proposals to be tested against the principles of smart regulation as set down by the Department of Business and Trade⁴.

15 The NPPF, and associated guidance, is supported by a complex of planning regulation, which needs updating in order to make the Framework proposals work, for example in determining the role of environmental designations (see later). The WCWC observes that, it is all very well adjusting the Framework, but there is an 'air of putting the cart before the horse' in these Proposals. The same need to update supporting regulation, for, under the Water Industry Act 1991 is also true for the delivery of water services. Any development of a national water strategy is likely to require legislative change. The overlap of these two legal webs needs sorting out. A good example is that of the development of transport infrastructure, which is referred to in the consultation, but at the same time there is growing concern about the impact of highway drainage into rivers and the essential incorporation of sustainable drainage systems into highway planning.

16. Throughout the response there are several specific suggestions; for example, on a post-Brexit review of all environmental designations which steps out of European bureaucracy, but which retains the focus on environmental husbandry. These may be addressed better in the longer-term reviews. The WCWC cannot see any 'line of sight' between the outcome of the 2022 Green Paper consultation and these proposals and suggests that the initiative should be brought to a conclusion one way, or another, but supports the concepts of reducing complexity without loss of integrity and which strengthens the protection of biodiversity, and enhances understanding by the wider community as set out in the 2022 consultation.

17 The WCWC is very much aware that Judicial Reviews can contribute to the time scales of project delivery even if they are allocated as Nationally Significant Infrastructure Projects (NSIP)⁵ This is not part of the Consultation, but the WCWC suggests that the process needs addressing urgently and makes suggestions. Again, these may be addressed better in the longer-term reviews:

- a. an analysis of the 'success rate' of different categories of judicial reviews should be undertaken; if it is proven that a large majority were upheld then we need to learn from the mistakes made by the relevant bodies and ensure such failures of due process are not repeated; if on the other hand only a small minority are upheld then we need to learn what conversely are not legitimate grounds for judicial review;
- b. clear guidelines should be issued on what are and are not legitimate grounds for a call for judicial review;
- c. a process needs to be put in place whereby a very speedy decision is given as to whether a judicial review may proceed or not before the costs and delays caused by a full judicial review are incurred;

⁴ [Smarter regulation to grow the economy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/smarter-regulation-to-grow-the-economy)

⁵ [Nationally Significant Infrastructure Projects: Advice on the Water Framework Directive - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/nationally-significant-infrastructure-projects-advice-on-the-water-framework-directive)

- d. the balance of risk between appellant and defendant needs also to be considered; at this stage typically it is the promoter of a project who bears the majority of the risk (which is often then passed on back to back to the government or council) and the appellant much less; consideration should be given to requiring bonds on both sides and indeed in extreme the award of damages where there has been vexatious misuse of the system;
- e. the WCWC also suggests that the efficiency of the Appeal processes for planning decisions needs attention.

Further submissions with a specific focus on water

18 The WCWC has set out several points already by way of exemplification of broader concerns, as well as specific concerns on water. The WCWC has suggested and repeats that water management is of such high profile, that it needs a more integrated, evident and specific focus in planning. In its responses to the Department of Business and Trade early in 2024 (see the WCWC website⁶) the WCWC made the point that dealing with issues of growth in relation to telecoms, energy and water may be convenient for a central administration, but from the point of water should be dealt with in separate package involving environmental policy and regulation. This is another dimension of policy evolution, although there are signs that this connection is better recognised in recent government statements. So, the White Paper might well need to have some general points and then separate sections dealing with different sectors, such as water.

19 All of the initiatives must recognise that there are a significant number of demands on regulators particularly the Environment Agency and Ofwat. It may be too late to incorporate the new housing targets in PR24, and the subsequent AMP8 for 2025-30, while there needs to be an understanding that there will be an impact of the economic regulatory processes over the coming years. Not only are there needs for planning to take better account of matters such as Storm Overflow Action Plans, but those Plans now have to take account of the planning impacts. It is suggested that water companies are made statutory consultees on planning matters.

20 All parties accept that there is an urgent need for investment in the water infrastructure. The WCWC emphasises the importance of understanding the very real problems of upgrading existing infrastructure to deal with the proposed scale of development, and freeing up planning procedures will exacerbate existing capacity problems. The debate which matters is who pays. Building new and treatment plants and even new reservoirs, for example, is only part of the challenge and providing new sewers and distribution systems will be expensive and cause disruption in many cases. The WCWC has warned repeatedly about the challenges of street closures necessary for reticulation replacement and renovation, and earlier referred to the problems of highway drainage.

21 There is more to the nexus of these issues than the impact of meeting the need for new houses. Such development must be accompanied by supporting

⁶ Consultation Responses – The Worshipful Company of Water Conservators

infrastructure, for example, by industrial and retail development, all with their own demands as set out in the growth strategy of the DBT. In its response to the consultation on that, the WCWC drew attention to the high water demand by new industries, such as gigafactories and data processing centres⁷, with implications for water resources outside the control of water companies, but inside the control of the Environment Agency through the regulation of abstractions and discharges. These matters can be given a greater profile in the planning framework through the guidance.

22 The WCWC response draws on the very substantial set of submissions and thinkpieces, it has developed since early 2022 and from an overview produced in August this year, all of which can be found on its website. A planning review has been part of a suite of suggestions, while these proposals, and the Housing Targets, have some profound implications, for example by way of further emphasis, including the issue of connections from developed properties to sewers as referred to earlier, and the overview already stands in need of update, which will be produced by the end-of-year when there may be other proposals published by the new government. One of the suggestions by WCWC has been for a multi-agency delivery task force on the water programme, which would involve the Ministry, in a manner somewhat similar to the New Towns Task Force⁸. This could embrace the concept of tandem working between the Ministry and Defra mooted earlier and of the closer working of the DBT and Defra, as advocated by the WCWC and by the new government.

23 A particular concern is the lack of progress of implementation of mandatory Sustainable Drainage Systems. Whilst the retrofitting is a challenge, all new properties and infrastructure assets must have them fitted. And behind the consultation and the work of the New Towns Task Force must lie, the concepts of 'sponge cities' and 'smart water communities', which fit in with nature-based solutions espoused by the WCWC and in its thinkpiece on catchment management (see the archive on the WCWC website). This also extends to highway drainage.^{9 10}

24 As far as water conservation is concerned, the evolution of the Framework must eventually take account of changes envisaged by the government on water services. The WCWC has consistently advocated:

- a. an overarching National Water Strategy for England is needed by July 2026;
- b. this would include a much-improved system of catchment management;

⁷ [US tech groups' water consumption soars in 'data centre alley' \(ft.com\)](https://www.ft.com/content/2022/08/11/us-tech-groups-water-consumption-soars-in-data-centre-alley)

⁸ [The New Towns Taskforce - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-towns-task-force)

⁹ <https://theriverstrust.org/about-us/news/sponge-cities-a-sustainable-solution-to-preventing-flooding>

¹⁰ <https://waterinnovation.challenges.org/winners/water-smart-communities/>

- c. a Water Commission of all relevant parties should be established by the end of 2024 to provide advice to government on this Strategy by July 2026, specifically to advice on environmental water management, particularly sewage disposal by December 2026. Consideration should be given to this being a Royal Commission.

This resonates to some extent with the government statement on September 5th on the future of water.¹¹

- d. In addition, as described earlier, a delivery task force of all the relevant government departments, now strengthened by the tandem working between Defra and the Ministry and the DBT in bringing together the issues of planning, growth and economic and efficient management of water by the water companies and water regulators.

There is a whole package of changes in water regulation which are needed to affect the goals of water management, as advocated earlier, could be taken to account in the next steps of 'tandem reviews.' The inclusion of a review of building regulations with respect to water is one obvious practical bridge.

25 The issues for water are much more systemic than making schemes eligible for definition under the rules for NSIP, for example (which the WCWC supports as a proposal in its own right); delivery of the national programme for water will require numerous small schemes all of which will need planning consent.

26 The WCWC wishes to re-emphasise an earlier point that as a consequence of all the issues outlined, there will be changes for AMP8, which will run from 2025–2030. This period focuses on climate change adaptation, including reducing leakage, promoting water recycling, and adjusting capacities for variable rainfall. But not the new housing targets, the consequences of which are not likely to be funded out of growth. It is too late to be included in the PR24 determination later this year. So, this will add to the debates about funding and charges which will have to be addressed.

27 The WCWC is concerned about the assumptions made on water recycling and queries what kind of plants would be made NSIP The WCWC suggests very strongly that this whole topic of recycling needs better research before any changes are made to the Framework and Guidance. Indeed, to change the Framework now in the way proposed might 'set unhelpful hares running'. This will not help AMP8.

28 The WCWC submits that its concerns are about the overarching nexus of planning reform, delivery and impact of the housing targets and evolution of water management. It has, therefore, restricted the number of specific answers to questions:

Question 20

Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

¹¹ <https://www.gov.uk/government/speeches/steve-reed-speech-on-the-water-special-measures-bill>

Yes, with caution. Concerns have been expressed that the proposed changes pay insufficient attention to the contamination risks at such sites and that the significant remediation costs might be a liability and drain on public bodies' finances which should be better used to build more affordable homes on non-contaminated sites.

Question 21

Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

Yes.

Question 23

Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

Yes.

Question 25

Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Clear guidance to aid the smooth execution of process is always welcome.

Question 27

Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

The WCWC agrees that these must play a role along with other environmental designations. The WCWC cannot see any 'line of sight' between the outcome of the 2022 Green Paper on designations and these proposals and suggests that the 2022 initiative should be brought to a conclusion one way, or another, but supports the concepts of reducing complexity without loss of integrity and which strengthens the protection of biodiversity, and enhances understanding by the wider community as set out in the 2022 consultation.

Question 64

Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Yes, if they are high water consumers.

Question 65

If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

Yes, volume water consumption and discharge.

Question 84

Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Yes, although these Proposals fall far short of what is need as set out in the evidence we have submitted.

Question 85

Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes? *Very substantial changes required as set out in the submission.*

Question 86

Do you have any other suggestions relating to the proposals in this chapter? *Align planning strategy, policy and practice better with water management strategy, policy and practice. Behind any answer to this question must lie the understanding of the nexus of planning reform, the delivery and impact of the mandatory housing targets and evolution of water management*

Question 96

Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? *Resource county environmental specialists properly to police the system by levying planning fees to cover the full costs of their services.*

BACKGROUND, HISTORY AND POLICY ENVIRONMENT OF THE PROPOSALS

29 The planning system, and particularly the NPPF, has been under review for some time. In 2023 the previous government consulted on updating and streamlining the planning system and, as a consequence, in December 2023, published its long-awaited revisions. The revised NPPF set out the Government's planning policies and how these would be applied.¹²

30 Understanding the Policy Framework is difficult. It was established in 2012 and has been updated regularly until December 2023.¹³

There are 17 sections and 223 paragraphs. A search on water reveals the section requirements for flooding, climate change and coastal change (157-179) and conserving and enhancing the natural environment (180-194). This is acceptable in terms of planning outcomes but is not enough for the current high-profile focus on water management.

31 The Framework provides for succinct and up-to-date plans to provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings (15-37). Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, (to ensure outcomes support beauty and placemaking), and make sufficient provision for several objectives including infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat). Guidance

¹² [The updated NPPF: key planning and housing changes \(localgovernmentlawyer.co.uk\)](https://www.localgovernmentlawyer.co.uk)

¹³ <https://www.gov.uk/guidance/national-planning-policy-framework>

on Local Plans was last published in August 2024. They must be approved by the Planning Inspectorate.¹⁴

32 Para 20 of the NPPF requires that plans for developments make sufficient provision for water supply and wastewater; and (para 34) that Local Plans require development contributions for infrastructure (including water and flood management). Para 180 that planning decisions should “prevent new and existing development from contributing to, unacceptable levels of water pollution”. The WCWC considered that the guidance must be broader and more specific.

The NPPF and water

33 In fact, whilst the specific water guidance mentions River Basin Plans, Drainage Area Plans, a brief mention of catchment management (in spite of the is being central to the 2023 Water Plan) etc, it does not refer to water efficiency under the Environment Protection Act 2021 or several of the provisions of the Water Industry Act 1991, for example, Water Resources Plans and the functioning of S106 in relation to sewage connections of developed properties with the consequences of overloading sewers. Thus the WCWC has continued to advocate a review of the planning systems. This also means getting to ‘grips’ with these will be essential if the housing targets are to be met.

34 *The WCWC repeats its concerns about the rather diffident approach to Sustainable Drainage Systems SuDS*; the guidance on sustainable drainage systems is listed separately and is still vested as a voluntary approach in a Commons Statement dated December 2014.¹⁵

A move to make this mandatory was mooted in 2023 but its yet to be implemented and the Ofwat is sceptical as to whether this will take place (in its consultation on environmental incentives (see the WCWC website archives on submissions). This is a big national issue, which needs addressing and is an example of legal requirements which cannot be addressed by a review of the NPPF but are very valid to the revisions of the NPPF. The concepts of ‘sponge cities’ and ‘smart water communities’ need to be central to the future of the planning framework and the programme to meet the housing targets.

35 In its response to the Department of Business and Trade at the start of 2024 the WCWC made specific reference to this and stated: *New developments should have a legal requirement to deliver SuDS, with exemptions in prescribed conditions, now the subject of government plans to implement Schedule 3 of the Flood and Water Act 2010. The requirement should clarify that separated surface water can be discharged directly to water courses subject to complying with consents issued by the EA which will be the subject of the existing appeals procedure for all discharges. The WCWC suggests an update of the automatic right to connect to the public sewer*

¹⁴ <https://www.gov.uk/guidance/local-plans>

¹⁵ <https://www.parliament.uk/globalassets/documents/commons-vote-office/December-2014/18-December/6.-DCLG-sustainable-drainage-systems.pdf>.

network under s106 of the Water Industry Act 1991 to accommodate the requirements for SuDS. Additionally, there is a need to update the process within that Section of the Act available to developers to appeal against any refusal to connect to a sewer to bring it into line with the procedure for appeals to Ofwat for refusal of consent to discharge to a sewer. Both of these points were discussed in the submissions as a very good example of integrated Duties for Growth of regulators in the water sector in addition to the extended Appeal role of Ofwat¹⁶.

36 Another shortcoming of the present system is perceived to be that flood risk is not taken into account sufficiently in the current system, in a report by the Town and Country Planning Association ¹⁷

And this opens up another big debate about development on flood plains and the role of the Environment Agency on objecting to such developments.

Recent Policy developments

37 The current government disagreed with the December changes and said, in July, just after the 2024 election that the current arrangements are disruptive to the sector and detrimental to the housing market and it would be consulting on changes. ¹⁸

38 This consultation is the result. It is proposed that some changes to the old system be retained, some rejected and new changes introduced. It is a challenge in unravelling all this. But the urgency for transitional reform is driven by the mandatory housing targets.

39 It is proposed that some changes to the old system be retained, some rejected and new changes introduced. It is a challenge in unravelling all this. But the urgency for transitional reform is driven by the mandatory housing.

The essence of the Proposals

40 The government published this consultation seeking views on the proposed approach to revising the (NPPF) in order to achieve sustainable growth in our planning system. and to facilitate the housing programme.¹⁹

¹⁶ [Consultation Responses – The Worshipful Company of Water Conservators](#)

¹⁷ [English planning system is failing to protect new housing development from flood risk, TCPA research finds - Town and Country Planning Association](#)

¹⁸ [Chancellor Rachel Reeves is taking immediate action to fix the foundations of our economy - GOV.UK \(www.gov.uk\)](#)

¹⁹ <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

41 The government is also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects (NSIP).

42 With the aim of delivering affordable housing, the government is looking to improve the existing system of developer contributions. *“We believe the best way to achieve this will be to focus on improving the existing system of developer contributions, which means the Government is not implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023. As part of this, we will look to set clear planning policy requirements on Green Belt land.”*

43 On water, the government is seeking views on improving the current thresholds for water resources developments in the NSIP regime.

“We are considering how we can provide water undertakers with greater certainty on the planning route for their new strategic water infrastructure, to support faster delivery, helping to address the issues we are increasingly seeing with water scarcity and quality. We are aware that areas of the Planning Act 2008 in relation to water infrastructure projects could be amended to ensure projects of national importance are captured within the NSIP regime.

We believe that the Planning Act 2008 could be amended to bring into the definition of NSIP:

- a. *water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;*
- b. *the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;*
- c. *water recycling, which will be an important option for securing water supplies and one that is commonly used around the world; and*
- d. *infrastructure which transfers treated drinking water.”*

44 To provide greater insight into the intentions, the introductory Chapter 1 is set out in an appendix¹ of this submission. There are 14 Chapters in the proposals.

45 In an interesting paragraph at the end, the government announced its intention to lay before Parliament an Infrastructure and Planning Bill. In the consultation itself, it states that *‘It is currently our intention to implement the new plan-making system as set out in the Levelling-up and Regeneration Act from summer or autumn 2025. We anticipate that all current system plans that are not subject to the transitional arrangements set out above will need to be submitted for examination under the existing 2004 Act system no later than December 2026. This, coupled with the transitional arrangements, represent a significant extension to the previous proposals with the potential to benefit plans that are at earlier stages of preparation, and providing more time for local planning authorities to reflect on the revised NPPF and progress positive plans that will stand up to scrutiny at examination. Further details of the Government’s intentions around plan-making reform will be published in due course.’*

46 At the time of writing this response the WCWC is trying to reconcile this consultation with the announced intentions for the Planning and Infrastructure Bill announced on the Kings Speech on 17th July.

Key Provisions of the Bill

Simplified Consent Process: *The bill intends to simplify the consent process for significant infrastructure schemes, reducing the bureaucratic hurdles that currently delay project approvals. This change aims to expedite the initiation and completion of critical infrastructure developments.*

Modernised Planning Committees: *By modernising planning committees, the government hopes to increase the efficiency of application processing. This reform is expected to facilitate quicker decision-making, enabling faster project launches.*

Compulsory Purchase Compensation: *Reforming the rules for compulsory purchase compensation is another critical aspect. The new legislation aims to ensure that compensation to landowners is “fair but not excessive”, balancing the need for development with the rights of property owners. This is particularly relevant for building affordable housing and essential infrastructure.*

Unlocking Development Sites: *The bill focuses on unlocking more sites for development by improving land assembly processes. This includes uniting separately owned parcels of land, which is anticipated to speed up housing construction and make homes more affordable.*

Nature Recovery and Development Funding: *The government plans to leverage development projects to fund nature recovery initiatives. This approach seeks to balance environmental conservation with the need for development, addressing both ecological and housing needs simultaneously.*

47 The urgency of the government’s wish to make sure that the planning process is fit for purpose, in order to meet the housing targets, is manifested in a letter by the Minister at the end of July which sets out the government’s expectations as to how plan examinations should be conducted, and how pragmatism should be applied to this process by examining Inspectors.²⁰

And to smooth the path of change, some insight is gained from the government letter in late July to environmental NGOs. The Deputy Prime Minister and the Secretary of State for the Department for Environment, Food and Rural Affairs have written to NGOs about using the value gained from enabling development to proceed quickly and smoothly to support nature recovery.²¹

²⁰ <https://www.gov.uk/government/publications/local-plan-examinations-letter-to-the-chief-executive-of-the-planning-inspectorate-july-2024>

²¹ <https://www.gov.uk/government/publications/letter-from-deputy-prime-minister-and-defra-secretary-of-state-to-environmental-ngos-on-planning-and-infrastructure-bill>

SOME OBSERVATIONS ON THE THRUST OF THE PROPOSALS

48 The WCWC does understand the challenges of reconciling all the demands for economic and social growth with environmental conservation at a time of austerity. Affordable homes are a national priority. And ensuring that asset development meets conservation criteria will almost inevitably mean higher costs and that has to confront the issue of affordability and priority in planning.

Within the planning system there needs to be a 'joining of the dots' for example between the demands for extensive wild swimming and the cost of water services, whoever runs the assets.

49 So to understand the planning issues in water, for example, requires quite a 'deep dive' into complex administrative processes. Indeed, from the perspective of the WCWC with respect to water services and an understanding that, at the heart of this, lies the fact that the Framework and Guidance have not been updated fully for some time as set out earlier. This is the issue which the WCWC has been suggesting needs to be addressed. The Proposals do not appear to do this. They do not seem to get to the roots of the problems.

50 In preparing this response the WCWC is very much aware of this complexity of Planning Policy and Guidance. The extent and complexity of the legislation is such that it can only be fully understood by legal specialists and those within the professional town planning community. The WCWC has adopted the term Town Planning Community. There is an urgent need for a contemporary 'Plain English (Planning) Guide' (the last was published in 2015) and for a review of the associated guidance.²² In fact, of the whole package. And the WCWC suggests that there should be such a Plain English guide focussed on water possibly as part of the National Water Strategy. In fact, the WCWC suggests that the whole framework of planning, including the NPPF needs testing against the principles of smart regulation as set out by the DBT.

51 But underpinning this is the understanding that there is a plethora of regulations which are affected by the Planning Framework, and which affect that Framework. The Guidance at present does not cover all the present statutory requirements. So, 'pulling the lever' in the Framework or even the Guidance needs to be accompanied by the synergies of change in regulations. That understanding in the proposals is not as clear as it should be. For example, sorting out SUDS under the Flood and Water Act 2010 and the legislation surrounding sewer connections under the 1991 Water Industry Act are just two examples as set out earlier. The WCWC suggests that Water Companies should be, at least, statutory consultees on planning.

Infrastructure Contributions

²² <https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

53 The WCWC agrees, with the intentions of the consultation in March 2023 on streamlining the whole process, while it understands the concerns about a standard levy and some refinement of the outcomes of the consultation were needed.²³

This consultation stated that that the Ministry believes that *'the best way to achieve this will be to focus on improving the existing system of developer contributions, which means the Government is not implementing the Infrastructure Levy as introduced in the Levelling-up and Regeneration Act 2023'*.

54 The WCWC observes that the Levy was to replace the existing system of Developer contributions which is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and planning obligations (commonly referred to as 'Section 106' or 'S106' obligations after Section 106 of the Planning Act).

55 The (CIL) provision is made under the 2010 Regulations of the 2008 Planning Act Regulation 123 requires that the Council publish a list of infrastructure projects, which are taken from the Infrastructure Delivery Plan, that CIL funding may be spent on. It is therefore known as a 'Regulation 123 Infrastructure List', or 'R123 list' for short.

56 There is clearly some angst on the blunt instrument of a national charge provided for in the last review, but on the other hand the WCWC agrees that some streamlining is needed. **The WCWC suggests that the whole topic of infrastructure contributions as a facilitator of growth needs looking at in total with a view to streamlining overall. There is a need to combine the best aspects of both systems and to take more account of local needs. There is a need to tackle barriers to proper implementation of CIL.**

57 This should include a clear direction that Local Authorities should assess fully a major development's infrastructure costs and levy full CILs to cover these costs – including water supply and sewage treatment assets and their proper operation. That the needs for increased housing must not override the essential need for a development to cover (through CIL or S106 of the Planning Act or other means) their infrastructure impacts and requirements. **So, the WCWC favours a mixed model of contributions somewhat similar to the concepts behind the proposals for planning fees in para 22 Chapter 11.**

58 **These are different to Infrastructure Charges for connection to water assets provided for under the Water industry Act 1991. And the WCWC suggests that relationship of these needs addressing.**²⁴

Reconciling conflicting needs

²³ [Technical consultation on the Infrastructure Levy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy) .

²⁴ <https://www.ofwat.gov.uk/regulated-companies/markets/nav-market/getting-a-new-appointment/infrastructure-charges/#:~:text=If%2C%20as%20a%20new%20appointee>

59 The WCWC understands that getting the issues around environment and development will be essential in terms of delivering the new target of 1.5 million new homes within 5 years. However, it observes that many of the highest profile debates on asset development concern, new public infrastructure, which will be needed to support the housing target, e.g. more sewage treatment works, roads etc. The WCWC also observes that many of the contentious issues are focussed on development addressing other environmental problems such as adaptation and mitigation of climate change. Examples are wind farms, solar energy farms, pylons, sewage treatment and combined sewage assets. Members of the WCWC have experienced challenges in finding acceptable locations for sewage treatment works in the investment programmes in the 1990s when the discharges of screened sewage to the sea were stopped, along with the delays to the Thames Tideway Tunnel in spite of it being a National Infrastructure Project.²⁵

60 No one wants public infrastructure and development near them. Indeed, with sewage treatment projects there is always the psychological barrier of faecal aversion, which manifested itself in the objections to the changes to abstraction at Teddington from the River Thames.²⁶

61 The planning delays for reservoirs are notorious. As an example, there has been sustained opposition to the development of a reservoir in Abingdon, which was first proposed in 1996. Whilst Thames Water has been criticized about its water distribution, namely leakage, this argument is about when and not if and the government accepted the water resources plan in September this month. The reservoir is opposed still on principle. Members of the WCWC recall the opposition to the development of Empingham Water during the 1950s and 60s. This was eventually opened in 1965 and filled by 1978 and renamed Rutland Water. It has become a major commercial, recreational and wildlife asset in central England. Indeed, when public access was halted during the blue green algae blooms in 1989 there were public protests about that. Engagement with the communities affected is an ever-increasing element of a reservoir development. **Whilst the Water Companies engage extensively with communities, the planning framework should facilitate this engagement.**²⁷

62 There is enormous amount of information and proposals of the future of sustainable development, and on **how society can cope with reconciling demographic changes with environmental impact. In fact, this was one of the final tasks of the former Royal Commission on Environmental Pollution and there is a case for a new Royal Commission to revisit this subject.**²⁸

²⁵ <https://www.planningresource.co.uk/article/1319076/thames-tideway-tunnel-project-faces-two-judicial-review-challenges>

²⁶ <https://saveourlandsandriver.org.uk/>

²⁷ [Campaigners vow to continue fight against Abingdon reservoir | Oxford Mail](#)

²⁸ <https://assets.publishing.service.gov.uk/media/5a7c4f03ed915d3d0e87b80e/8001.pdf>

63 One answer to reducing the loss of habitats is to develop housing with greater occupation density, , but this then puts the mental welling of communities at risk by reducing green space which is discussed later and denies the havens to wildlife offered by many gardens. The topic of modern housing design and future cities is beyond the scope of this submission but must be central to work the New Towns Task Force. Perhaps there is a need to have greater understanding about the wish for garden space in the modern world. Understanding house design and the relationship of planning and building regulations might release more land. For example, in Alpine regions the living areas are located in upper floors, so if there were to be an acceptable design for houses in flood risk areas with less essential features at ground level such as garages it might enable more lower flood risk land to be developed.²⁹

See the observations earlier on the views of the Town and Country Planning Association.

This highlights, again the need for a review of building regulations, which has been advocated earlier this year by the Future Homes Hub.³⁰

64 Sometimes seemingly allied interests do not necessarily align, for example biodiversity might not align with landscape husbandry, although they usually do.

65 There are initiatives to structure some of these concepts in terms of planning. These include the concepts of natural capital and ecosystem accounting.^{31 32 33 34 35}

66 There has to be a distinction between delivering new assets in ways which avoid or minimises environmental impact and those ways which enhance the environment impact. Thus a house must be constructed in a way which minimises environmental impact, e.g. water and energy efficient fittings but in planning must avoid any

²⁹ <https://www.homebuilding.co.uk/ideas/flood-proof-homes>

³⁰ <https://www.futurehomes.org.uk/future-homes-hub-water-efficiency-report>

³¹ <https://www.gov.uk/government/publications/enabling-a-natural-capital-approach-enca-guidance/enabling-a-natural-capital-approach-guidance>

³² <https://seea.un.org/>

³³ <https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review>

³⁴ https://ourgreencorridor.wordpress.com/wp-content/uploads/2021/07/green-corridor-ecosystem-services-v32_47451.pdf

³⁵ https://environment.ec.europa.eu/topics/nature-and-biodiversity/green-infrastructure_en#:~:text=Green%20infrastructure%20has%20been%20defined,example%2C%20water%20purification%2C%20improving%20air

damage to green and blue infrastructure and indeed add to it. So the surface water drainage from new housing is best managed through nature based solutions and the demands on the sewerage infrastructure must avoid damage to the blue environment but also to add to the so-called green infrastructure.

67 Green infrastructure is defined as “a strategically planned network of natural and semi-natural areas with other environmental features, designed and managed to deliver a wide range of ecosystem services, while also enhancing biodiversity.” Such services include, for example, water purification, improving air quality, providing space for recreation, as well as helping with climate mitigation and adaptation. This network of green (land) and blue (water) spaces improves the quality of the environment, the condition and connectivity of natural areas, as well as improving citizens’ health and quality of life. Developing green infrastructure can also support a green economy and create job opportunities.

68 The Natura 2000 network of protected areas constitutes the backbone of the EU's green infrastructure. The Natura 2000 network, also known as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), is a collection of sites in the United Kingdom that are protected by European legislation for their wildlife and habitats. The UK has nearly 900 Natura 2000 sites (see later).

69 A major new tool to help towns and cities turn greener was launched in February 2023 by Natural England. Aimed at planners and developers, the Green Infrastructure Framework³⁶ will help increase the amount of green cover to 40% in urban residential areas. The Green Infrastructure Mapping Tool is part of Defra's Natural Capital Ecosystems Assessment Programme.

70 Natural England states that parks and greenspaces in England deliver an estimated £6.6 billion of health, climate change and environmental benefits every year. But with 80% of people now living in towns and cities, one third of people do not have access to good quality green and blue space within 15 minutes of their home. The government's Environmental Improvement Plan, published yesterday, includes a commitment that the public should be able to access green space or water, such as woodlands, wetlands, parks and rivers, within a 15-minute walk from their home.

71 The Green Infrastructure Framework (GIF) provides a structure to analyse where greenspace in urban environments is needed most. It aims to support equitable access to greenspace across the country, with an overarching target for everyone being able to reach good quality greenspace in their local area. The navigation around the current Framework and Guidance is not clear but there seems little guidance on the use of the GIF and this needs to be rectified in any review of the Guidance. More detail on GIF is given in Appendix 2.

72 The reason why the WCWC has set out these issues in a fairly cursory way is to highlight the fact that there is not clear exploration of these ideas in the Framework.

³⁶ [Green Infrastructure Framework](#)

The WCWC recognises that the addition of a fuller dialogue on these ideas would make the Framework even more complex and cause delays. So, one suggestion by the WCWC is that any further reviews beyond the scope of refining these Proposals could be incorporated in the next steps as indicated by the intentions set out in the section on the current policy environment. There is an urgent need for a White Paper to precede the Infrastructure and Planning Bill and that could pick up some of the points made by the WCWC and run in tandem and parallel with changes to water regulation and policy.

73 The WCWC has observed many times how ways forward on policy are often a miscellany of initiatives without a complete understanding of the combined objectives of the participants. For example, **the WCWC has called for a national water strategy** supported by all government departments and relevant ALBs for 'joined up government'. At present, apart from the Ministry there are initiatives by the DBT on economic growth, numerous initiatives by Defra, the Environment Agency and Natural England all impacting on development. This is discussed in more detail later.

74 The Environmental Improvement Plan (EIP23) was published, in accordance with the Environment Act 2021, as a revision of the 25 Year Environment Plan (25YEP) published in 2018. This annual progress report covers April 2023 to March 2024. EIP23 is set out in 10 goals. Each goal has specific targets and commitments described in the EIP23 that contribute to the goal outcome, including the legally binding targets set under the Environment Act 2021. The annual progress report is set out under these goals. Further information on progress towards the targets can be found in the accompanying monitoring annex, which forms part of the annual progress report. And this shows the complexity of targets and the progress, thereof, which will affect planning decisions.³⁷ In a speech to the Green Alliance in September the Secretary of State for EFRA said that Defra's focus would be on ensuring effective and efficient delivery plans rather than just setting targets, all being relevant to planning.³⁸

A Complexity of Protection Regulation

75 In para 4 Chapter 5 of the Proposals, the Ministry proposes the following:

The Green Belt serves a specific planning purpose, in terms of preserving openness and preventing sprawl, but is not an environmental designation or a marker of any environmental importance. Much of it is inaccessible to the public and of poor ecological status. We want our proposal to not simply offset the loss of Green Belt land, but to bring about positive improvements for the quality and enjoyment of the

³⁷ <https://www.gov.uk/government/publications/environmental-improvement-plan-annual-progress-report-2023-to-2024/environmental-improvement-plan-annual-progress-report-2023-to-2024#:~:text=This%20annual%20progress%20report%20covers,under%20the%20Environment%20Act%202021.>

³⁸ <https://www.edie.net/steve-reed-i-want-labour-to-deliver-britains-most-nature-positive-government/>

environment. We propose a two-stage process for doing this. First, land that is safeguarded by existing environmental designations, for example National Parks, National Landscapes and Sites of Special Scientific Interest, will maintain its current protections. Second, any development on land released from the Green Belt must bring benefits, via not only mandatory Biodiversity Net Gain, but also through new rules that will secure improved access to good quality greenspace.

76 The WCWC agrees with that approach, but it would be useful if there was greater clarity on environmental designations and agreed terminology is used and this is discussed in more detail below. As per Q25 the WCWC is of a view that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful. The WCWC suggests that this should be a feature of any general review of Guidance.

77 The Proposals ask in Q27 for views on the role which Local Nature Recovery Strategies could play in identifying areas of Green Belt. The WCWC agrees that these must play a role along with other environmental designations which are described subsequently, The WCWC is aware that there has been some attention given already to the complexity of this.

78 In March 2022 the Defra published a Green Paper consultation on a reform of the systems for protected sites. It stated that *'the layering of these different processes and obligations distracts from our ability to focus resources strategically or holistically on actions on-site and pressures off site in a way that best delivers for nature. Alongside this, very few members of the public are likely to know what these terms mean, or why these sites are worth protecting. This element is crucial to public engagement with and support for this work. We want to simplify and streamline environmental regulation, with a focus on delivering the legally binding targets now enshrined in the Environment Act.'*

79 These proposals were welcomed by some organisations and not others, the common concern being a weakening to the lowest common denominator. The WCWC cannot see any 'line of sight' between the outcome of that consultation and these proposals and suggests that the initiative should be brought to a conclusion one way, or another, while supporting the concepts of reducing complexity without loss of integrity, which strengthens the protection of biodiversity, and enhances understanding by the wider community as set out in the 2022 consultation.

Brownfield Sites

80 This is developed land that has been used for industrial or commercial purposes but is no longer in use. They are often contaminated with hazardous substances and can pose environmental and health risks if not properly cleaned up. Brownfield sites can include former factories, gas stations, dry cleaning establishments, metal plating facilities, and landfills. There can be practical challenges in such development, but interestingly in a period of resting the land may be colonised by protected species and be more valuable than greenfield sites.

81 A good example, in the experience of WCWC members, is the development of London Gateway Port

The creators of the DP World-owned London Gateway “super-port” spent nearly four years moving rare species from the site near Thurrock in Essex. Experts found new homes for 350,000 animals including 625 adders, 323 water voles and about 5,000 great crested newts. It was the largest relocation of animals carried out in Europe. Marcus Pearson, London Gateway’s environmental manager, told The Daily Telegraph how the site, closed by Shell in 1999, had become a haven for rare wildlife. “It was like a playground for all the protected species,” he said. “It was wild. The ones that were most of a surprise were the adders. We had hundreds of them, hanging from the fence.” Environmental workers built huge new ponds for the great crested newts. “They are meant to be rare but we found 5,000 of them,” said Mr Pearson. “We have dug 50 ponds at a new location, the size of 16 Olympic pools.” June 2012 The Standard.³⁹

82 Another good example cited by a member of the WCWC is the grassland at the former landfill site near Welwyn Garden City which supports a healthy ecosystem including insects and small mammals such as voles which provide fodder for raptors including barn owls nesting in the neighbouring woods. Concerns have been expressed about the risk that these ecosystems services benefits would be damaged and lost by the proposed Birchall Garden Suburb housing development next to this former contaminated landfill site.

83 The Proposals make it plain that the Ministry is of a view that brownfield land must be the first port of call. It wants to make clear that the principle of development should not be in question on brownfield land, and so it is consulting on an amendment to paragraph 124c out of the current NPPF, reinforcing the expectation that development proposals on previously developed land are viewed positively. This makes Making it easier to develop Previously Developed Land. The WCWC agrees with this, subject to mitigation measures as described by the example, for the London Gateway Port. **The WCWC agrees, with some caution.**

84 **In response to Q20, concerns have been expressed that the proposed changes pay insufficient attention to the contamination risks at such sites and that the significant remediation costs might be a liability and drain on public bodies’ finances which should be better used to build more affordable homes on non-contaminated sites.**

85 **The Ministry needs to determine whether Local Authorities have adequately implemented their powers under Part 2A of the Environment Act 2021 to identify any sites that present contamination risks so as to ensure that any brownfield sites put forward for development do not present contamination risks and require expensive remediation. There are concerns that that Local Authorities have not adequately implemented their Part 2A powers so that there could be significant currently hidden contamination risks.**

³⁹ <https://www.standard.co.uk/news/london/350-000-wildlife-animals-moved-for-superport-7830843.html>

86 The WCWC agrees with para 190 of the old and proposed revised NPPF that "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner." The Government must ensure that this provision is adhered to and that there can be no liability for public bodies and finances from such remediation costs.

Grey Belt Sites

87 To support a consistent and transparent approach to identifying land, the Ministry proposes inserting a new definition of grey belt land into the glossary of the NPPF. This will provide criteria for assessing whether land makes a limited contribution to the Green Belt purposes. This definition will read as follows:

88 For the purposes of Plan-making and decision-making, grey belt is defined as land in the Green Belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework) but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).

89 In answer to Q23 the WCWC supports this addition of grey belts.

Green Belt Sites and Environmental Designations

90 In overall terms the WCWC agrees with the measured approach in para 4 Chapter 5 being taken to the future of Green Belt land particularly with the concepts of biodiversity net gain. As stated earlier the reference to Environmental Designations highlights the diversity and miscellany of such designations. The WCWC suggests that now the UK is not tied into the administrative processes of the European Union, post Brexit, there is a case for streamlining without compromise to the objectives of the current legislation. A review to simplify these would make success in understanding planning more likely.

91 The WCWC suggests that Defra needs to take actions to correct the perceived flaws in the processes for Biodiversity Net Gain. It makes the following proposals:

- a. a clear baseline.
- b. set out clearly impacts of the development and proposed compensation measures.
- c. allow for local expert inputs.
- d. overcome shortcomings of Defra metric which is open to abuse in developers' rigging the scores to get the answer they want regarding their development and proposed BNG measures.
- e. scores relate to land use classes not the ecosystems services benefits they yield.

- f. Resource county environmental specialists properly to police the system by levying planning fees to cover the full costs of their services.

92 The WCWC suggests that Defra needs to focus on integrated frameworks for achieving these objectives (including the WFD) rather than recent focus on specific designations and targets – such as narrow focus on nutrient neutrality with its negative impacts on particular proposed developments. Thus control of nutrients should be achieved efficiently by EA being adequately resourced to assess all pressures and control options to arrive at efficient measures as part of their integrated water management through River Basin Management Plans for implementation of the Water Framework Directive Regulations 2017. This follows on from the advocacy of catchment management by the WCWC (see its website archive).

93 The Infrastructure and Planning Bill envisages a Nature Recovery and Development Fund. The government plans to leverage development projects to fund nature recovery initiatives. This approach seeks to balance environmental conservation with the need for development, addressing both ecological and housing needs simultaneously. Assuming this is referring to the BNG mechanism, it has been argued that this makes almost no contribution to nature recovery, given that the gains are only in balance of corresponding losses. It is perceived as a way of stemming the loss of biodiversity, rather than a way to provide recovery. The 10% net uplift is barely sufficient to cover the inevitable risks to delivery and lack of enforcement.⁴⁰ Defra consulted on BNG in 2022 and responded in 2023. It is presumed that there is a 'line of sight' between those outcomes and the current proposal.

94 Environmental designations, also known as statutory designations, are formal procedures that give areas of land or water special protection or management status.⁴¹ ⁴² The main purpose of these designations is to protect:

- Protected areas established under National Legislation. This includes Sites/Areas of Special Scientific Interest and National Nature Reserves.
- Protected areas originally established as a result of European Union Directives or other European initiatives and implemented through UK domestic legislation. This includes Special Areas of Conservation and Special

⁴⁰ <https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses>

⁴¹ <https://www.planningaid.co.uk/hc/en-us/articles/203220061-What-are-the-types-of-nature-conservation-designations>

⁴² <https://jncc.gov.uk/our-work/about-marine-protected-areas/>

Field Code Changed

Protection Areas. Such as Natura 2000 sites under the Habitats Regulations 2019

- Protected areas set up under Global Agreements. This includes Ramsar sites.
- Marine Protected Areas. This includes Marine Conservation Zones and Nature Conservation Marine Protected Areas.
- National Nature Reserve.
- Local Nature Reserve.
- Local Wildlife Site.

While enhancing these areas for the public's benefit and any designations under the Food and Environment Protection Act 1985.

95 The guidance issued in August 2024 by the JNCC and the relevant regulators on improving that approach to Protected Areas:⁴³

- Protected areas set up under Global Agreements. This includes Ramsar sites.
- Marine Protected Areas. This includes Marine Conservation Zones and Nature Conservation Marine Protected Areas

The categories can overlap. For example, Marine Protected Areas include national and international designations. It is also possible for an area of land (or sea) to fit into all four of the above categories.

96 Then there are landscape areas:

- A National Park Authority is the planning authority for each National Park and it controls the development of land and buildings within its area. To do this effectively, it has to balance the duty to seek to foster the economic and social wellbeing of local communities with its statutory purposes.
- Areas of Outstanding Natural Beauty enjoy levels of protection from development similar to those of UK national parks, but unlike with national parks the responsible bodies do not have their own planning powers. In November 2023, AONB areas in England and Wales were rebranded as National Landscapes. However, the GPDO and indeed other planning documents still refer to these areas as AONB. Until that changes, the term AONB will continue.

⁴³ <https://jncc.gov.uk/news/uk-protected-areas-joint-statement-published/>

- Green Spaces which, typically refer to land with natural vegetation, including grass, trees and other plants, that is open and accessible to the public. Green spaces can include parks, walkable streets with trees and plantings, planted lots, and gardensparks and other "green spaces", including plant life, water features - also referred to as blue spaces - and other kinds of natural environment. The WCWC responded to the House of Lords EFRA Committee Inquiry into Green Spaces in October 2023 and made this point (see the WCWC website) and emphasised the importance of Allotments and Community Gardens with their own supporting legislation
- Nature Recovery Projects. These form part of the Nature Recovery Network, a growing national network of wildlife-rich places, stretching from our cities to countryside, mountains to coast. It is supported by green and blue spaces that buffer and connect these wildlife-rich sites. Local Nature Recovery Strategies are new strategies being prepared by 48 local authorities (called 'responsible authorities') to agree priorities for nature recovery and propose actions in the locations where they will have the greatest impact for nature across England. The framework focuses on 4 broad habitat types: woodland, wetland, grassland and coastal and marine. The Bionet NRAP is an interactive and dynamic online document accompanied by a series of interactive maps showing progression of conservation efforts over time.

97 These designations are companions to sets of aquatic designations as Protected Areas of inland and coastal and marine waters water in which the quality becomes a driver for sewage treatment and subsequent planning as set out later. The most high profile are those stretches of river water designated under the Habitat Regulations in which nutrient neutrality is required. In 2022 Natural England, issued advice regarding areas with unfavourable conservation status due to the presence of nutrients. The advice seeks to ensure that planning applications affecting habitat sites in such areas should incorporate a direct and/or indirect nutrient mitigation strategy to ensure no further pollution occurs, so the needs of the Conservation of Species and Habitats Regulations 2017 are met. Water stressed areas could also be included in this collection of designations.

The Role of Judicial Reviews and Appeals

98 Nothing is said about these, but they can have a profound effect on the speed of delivery of schemes The number has increased greatly over the past two decades.

99 The WCWC considers that it is essential that the Government takes action to address cases where the judicial review system is misused simply to thwart or obstruct planning decisions which have been through due democratic and legal processes (as opposed to those where there are genuine questions of misuse of process). Such 'vexatious' calls for judicial reviews are a major barrier to environmental investment and economic growth; they impose huge costs on developers and councils alike. One of the members of the WCWC had 10 significant renewable energy projects delayed by such reviews all of which were thrown out by the judges and none of which were upheld; indeed in one case costs were awarded against the appellant (though this is not a regular occurrence); however because of delays in an overloaded legal system, the net result was that investment in each case was delayed by a year or more with consequent inflationary

cost increases, sometimes of tens of millions of pounds, which had to be picked up by the council for whom the investment was being made.

100 Indeed, it could be argued that judicial reviews are a bigger issue than the planning system itself which already provides significant due process, consultation and democratic scrutiny. Changes to the planning system which do not at the same time address the issue of judicial reviews will not yield the benefits targeted.

101 The WCWC recognises that this is a long standing and very difficult problem, but it is a growing one. It is essential that the citizen has protection against misuse of power and failure of due process by planning authorities. **The WCWC makes the following suggestions:**

- an analysis of the 'success rate' of different categories of judicial reviews should be undertaken; if it is proven that a large majority were upheld then we need to learn from the mistakes made by the relevant bodies and ensure such failures of due process are not repeated; if on the other hand only a small minority are upheld then we need to learn what conversely are not legitimate grounds for judicial review;
- clear guidelines should be issued on what are and are not legitimate grounds for a call for judicial review
- a process needs to be put in place whereby a very speedy decision is given as to whether a judicial review may proceed or not before the costs and delays caused by a full judicial review are incurred
- the balance of risk between appellant and defendant needs also to be considered; at this stage typically it is the promoter of a project who bears the majority of the risk (which is often then passed on back to back to the government or council) and the appellant much less; consideration should be given to requiring bonds on both sides and indeed in extreme the award of damages where there has been vexatious misuse of the system.

102 It is recognised that all the above are difficult issues, yet they are material and they are growing; they must be addressed if we wish to achieve economic growth based on environmental investment. **Concerns have been expressed about the delays caused by appeals, for are right and proper but can be overly slow. This needs resolution as well.**

A FOCUS ON WATER ISSUES

Complex of water policy, regulation and practice

103 To recapitulate, the Ministry states that:

'We believe that the Planning Act 2008 could be amended to bring into the definition of NSIP:

- *water infrastructure projects that are designed to be used intermittently but provide significant peak water supplies during droughts;*
- *the construction, maintenance or operation of water infrastructure by a third party on behalf of a water undertaker;*
- *water recycling, which will be an important option for securing water supplies and one that is commonly used around the world; and*
- *infrastructure which transfers treated drinking water.'*

104 The WCWC does not disagree with these principles, whilst observing that making them NSIP will not resolve many of the problems bedeviling the delivery of water services. Water schemes enjoy the same restrictions as any other development. So, the points made above apply equally. A water asset has to meet the same criteria for acceptable impact and use of land. but there is a need to understand the regulatory complexity which drives the need for the assets. For example, the drive for wild swimming in rivers has the consequence of more sewage pumping stations and overflow storage facilities. The drive for new houses will add burdens on the water infrastructure the costs of which at need to be fully paid by developers in CIL.

105 The WCWC has highlighted some of the issues surrounding water management and planning earlier in this submission, both in terms of its continuing suggestion that further reviews of planning processes are needed, and as examples of broader issues. It states that these proposals do not address the issues it has identified before which will be exacerbated by the invigorated housing programme

106 No one can be unaware of the concerns about the dangers of further overloading already overstretched water infrastructure. Whilst small percentage increases in flows could be assimilated at most sewage treatment plants (1-2%), the same does not hold true for sewerage systems. While the trunk sewers could probably cope, the situation for branch sewers would be very different. For example, in a town of 200,000 people, a 2% increase would be 4,000 people, but the development may well be in one location and thus not spread evenly around the conurbation so if by way of a generous assumption located in only 25% of the perimeter then the branch sewers might only be capable of conveying and extra 1,000 population.

107 The WCWC has already drawn attention to the issues surrounding reservoirs, which can take many years (or decades) for permission and commission.

108 These issues have been highlighted by the National Infrastructure Commission.⁴⁴

⁴⁴ <https://nic.org.uk/studies-reports/national-infrastructure-assessment/baseline-report/baseline-report-annex-d-water-wastewater/>

109 This reaches out to the nexus of the current planning debate: the delivery of the mandatory housing targets and concerns about water management. The evidence suggests that our communities are reaching the point where the scale of new development will add significantly to capital investment and the cost base of water services. The potential for a very substantial scale up of direct and indirect capital investments will be needed from stretched balance sheets (after allowing for the additional income) beyond that which is already envisaged in the PR24 programmes and consequent AMPs. There is an urgent need for research at a macro level to ensure that development on this scale is financially sustainable for the sector.

110 Whilst much of this response focusses on the impact of new housing, such housing will be associated with commercial, industrial and retail development all with unique impacts and in some cases more within the influence of the Environment Agency than Water Companies, such as control of direct river abstractions and discharges. This iterates then into the Department of Business and Trade drive for water being and enabler of economic growth (see the WCWC submissions earlier this year on its website) Chapter 1 of the Consultation refers to economic growth arising from data centres and gigafactories, both for large consumers of water, as highlighted in the WCWC response to the DBT earlier in year. **As the WCWC submitted to the DBT the growth duties of all relevant parties needs examination as does the duty of water companies to supply water to industry. Development requires transport infrastructure, particularly roads and this creates more highway drainage, a matter of increasing concern and upon which the WCWC has commented.**⁴⁵

111 The WCWC is pleased that one of its principal suggestions for closer co-operation of government departments was reflected in the outcomes of a meeting between water investors and the government on September 10th. Together in tandem working with the DBT, these three parties might form the basis of the water delivery team to mirror the New Towns Task force⁴⁶.

112 The press release for the September meeting included statements '*The discussion marks a step-change as the Department for Environment, Food & Rural Affairs repositions itself as a key economic growth department.*

Secretary of State for Environment, Food and Rural Affairs Steve Reed said: With the new Government, the water sector will become one of growth and opportunity. Working with investors, we will attract billions in private-sector investment that is desperately needed to upgrade our broken water infrastructure and clean up Britain's rivers, lakes and seas.

Growth Minister Lord Spencer Livermore said:

⁴⁵ Consultation Responses – The Worshipful Company of Water Conservators

⁴⁶ <https://www.gov.uk/government/news/reed-investors-vital-for-water-infrastructure-growth-and-jobs>

Private investment is at the core of how we grow our economy, rebuild Britain and make every part of the country better off.

The water industry has a vital role to play which is why creating a stable and investable water sector is long overdue.

113 As a consequence of all the issues outlined, there will be consequences for AMP8, which will run from 2025–2030. This period focuses on climate change adaptation, including: reducing leakage, promoting water recycling, and adjusting capacities for variable rainfall. This excludes the new housing targets, the consequences of which are not likely to be funded out of growth. It is too late to be included in the PR24 determination later this year. So, this will add to the debates about funding and charges which will have to be addressed.

114 The WCWC has suggested consistently that all of the initiatives should be brought together to bring coherent understanding for water. Whilst the WCWC has argued consistently for a review of the planning framework as part of this, this consultation does have 'an air of putting the cart before the horse' to some extent and still does not address some of the core issues. As previously suggested the whole package of the Framework, associated guidance and companion legislation needs a 'root and branch' consistent integrated review in the next steps as set out earlier, Many of the points made by the WCWC in direct response to these Proposals apply specifically as issues for water management. The guidance on planning and water is in sore need of update whatever happens. So, there is a whole package of changes in water regulation needed to affect these goals of water management and as advocated earlier could be taken account of in the next steps of 'tandem' reviews'. The inclusion of a review of building regulations with respect to water is an obvious practical bridge.

115 There are many other aspects which need attention which the WCWC has consistently highlighted. The WCWC has produced a series of submissions since early 2022 to consultations and thinkpieces relevant to this consultation. These are summarised in an overview which is archived on its website (referenced several times in preceding footnotes). These are matters of higher priority than the simple assignment of projects to be NSIP. The thinking behind the response to this consultation is profound, and it will be necessary to produce a second edition of the Overview by the end of 2024.

116 The Overview paper itself contains reference to numerous issues relevant to this consultation, beyond those cited already, for example:

- The need for an overarching integrated water strategy and cooperation in policy and delivery. This would appear to resonate with the intentions of the government for a strategic review⁴⁷ along with the views of other organisations such as CIWEM.⁴⁸

⁴⁷ <https://www.gov.uk/government/speeches/steve-reed-speech-on-the-water-special-measures-bill>

⁴⁸ <https://www.ciwem.org/the-environment/a-fresh-water-future-the-key-findings>

- Advocacy of development of a more formal system of catchment management as set out in the 2023 Water Plan with implications for land use and matters like nutrient neutrality.
- The relationship of these plans to other matters affected by infrastructure development, such as Drainage Area Plans, Storms Overflows Action Plans Water Resources Plans.
- Better control of contributions to sewage flows in sewers including the introduction of mandatory SuDS (which Ofwat now considers unlikely), more effective functioning of S106 of the Water Industry Act 1991 for rights of connection by developed properties to sewers. The concerns of the WCWC were set out earlier as a matter unresolved even under the previous and current and now proposed NPPF. The concepts of 'sponge cities' and 'smart water communities' must underpin the forthcoming developments.
- A review of building regulations which would also embrace the disposal of surface water and sewage drainage but also matters like water fitting regulations and water efficiency as advocated by the Future Homes Hub.⁴⁹
- The relationship of infrastructure charges and growth and the drive by the DBT for water to be an enabler of growth, not an impediment, and a review of the obligations of water companies to provide water to non- household properties.
- This would seem to suggest a multi- agency delivery planning task force to iron out issues. This would involve Defra, Department of Business and Trade (DBT), and the Treasury.

These are all matters relevant to the NPPF but must be addressed separately, hopefully in the next stage of tandem reviews as set out earlier.

117 Whilst the issue of community design is outside the remit of the consultation there is a great deal of expertise and literature on sustainable development with respect to water. This submission has referred to 'sponge cities' and 'smart water communities' (which is actually a broader concept) but the planning issues range from location, impact on water infrastructure through to water efficient design of individual properties and this is picked up in the recent WCWC submissions to Ofwat (see the archives on the WCWC website).

Water as Part of the Circular Economy

⁴⁹ <https://www.futurehomes.org.uk/future-homes-hub-water-efficiency-report>

118 One interesting aspect of this consultation is the reference water recycling for securing water supplies which it is claimed are commonly used around the world. This is a rather an opaque reference. In fact, the tone is that the England is lagging behind other countries common practice and the proposal to make these projects NSIP will help fix the problem. In fact, the statement is apocryphal rather than factual as a review of the web reveals. It is important to understand that a great deal of sewage effluent is recycled through abstractions from rivers sustained by the effluents. A good example is the River Thames. These include abstractions for public water supply purposes and for agriculture.

119 In most places if sewage effluents are used, it is more likely to be for agriculture and the barriers for direct reuse for drinking water remain. Appendix 3 sets out the situation in Australia.

In the USA, for health and aesthetic reasons, reuse of treated sewage effluent is presently limited to non-potable applications such as irrigation of non-food crops and provision of industrial cooling water. There are no known direct reuse schemes using treated wastewater from sewerage systems for drinking.⁵⁰

One of the most quoted examples is Singapore, with a very different set of resource dynamics to England. The WCWC notes the complexity, costs and restricted use even there and it is equivocal as to whether or not it is direct reuse.⁵¹

120 In 2011 the EA produced guidance on the topic. This has now been withdrawn.⁵²

121 A great deal of the problem in reuse is the psychological aversion to such practice, which the WCWC referred to several times, most recently in its responses to Ofwat on water efficiency. The opposition ignores the fact that many abstractions from rivers and reservoirs already contain sewage effluent as part of the river flow. So, there is a distinction between direct and indirect recycling.

122 The DWI is considering this matter. It states that '*To improve the reliability of drinking water supplies and to ensure future provision of sufficient safe drinking water, new and alternative raw water sources will need to be developed.*

A number of alternative sources of drinking water are currently being considered as part of the water companies' water resource planning. One of the options being considered is recycled water, also known as water reuse. This source of water would

⁵⁰<https://www.oas.org/usde/publications/unit/oea59e/ch26.htm#:~:text=For%20health%20and%20aesthetic%20reasons,from%20sewerage%20systems%20for%20drinking.>

⁵¹ https://www.voanews.com/a/east-asia-pacific_singapore-turns-sewage-clean-drinkable-water-meeting-40-demand/6209374.html

⁵²<https://assets.publishing.service.gov.uk/media/5a8175cee5274a2e87dbdbf7/geho0811btvt-e-e.pdf>

be blended with and augment existing raw water sources and could supplement the raw water supply to drinking water treatment works.

Water recycling can provide a continuous and sustainable source of water, which is less prone to cyclical shortages such as droughts as it reclaims the most dilute portion of treated wastewater which would normally be returned to the environment.

The water element of that process which is reclaimed is then subjected to further advanced treatment at a water recycling plant before it is either sent to an existing water treatment works (known as direct water recycling) or discharged to a river, reservoir or aquifer (referred to as an environmental buffer) where it blends with other sources of water before being abstracted and further treated at a drinking water treatment works (known as indirect water recycling). Currently there are no proposed direct water recycling schemes. However, some water companies will be developing indirect water recycling to help ensure a sufficient and sustainable supply.'

123 This submission has already referred to the problems at Teddington and another good example is the proposal by Southern Water which wants to treat sewage at a plant at Havant in Hampshire and pipe it into a nearby spring-fed reservoir to boost water supplies during droughts. The scheme would ensure that less water is extracted from two globally important chalk streams: the rivers Test and Itchen. The whole scheme would cost £1.2bn, it is facing severe opposition.⁵³

124 Sewage effluent is also recycled by using it to recharge groundwater.⁵⁴

125 Any direct supply of water with direct sewage origins would have to be provided via a dual pipe supply system. CIWEM has called for a Publicly Available specification on dual systems and the discussions always focus on non-potable uses with the risks of cross connections being at the front of public health concerns, and of course the operational and cost challenges of a system which would be very difficult to retrofit to existing properties. Defra started a conversation on this in the Summer of 2023 but that does not seem to have progressed

126 And the reuse of domestic grey water and rainwater features highly in the Ofwat proposals for water efficiency and the design of new homes, and this must be embedded in revised Building Regulations. Water collected by SUDS can be put to good use, but as already observed the WCWC is dismayed about the demise of progress to make the requirement mandatory.⁵⁵

⁵³ <https://www.theguardian.com/environment/article/2024/jul/13/12bn-plan-to-turn-sewage-waste-into-drinking-water-branded-a-dangerous-white-elephant>

⁵⁴ <https://www.icevirtuallibrary.com/doi/abs/10.1680/rose.02302.0018?mobileUi=0>

⁵⁵ <https://www.susdrain.org/delivering-suds/using-suds/benefits-of-suds/groundwater-recharge>

127 A feature of the Water Efficiency Road Map and recent Ofwat proposals is nondomestic recycling with implications for IPPC regulation as set out in the WCWC responses.

128 So, much of the issues around water recycling and, in particular, sewage effluent recycling lies in a wide range of criteria which will not be resolved by the metamorphosis of recycling schemes to be NSIP. The WCWC queries what kind of plants are envisaged; this will not help AMP8. **The WCWC suggests very strongly that this whole topic of recycling needs a through overview before any changes are made to the Framework and Guidance. Indeed, to change the Framework now might result in 'setting too many hares running'**

APPENDIX 1

Introductory Chapter 1 in the Consultation

1. The Government has made clear that sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars: stability, investment and reform.

2. Nowhere is decisive reform needed more urgently than in our planning system. The December 2023 changes to the National Planning Policy Framework (NPPF) were disruptive to the sector and detrimental to housing supply. The Chancellor's speech on 8 July committed to consulting on reforms to the NPPF to take a different, growth-focused approach.

3. Today, we set out specific changes we propose to make immediately to the NPPF following this consultation. These changes – amending the planning framework, and universal, ambitious local plan coverage – are vital to deliver the Government's commitments to achieve economic growth and build 1.5 million new homes. Specifically, they will:

- a. make the standard method for assessing housing needs mandatory, requiring local authorities to plan for the resulting housing need figure, planning for a lower figure only when they can demonstrate hard constraints and that they have exhausted all other options;
- b. reverse other changes to the NPPF made in December 2023 which were detrimental to housing supply;
- c. implement a new standard method and calculation to ensure local plans are ambitious enough to support the Government's manifesto commitment of 1.5 million new homes in this Parliament;
- d. broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas;

- e. identify grey belt land within the Green Belt, to be brought forward into the planning system through both plan and decision-making to meet development needs;
- f. improve the operation of 'the presumption' in favour of sustainable development, to ensure it acts as an effective failsafe to support housing supply, by clarifying the circumstances in which it applies; and, introducing new safeguards, to make clear that its application cannot justify poor quality development;
- g. deliver affordable, well-designed homes, with new "golden rules" for land released in the Green Belt to ensure it delivers in the public interest;
- h. make wider changes to ensure that local planning authorities are able to prioritise the types of affordable homes their communities need on all housing development and that the planning system supports a more diverse housebuilding sector;
- i. support economic growth in key sectors, aligned with the Government's industrial strategy and future local growth plans, including laboratories, gigafactories, datacentres, digital economies and freight and logistics – given their importance to our economic future; and
- j. deliver community needs to support society and the creation of healthy places; and
- k. support clean energy and the environment, including through support for onshore wind and renewables.

4. The proposed changes are explained in this document and set out in an accompanying draft NPPF. The Government will respond to this consultation and publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible.

5. Alongside these specific changes, the document also calls for views on:

- a. whether to reform the way that the Nationally Significant Infrastructure Projects (NSIP) regime applies to onshore wind, solar, data centres, laboratories, gigafactories and water projects, as the first step of the Government's NSIP reform plans;
- b. whether the local plan intervention policy criteria should be updated or removed, so the Government can intervene where necessary to ensure housing delivery; and
- c. proposals to increase some planning fees, including for householder applications, so that local planning authorities are properly resourced to support a sustained increase in development and improve performance.

6. Finally, it sets out how and when we expect every local planning authority to rapidly create a clear, ambitious local plan for high quality housebuilding and economic growth.

APPENDIX2

Green Infrastructure Framework

It is worth including more detail the issue of the Green Infrastructure Framework which integrates green infrastructure tools, principles, standards and design guidance. It is structured by five key standards:

- a. Urban Nature Recovery Standard – aims to boost nature recovery, create and restore rich wildlife habitats and build resilience to climate change. Incorporating nature-based solutions, including trees and wildflowers, into the design of towns and cities will increase carbon capture, prevent flooding and reduce temperatures during heatwaves.
- b. Urban Greening Factor (UGF) for England – This planning tool improves the provision of green infrastructure and increases the level of greening in urban environments. The standard is set at 0.4 for residential development, which means there is a target in place for approximately 40% of residential developments to have green and blue spaces, green roofs or green walls. When adopted by a local planning authority it provides clarity about the quantity and quality of green infrastructure required to secure planning approval in a major new development. The Greater London Authority is already applying this principle.
- c. Urban Tree Canopy Cover Standard – promotes an increase in tree canopy cover in urban environments. Trees are vital for capturing carbon and can mitigate flood risk as they absorb excess water during flooding incidents. The standard sets out that major residential and commercial development should be designed to meet locally agreed targets.
- d. Accessible Greenspace Standards – promote access to good quality green and blue space within 15 minutes' walk from home. The People and Nature Survey published by Natural England found that 82% of adults agree that being in nature makes them very happy over but one third of people in England do not have access to green space within this distance. The Framework includes an award-winning mapping tool that can help to identify places where green space is needed most. The government has already used the tool to ensure the £9 million Levelling Up Parks fund reaches low-income areas with limited access to green space.
- e. Green Infrastructure Strategy – This standard supports the National Planning Policy Framework's policy that local authorities should develop strategic policies for green infrastructure. At an area wide scale, the Green Infrastructure Standard will see Local Authorities develop Delivery Plans to support the creation and enhancement of new and existing greenspaces.

Natural England states that 'as a comprehensive tool, the Green Infrastructure Framework and accompanying Design Guide will support local planning authorities and developers design and create more nature-rich urban greenspaces to meet mandatory Biodiversity Net Gain requirements and support the development of the

Nature Recovery Network..(The WCWC has offered some thoughts on this earlier) Partnerships are integral to the uptake and application of the guidance. The Institute for Civil Engineers has included the Green Infrastructure Standards in their new Manual of Blue-Green Infrastructure'

APPENDIX 3

Recycling of sewage effluents in Australia

Most of Australia has low rainfall. The population is small (25 M) but growing at 1.5%/yr. Water limitations are being exacerbated by climate change. By 1990, restraints placed on wastewater treatment plant (WWTP) discharges to receiving waters became an incentive for water recycling. The millennium drought (2000–2009) was a further driver for water recycling and desalination. Water reform policies, led to guidelines for recycled water, including stormwater and augmentation of drinking water. Advanced purified recycled water plants for indirect potable reuse were built in Brisbane. Dual pipes for drinking and recycled water were installed in new suburbs in Sydney, Melbourne and Adelaide. Agricultural, industrial and amenity recycled water use was expanded. Seawater desalination plants were installed in Gold Coast, Sydney, Melbourne, Adelaide and Perth. After the drought, economics further influenced the future use of recycled water. Since catchment water was cheaper than recycled or desalinated water, desalination plants were mothballed or maintained at low processing rates. and Brisbane's advanced water treatment plants were shut. Water policy complacency followed. However, Western Australia, which had declining rainfall, demonstrated to an accepting community that recycled water could be used for groundwater replenishment in Perth's water supply. By 2019, drought conditions had returned to eastern Australia. Desalination plants were reactivated and Brisbane's indirect potable recycling scheme prepared for reinstatement. Regional towns faced water shortages and were looking for diversity of water supply. Reviews have been undertaken of the future for direct potable recycling, a debate that needs to be initiated with the consuming public.