Communities and Local Government

The implications of the EU Water Framework Directive for plans, plan making and development control

A scoping study

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CHAPTER 1
Introduction to the EU Water Framework Directive

1.1 WHAT IS THE WATER FRAMEWORK DIRECTIVE (WFD)?

The Water Framework Directive (2000) is a major piece of legislation, which aims to rationalise EU water legislation to achieve an integrated system of water protection, improvement and sustainable use. As such it could potentially have significant implications for land-use planning and development control.

The WFD was transposed into law in England and Wales by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. There are also separate regulations for the Northumbria and Solway-Tweed River Basin Districts as these are 'cross border' river basin districts with Scotland (Scotland transposed the WFD through new primary legislation). The English/Welsh regulations identify the Environment Agency (EA) as the competent authority with responsibility for ensuring delivery of the requirements of the WFD.

Unlike the EU Birds and Habitats Directives which apply only to certain designated sites, the WFD applies to all surface and ground water bodies. It introduces a series of new objectives, which will govern water management and activities affecting water 'status': status is a measure of ecological, chemical, hydrological and morphological quality in surface waters, and groundwater quantity/chemistry. The WFD objectives include:

- preventing deterioration in water status;
- restoring surface waters to good ecological and chemical status by 2015;
- reducing pollution from priority substances and phasing out certain priority hazardous substances;
- achieving objectives for EU protected areas;
- contributing to mitigating the effects of floods and droughts;
- preventing and/or limiting pollution input into groundwater; and
- balancing abstraction and recharge.

Whilst it sets quality targets for all water bodies, the WFD recognises that certain water bodies are 'heavily modified' (i.e. they have been physically modified in order to support specified types of human use) or 'artificial' (i.e. excavated from land), and it sets lower ecological targets accordingly. Economic factors also play an important role in WFD decision making. For example, provision is made for extended deadlines or lower targets where achieving the required objectives would be disproportionately costly or is otherwise not feasible.

The WFD introduces a new system of water management planning based on eleven River Basin Districts (one Wales only, two English-Welsh, six England only and two Scottish-English). The new 'River Basin Management Plans' (RBMP) will be statutory plans which will summarise the 'programme of measures' (i.e. actions) required in order to meet the objectives of the WFD.

The Directive will also potentially directly affect many development control decisions insofar as Article 4(7) of the WFD sets out a range of criteria, which must be applied when determining whether or not new developments or modifications, which affect water status, should be permitted. These criteria include taking all practical mitigation measures; demonstrating overriding public interest or equivalent; and confirming that there are no technically viable, environmentally better options that are not disproportionately costly. In this regard, Article 4(7) therefore, provides a defence in certain circumstances, where there is likely to be, or has been, a failure to achieve good status or prevent deterioration in status to the environmental objectives of the WFD due to new modifications or new sustainable human development activities

Finally, it is worth noting that Article 14 of the WFD requires the active participation of all stakeholders in the interpretation and implementation of the Directive.

1.2 ROLE OF STATUTORY BODIES IN WFD IMPLEMENTATION

Under the provisions of the regulations, statutory bodies in England and Wales must 'have regard to' the RBMPs and any supplementary plans. Such bodies must also provide any requested information to the EA.

The partnership approach proposed by the EA to ensure delivery of WFD objectives, however, means that statutory bodies, such as local authorities, will potentially have a much more important role in water management, as a result of WFD implementation. The potential implications of WFD implementation insofar as it is likely to affect planning and development control are discussed in this report.

CHAPTER 2
Department for Communities and Local Government WFD scoping study

2.1 BACKGROUND TO SCOPING STUDY

This scoping study was undertaken because the Department for Communities and Local Government (DCLG) was conscious of the need to engage with emerging water policy areas, particularly the EU Water Framework Directive. Specifically, DCLG wanted to:

- understand better the implications of WFD implementation for planning and development control;
- raise awareness of the WFD amongst planning authorities and planning professionals;
- involve planning professionals in the process of identifying both opportunities and also issues/possible solutions relating to WFD implementation; and
- through the above, collect relevant information to inform its future decisions/actions.

DCLG's priority was to consider the implications of the WFD for the spatial planning process, to determine what, if anything, is needed from the planning regime to implement the Directive, and particularly to establish how the interface between regional and local statutory plans and RBMPs is to be managed.

A complementary piece of work was carried out on behalf of the Welsh Assembly Government (WAG) in order to determine the likely implications of the WFD for plan-making and development control in Wales.

The scoping study was supported by the EA and by the Royal Town Planning Institute (RTPI). Both organisations provided valuable advice as well as logistical support.

2.2 SCOPING STUDY OBJECTIVES AND METHODOLOGY

The scoping study was carried out in three stages. The first stage comprised a series of regional workshops for invited participants; the objectives of these workshops were to:

- raise awareness of the WFD amongst planning stakeholders;

- identify key issues arising from the WFD likely to affect planning and development control;

- provide stakeholders with an opportunity to highlight appropriate and workable solutions; and also

- enable them to provide information to inform possible future planning policy on water.

Following the preparation of draft workshop reports for each event, an open seminar was held in London to disseminate and 'ground truth' the preliminary findings of the workshops. The third stage of the scoping study comprised preparation of this report. However, in the meantime, an additional workshop was held in Wales in March 2006 to enable Welsh planning stakeholders to participate in a parallel process.

The four one-day workshops were held in November and December 2005 and were attended by a total of approximately 80 planning stakeholders representing district, county and unitary councils, Government Offices, non-governmental organisations and consultants. The workshops took place in Bristol, London, Manchester (in association with the ENMaR project) and Newcastle (in association with the PURE project). These projects along with other 'WFD and planning' initiatives are discussed briefly in Chapter 5.4. Following each workshop, a workshop report was prepared and circulated in draft form to attendees: the purpose of this exercise was to ensure that the workshop reports provided a fair and accurate reflection of the day's discussions.

A follow up seminar, on 6th February 2006, was held in London. This workshop was advertised by the RTPI in the 'Planning' publication and was attended by around 30 participants again representing local government, Government Offices, consultants and Non-Governmental Organisations (NGOs). The outcomes of this seminar contributed to the conclusions drawn and the recommendations made in this report.

CHAPTER 3
Key issues and challenges for land-use planning and development control

3.1 INTRODUCTION

Each workshop was structured so as to ensure that all participants had a common minimum level of understanding of the WFD. An introductory presentation described the objectives of the WFD, the way in which the Directive will be implemented, and the type of actions likely to be required. After this initial presentation, a brainstorming session was held to identify some of the key issues and challenges that participants felt were likely to arise as a result of WFD implementation. Whilst the workshops were structured to enable differentiation as necessary between strategic level spatial planning, local development plans/frameworks, and development control, many of the issues identified were, in fact, common to all of these.

3.2 WHY IS THE WFD RELEVANT TO PLANNERS?

It became clear as a result of discussions at the workshops, that there are four key WFD objectives of particular relevance to planners, plan-making and development control:

- the requirement to prevent deterioration in water status (see Chapter 1.1 for definition);
- the need to aim to improve water status;
- contributing to mitigating the effects of floods and droughts; and
- the overarching objective of ensuring sustainable water use, including both surface and ground water resources.

Whilst there are many other WFD objectives with which planners will probably need to be broadly familiar, participants felt that the primary responsibility for enforcement of most of these would fall to, or remain with, others (notably the EA (e.g. for priority substances; some protected areas); but also Natural England/Countryside Council for Wales (i.e. Birds and Habitats Directive sites)).

Workshop participants further identified a number of areas of potential direct or indirect interaction between the WFD and the activities of planners (and, in some cases, their local authority colleagues), including:

- water resource issues associated with population growth and housing demand, including ground and surface waters; supply, demand, abstraction and treatment;
- flood risk management including floodplain function; reference to 'Making Space for Water';
- drainage issues; Sustainable Urban Drainage Systems (SUDS);
- urban diffuse pollution; accidents; groundwater pollution; also littering;
- minerals and waste planning, including contamination issues; also restoration;
- legacy issues: contamination; mine waters; abstraction and other 'rights';
- regeneration;
- tourism and recreation; and
- highways run-off.

Such issues are reflected, for example, when housing allocations are considered. Relevant WFD objectives include the requirement to prevent deterioration, the aim to improve ecological and chemical status, contributing to mitigating the effects of flooding, and the objective of balancing abstraction and recharge. New housing typically makes additional demands on water resources; waste water requires treatment; there will often be an increase in run-off due to the increase in area of impermeable surface; the problems caused by inappropriate development in floodplains are well documented; and (depending on the particular location) there may be a loss of habitat.

Against this background, the following sections summarise the main outputs of the workshops in terms of the key issues and challenges identified.

3.3 INTER-RELATIONSHIPS BETWEEN PLANNING AND THE WFD

Following the brainstorming session which identified why the WFD will be relevant to the activities of planning professionals, workshop participants identified many areas in which there would be important inter-relationships or similar implications. This section discusses the main issues thus identified under the following sub-headings:

- relationship between RBMPs and other plans;
- incorporating WFD objectives into land-use and spatial plans;
- working across boundaries;
- dealing with differing timescales;
- ensuring transparency and accountability; and
- enforcement and dispute resolution.

3.3.1 Relationship between RBMPs and other plans

Workshop participants highlighted the crucial need to clarify/understand and then disseminate the relationship between RBMPs and other planning documents. With regard to the land-use/spatial planning system, it is clear that the relationship between the statutory WFD RBMPs (which will summarise the measures required to achieve WFD objectives) and planning documents such as the Wales Spatial Plan (WSP), Regional Spatial Strategies, Local Development Plans and Local Development Frameworks will be important, both for plan-makers and policy deliverers. Clarity on this relationship, including both practical issues such as policy alignment and dispute resolution (e.g. which plan has primacy?) will be vital.

Most workshop participants stressed the importance of building the requirements of the Directive into the relevant plan-level documents; leaving consideration of core WFD objectives until the development control stage was generally felt to be 'too late'. Nonetheless, it was agreed that some additional provision will be needed at this stage in order to accommodate the requirements of Article 4(7) of the Directive.

As well as the inter-relationships between land-use/spatial plans and the WFD RBMPs, workshop participants also highlighted the need for alignment between the RBMPs and a number of other plans with which planners are directly or indirectly involved. These plans include, but are not limited to:

- Minerals Plans (England);
- Waste Plans (England);
- Shoreline Management Plans (England and Wales);
- Catchment Flood Management Plans (England and Wales);
- Catchment Abstraction Management Plans (England and Wales);
- Asset Management Plans (England and Wales); and
- Marine Spatial Planning (to be introduced via the proposed Marine Bill).

Participants suggested that WFD requirements might either be incorporated into (or added to) existing plan-specific guidance documents, or that a generic guidance document addressing the (general or plan-specific) links between RBMPs and all of the above plans could be prepared.

These inter-relationships, in turn, led to discussion of how to deal with 'strategy overload' amongst planners and 'consultation fatigue' amongst both planners and other stakeholders. It was recognised that the EA is carrying out an internal 'streamlining' exercise to try to rationalise the plans for which it is responsible. However, there are clearly similar issues across a wider range of plans which, participants felt, are not yet receiving adequate attention.

3.3.2 How can WFD objectives be incorporated into these plans?

As discussed in Chapter 3.2, there are several key WFD objectives that will need to be reflected in local development plans/frameworks. This will necessarily involve planners – not only in developing an improved understanding of the WFD and what it is trying to achieve (see Chapter 3.4 below), but also in identifying and delivering policies which reflect the requirements of the Directive.

There was widespread agreement between workshop participants on several related issues in this respect:

- the need for clear policy 'hooks' to be provided at regional (or possibly, in the case of Wales, national) level;
- the development, accordingly, of appropriate policies at local level;
- the use of sustainability appraisal (SA) in ensuring that policy delivers WFD objectives;
- the need for well-informed development control decisions; and
- the requirement for both policy and technical support provided to planning professionals by third parties (eg. on SUDS).

3.3.3 Working across boundaries

The WFD River Basin Districts (RBDs) have been defined in England and Wales to accord to the physical catchments and sub-catchments of major river systems. Each of the eleven RBDs necessarily contains numerous local authorities, and workshop participants recognised that WFD implementation will, therefore, require planners to 'work across' boundaries. This in turn led to the identification of various issues and questions including:

- Will the various Local Planning Authorities (LPAs) in a single river basin district need to have the same policies on water use and management?
- What is the role (in England) for Regional Spatial Strategies (RSSs) in this respect?
- What will happen where a single Local Authority straddles the RBD boundary?
- How will planners deal with upstream/downstream issues (for example, how will a LPA take into account the implications of any increase in run-off and/or in abstraction rates associated with a proposed development in their area, on a downstream LPA's interests?); and
- How important will it be to ensure consistency within and between RBMPs and how will this be achieved?

Participants indicated that, whilst the mechanism for resolving some of the above may, indeed, be via RSSs in England, the situation is less clear in Wales and, in any event, it is likely that the planning profession will need assistance from both the EA and DCLG/WAG.

3.3.4 Dealing with differing timescales

Notwithstanding some of the other practical challenges facing the planning profession with regard to WFD implementation, there is also the issue of the mismatch of planning cycles. RBMPs must be prepared in draft form by the end of 2008 with final plans produced by the end of 2009. Thereafter RBMPs will be reviewed on a 6 year cycle. Workshop participants highlighted the substantial mismatch between the WFD planning cycle and the timing of spatial/land-use plan preparation, and practical problems this will cause.

Particular concerns expressed with regard to this mismatch (some of which are discussed further in Chapter 3.3.6) included:

- what can planners do now ie. in advance of first round RBMPs?
- How can changes introduced by one plan (whether in data/ knowledge or policy change) be accommodated in the interim period (ie. before 'the other' plan is reviewed)?
- How will conflicts between planning and WFD policies be dealt with?
- How/can planners (legally) make decisions which reflect WFD objectives if these are not (yet) included in the development/spatial plan?
- Which plan will have primacy?

Workshop participants agreed that urgent decisions on the above needed to be made, and stressed the importance of ensuring that the outcomes are disseminated.

Development control and Article 4(7)

In addition to the planning cycles, workshop participants highlighted the potential difficulties of reconciling achieving WFD objectives and implementing Article 4(7) of the WFD with statutory development control determination periods. It was suggested that this will represent a considerable challenge not only for planners, but also for the EA, and with regard to both capacity and resources.

Related to this, and as already indicated above, most workshop participants commented that trying to deal with core WFD issues and principles at development control level will simply be 'too late'. Participants concluded that the WFD must be taken into account at the local plan or framework level – in turn requiring the necessary 'hooks' in strategic plans and hence re-emphasising the difficulties likely to be caused by the mismatch in plan preparation timescales.

3.3.5 Ensuring transparency and accountability

Another feature of effective decision making is accountability. A concern expressed by some workshop participants was that the EA is not 'democratically elected' and that the proposed RBD liaison panels will similarly comprise unelected representatives. Workshop participants also identified potentially important differences in consultation and public participation procedures between the RBMP and local plans. This, in turn, raised questions

about 'ownership' of the RBMPs when compared to the democratic process of development plan preparation. Indeed, some participants questioned the 'credibility' (to both planners and stakeholders/the public) of plans (i.e. RBMPs) which have not been prepared following the development plan model.

In recognition of these potentially important differences, participants stressed the importance of all parties – Local Planning Authorities (LPAs) as well as the EA – working to ensure that delivery mechanisms for decision making (with regard to delivery of WFD objectives via the planning system) are both transparent and accountable.

3.3.6 Enforcement responsibilities and dispute resolution

The implementing regulations identify the EA as the (only) competent authority with responsibility for delivering WFD objectives, yet the EA's approach to river basin planning is founded on the concept of partnership working, not least because it does not have all the powers necessary to effect delivery. The fact that planning powers lie with LPAs provides a case in point here. Workshop participants suggested that this raised some interesting issues of responsibility and enforcement, the resolution of which it was felt will necessarily rely on legal interpretations.

Finally, in the light of the some of the issues identified above (e.g. the mismatch of implementation timetables, which plan will have primacy, and enforcement responsibilities) workshop participants identified that a clear mechanism to deal with possible disputes and to facilitate conflict resolution is required. The possible role of the Government Offices in this process was suggested.

3.4 PRACTICALITIES OF DEALING WITH WATER MANAGEMENT ISSUES

Workshop participants highlighted a number of issues and challenges associated both with raising awareness of the WFD and with handling the workload which it was felt would result from WFD implementation. Broadly speaking, these issues can be described under the following headings, each of which is discussed further below:

- existing levels of awareness of the WFD;
- priority currently given to water management issues;
- representation of the planning profession on WFD implementation groups;
- communicating WFD benefits;
- skills gap;
- resource implications;
- implications for development control; and
- securing appropriate technical solutions.

3.4.1 Existing levels of awareness of the WFD

Workshop participants confirmed that both existing levels of awareness of the WFD amongst planning professionals, and levels of engagement in situations where the WFD was already known about, were generally very low. Four potential reasons for this were identified:

- existing heavy workloads, in particular associated with the many changes already taking place in the planning system;
- a perception that the WFD is 'concerned with water quality' and is, therefore, the responsibility of the EA;
- a lack of interest/priority given to the Directive by elected members; and/or
- a feeling that 2015 (the deadline by which good status must be achieved) is 'a long way off'.

Workshop participants acknowledged that, with such high percentage of water bodies at risk or probably at risk of failing to meet good status, measures would be necessary for many water bodies. They similarly accepted that planners would potentially have an important role in delivering such measures and that they would need assistance/guidance from others in so doing.

3.4.2 Priority given to water management issues

Many workshop participants were concerned that planners have not, to date, paid particular attention to water issues and that, for WFD implementation to be effective, water should be promoted – and perceived – as a core planning issue. Further, when the need to meet WFD objectives is considered in the light of the recent changes in the planning system in both England and Wales (and the associated workloads), participants were concerned that water issues need to be given greater political priority and carry adequate weight. An approach is required which gives clarity to the expectation, thus enabling individual local authorities to take explicit account of the WFD in Local Development Plans (LDPs)/Local Development Frameworks (LDFs).

Workshop participants recognised that planning professionals can do much themselves, not only in assessing the extent to which existing policy provision might be used to help deliver WFD objectives, but also in taking a proactive approach to including WFD-compliant policies in LDFs/LDPs. However, in addition to planners' own efforts to raise the profile of water management issues and to require (rather than simply encourage) the consideration thereof, workshop participants identified a need for guidance from third parties on dealing with WFD implementation. Three types of guidance were highlighted as being of particular importance:

- one-to-one advice: all workshop participants stressed that LPAs needed a single, named contact within the EA with whom they could liaise and discuss WFD issues. Such personal contact was felt to be of significantly more value than written guidance;
- policy guidance; and
- technical guidance.

3.4.3 Communicating WFD benefits

Related to the above, a number of workshop participants cautioned against 'taking for granted' the potential benefits of the WFD. Whereas the workshops held as part of the scoping study inevitably focused in on the challenges that WFD implementation is likely to pose for planning professionals, it was also acknowledged that the improvements in water status (ecology as well as chemical water quality) which will be delivered by the WFD will potentially represent a significant environmental gain to many LPAs – in terms not only of ecological interest, but with regard to recreation and amenity, tourism, and regeneration opportunities.

Participants stressed the importance of recognising – and communicating – these benefits, not only to others in the planning profession, but to stakeholders and, indeed, to developers.

3.4.4 Representation of planners in WFD implementation

Although it was recognised that there are some exceptions, workshop participants felt that the planning profession overall has not been adequately engaged in the development and delivery of the WFD to date – either at national or regional/local level. The lack of both engagement and, indeed, representation has made it difficult not only to raise awareness, but also to make a meaningful contribution.

To a certain extent, the reasons for the lack of engagement of planning professionals in the WFD process were felt to be the same as those determining levels of awareness (see Chapter 3.4.1). However, there are also other factors, including the resourcing of participation and the sheer scale/scope of the Directive. Even for those with a working knowledge of the WFD, its breadth of application has made it difficult to understand exactly how and where planners sit within the implementation process. Nevertheless, workshop participants recognised that improvements in levels of representation are required, and the challenges associated with how this is achieved will need to be dealt with.

In addition, individual or small groups of LPAs are likely to need to co-ordinate so as to resolve local catchment, sub-catchment or water body level water management issues. Whilst most such collaboration is likely to be ad hoc, there will be situations in which the preparation of a catchment or sub-catchment (supplementary) WFD plan will be necessary. Where more than one LPA is involved in resolving such issues, the practicalities of 'working across boundaries' (see Chapter 3.3.3) will need to be considered.

3.4.5 Skills gap

Whilst action can be taken to improve levels of awareness of the WFD and to give priority to water issues, a potential longer term problem identified by workshop participants is the 'skills gap' amongst planners with regard to water management issues. Planning professionals may therefore need a considerable amount of support in the following areas:

- understanding the WFD and its potential policy consequences;
- interpretation of WFD terminology (what is 'good status', what constitutes an 'effect on water status', how is 'deterioration' measured, what difference does 'heavily modified water body' designation make?);

- understanding and communicating the wider benefits of the WFD (both within the planning profession and to planning stakeholders);

- technical issues such as floodplain protection and reinstatement; water resources management; SUDS; use of buffer zones; etc; and

- how to deal with uncertainty (for example, climate change; cumulative or in-combination effects).

3.4.6 Resource implications

Not unexpectedly in the light of the challenges which it is anticipated that planners and LPAs will face with regard to WFD implementation, workshop participants identified resourcing issues as being of potentially critical importance. Participants felt that WFD implementation will have practical and hence resource consequences at a wide range of levels, including:

- Government Office, RDAs;

- Local authorities (planning, development control);

- Developers;

- EA;

- DCLG; and

- WAG.

Whilst participants acknowledged that some savings might be made by 'streamlining' planning activities, in much the same way as the EA is doing with its own planning activities, those attending the workshops felt that increased demands on planning professionals time, and associated increases in costs, were inevitable. If effective WFD implementation is to be achieved, participants felt that planners' concerns about costs must be both acknowledged and addressed (by both Department of Environment, Food and Rural Affairs (Defra) and DCLG/WAG).

3.4.7 Implications for development control

Whereas workshop participants agreed that core WFD issues need to be dealt with via the plan-making process, the detail will often be delivered at development control (DC) level. Development plans already have a key role in protecting sites of conservation importance and in coordinating development with water management infrastructure. Sustainability appraisal further strengthens the link between water management issues and development needs in the context of the development plan and the assessment of proposals. In endeavouring to deliver sustainability, however, it is important that DC decisions are well-informed and based as far as possible on sound science.

In certain circumstances at the present time, developers must prepare and submit with their application, a 'flood risk assessment', a technical document which may be required to take into account both policy and physical considerations. Several workshop participants highlighted the possible value of requiring developers to prepare and submit a 'WFD risk

assessment'. Indeed, one possibility which could be explored would be to combine the WFD risk assessment with that required for flood risk. Such a requirement would put the onus on the developer to collate and submit the information needed by planners in ensuring that a proposed development is compliant both with WFD principles and with relevant policy objectives in the local plan/LDF and the RBMP.

Workshop participants further questioned whether planning conditions, Section 106 agreements and/or management agreements might have a role in ensuring that WFD requirements could be met. Other possible issues relate to the need to deal with WFD issues whilst also meeting statutory development control determination periods.

3.4.8 Securing appropriate technical solutions

Workshop participants discussed a number of potential technical solutions to deal with water issues at planning application as well as policy level. Examples included increasing the requirements for SUDS, investigating alternatives to impervious surfacing (eg. 'green' tarmac), the use of buffer zones, etc. Related to this, however, a number of factors which currently militate against widespread use of such solutions were also identified. Of particular importance in this respect is the reluctance (or inability) of developers to commit to the long term maintenance and management of such initiatives, and the associated adoption and/or ownership questions. Resolving these issues – whether via a regulatory requirement on the developer or owner, or using public funding – was felt to be key to achieving a balance between development and WFD objectives.

Participants at many of the workshops also discussed the possible role of Building Regulations in the delivery of WFD objectives. Specifically, it was suggested that requirements to ensure water-efficient development might be included in the Building Regulations in much the same way as the provision is already made for energy efficiency (i.e. 'WFD standards for homes').

CHAPTER 4
Solutions identified by workshop participants

4.1 INTRODUCTION

Discussions at the workshops explored possible solutions to the issues and challenges identified in Chapter 3. In so doing they particularly aimed to identify what those involved in the planning profession could usefully do in the short to medium term to help in the initial process of aligning the requirements of the WFD with those of the land-use and spatial planning system. Areas in which planners will require support from third parties were also identified. Many of the solutions thus identified relate to policy/plan production (i.e. plan based mechanisms) whilst others were associated with development control.

The following sub-sections record participants' views on possible solutions, highlighting the importance of:

- awareness raising, training, and effective communication;
- making maximum use of existing policy provisions and procedures;
- identifying and facilitating personal points of contact within the EA for each LPA; and
- providing appropriate guidance – ranging from a possible new water PPS or other guidance, down to technical guidance and advice on local issues.

4.2 ENGAGEMENT OF PLANNERS IN THE WFD IMPLEMENTATION PROCESS

4.2.1 Awareness raising and training

Participants at all the workshops stressed the need for improved communication about the Directive, its objectives and its requirements. A number of potential 'solutions' were identified to help improve awareness of the WFD amongst planning professionals and, importantly, to facilitate effective communication between LPAs and the EA.

Of particular importance, participants identified the need for a single, named point of contact in the local EA office: someone from whom planners can seek advice and to whom they can address questions.

Amongst the other needs identified were:

- easily accessible (locally or regionally-based) awareness raising workshops designed to provide a substantive overview of the WFD and its requirements (i.e. the level of awareness many planners will require);

- training courses/learning opportunities for those who need to understand the specific provisions and implications of the WFD in more detail; and

- technical training opportunities dealing with practical aspects of water management, for example with regard to development control.

Various suggestions were made as to who should coordinate and/or provide this training and awareness raising, with possibilities including the EA itself, organisations such as the RTPI, LGA/Welsh Local Government Association (LGA), Town and Country Planning Association (TCPA), Planning Officers Society, and/or private sector training providers.

4.2.2 Profile of WFD amongst planning professionals

Participants felt strongly that, whilst providing training and awareness raising opportunities will be vital, political support will also be important. The preparation of formal guidance (see Chapters 4.3 and 4.4) should send a clear message about the importance of the WFD and the need for those in the planning profession to accommodate its requirements. Some participants further highlighted that providing guidance via a Ministerial Statement might lend the necessary weight. Others stressed the importance of engaging elected members in influencing the priority given to WFD implementation.

Another important aspect discussed at some workshops was the adequacy of representation of planners on the various WFD stakeholder groups, both at national and (particularly from 2006) at local/regional level. Suggestions for increased representation included greater representation of the profession at the Defra national stakeholder group meetings (DCLG and RTPI attend some of these meetings) and/or for a feedback mechanism to facilitate wider dissemination of the presentations and discussions at this meeting. An alternative option would be the setting up of a 'planning sector group'. Meetings of this group could discuss progress with WFD implementation and the outcomes of meetings such as the Defra national stakeholder group could also be reported.

It was similarly considered that DCLG, along with representatives of the Regional Assemblies/Regional Planning Boards (RPBs), and LPAs should attend the meetings of any future competent authorities group or so-called 'national liaison panel'.

At regional level, the important role of planners in delivering the WFD programmes of measures means that representation on the River Basin District Liaison Panels (RBDLPs) will also be essential. Workshop participants recognised that ensuring effective representation will require careful coordination including feedback mechanisms to ensure all LPAs remain appraised of progress with the river basin planning process.

4.3 POLICY GUIDANCE (ENGLAND)

4.3.1 Deficiencies in existing policy guidance

Relevant policy guidance on water management is already nested in various policy sources. The DCLG guidance document entitled 'Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks' makes specific reference to the WFD in discussing considerations in constructing the sustainability framework to appraise policy. WFD objectives should, therefore, arguably already be a focus of RSS and LDF production. However, whilst this guidance points planners towards the Directive, it does not offer any guidance on how it applies to land use planning.

Reference to the WFD is also made throughout the suite of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs), the primary focus of the land use planning system (see Annex 1). However, these references neither provide a commentary on exactly what is required, nor indicate how to achieve it. The WFD specific text (shown in Annex 1 in bold) demonstrates a clear intent for the planning system to respond to the WFD, but only Planning Policy Guidance 25: *Development and Flood Risk* (2001) (PPG25) offers any specific advice in regard to what this actually means in practice:

> *"Local planning authorities should use their existing powers to guide, regulate and control development in accordance with the guidance set out below and, in particular, the sequential test in paragraph 30. They should consider the issues raised by flooding on the wider scale (of the river catchment and the coastal cell) and the need to work with natural processes in planning future development. This is consistent with the requirements of the EC Water Framework Directive in respect of river basin management plans."*

PPG25 then addresses some of the issues of cross-boundary management and the manner in which the emerging RBMPs will highlight the need for this type of integrated management initiative.

Whilst there is thus no specific guidance on how planners can begin to incorporate WFD objectives, prior to the publication of the RBMPs and the associated programmes of measures in 2009, the existing suite of PPG and PPSs does make numerous references to 'water'. As such, existing guidance does provide some generic advice on good water management practice. Guidance documents which are relevant to water management issues are listed as follows:

Planning Policy Statement 1 – Creating Sustainable Communities
Planning Policy Guidance 2 – Green Belts
Planning Policy Guidance 3 – Housing
Draft Planning Policy Statement 3 – Housing
Planning Policy Statement 9 – Biodiversity and Geological Conservation
Planning Policy Statement 11 – Regional Spatial Strategies
Planning Policy Statement 12 – Local Development Frameworks
Planning Policy Guidance 15 – Planning and the Historic Environment
Planning Policy Guidance 16 – Archaeology and Planning
Planning Policy Guidance 17 – Planning for Open Space, Sport and Recreation
Planning Policy Statement 23 – Planning and Pollution Control
Planning Policy Guidance 25 – Development and Flood Risk
Draft Planning Policy Statement 25 – Development and Flood Risk

PPS12 in particular has numerous references to water, and, therefore, potentially provides a focus for matters to be included within LDF production.

4.3.2 Need for new policy guidance

All workshop participants stressed the need for guidance on how to incorporate WFD requirements into LDFs. Given the likely importance of the WFD to the planning profession, several workshop participants suggested that it would be appropriate to draft a new PPS on water (or on the WFD). This possibility should be given due consideration by DCLG. That said, however, there are two important considerations which may work against the production of a new PPS:

- resourcing considerations and other priorities within DCLG, and
- the practicalities of preparing a new PPS given the range of existing – albeit scattered – references to the WFD (and to water issues more generally) in existing policy guidance.

For the same reason, the redrafting of relevant components of the existing guidance suite to include guidance on "how to" have regard to the WFD is similarly not likely to be practical.

The approach taken with the Habitats Directive was not to prepare a new PPS, but rather to incorporate the provisions and requirements of this Directive within PPS9 *Biodiversity and Geological Conservation* – an existing, topical instrument. When the WFD is considered, there is no obvious equivalent existing topical instrument. It could, however, be possible to provide a new practice guide dealing specifically with the relationships between water management and planning (including specific reference to the WFD as necessary).

4.3.3 Plan timetables (England)

In considering how the land use planning system can have adequate regard to the WFD, one of the primary considerations relates to the respective timings of the preparation and review of land-use/spatial plans and of RBMPs.

In England, under the new planning system, many plans (LDF or RSS) are being worked on in 2006-2007, whereas RBMPs are not expected in final form until 2009. Once RBMPs are finalised in 2009, it is assumed that relevant measures from these documents will need to be incorporated into subsequent reviews of RSS or LDF policy. However, until RBMPs emerge in draft form at the end of 2008, many planners will have no clear indication of their implications for LDF/RSSs and hence how policy should be drafted to have regard to the WFD.

Questions were raised at the workshops as to what planners can do to help ensure that the measures in RBMPs are compatible with local plan policy. In particular participants were keen to establish what steps (if any) can be taken during the preparation of LDFs/RSSs to contribute to and help to ensure compatibility with the RBMPs.

Some concerns were also expressed, however, as to whether taking a proactive approach (e.g. by trying to draft policy to have regard to WFD) might leave local authorities facing the risk of challenge at appeal and/or with regard to 'due process' issues (i.e. in seeking to interpret the Directive themselves and translating this into policy). Participants felt that uncertainty of this type reinforced the need for adequate consideration to be given to phasing issues and for early guidance to be prepared accordingly, enabling planners to be clear on how to ensure that policy produced today can properly reflect WFD aims and objectives.

4.3.4 Timing and content of new guidance

Given that many RSSs and LDFs are being prepared over the period 2006-2007, it would be pertinent to consider ensuring that policy within such instruments seeks to meet the objectives of the WFD. However it must also be recognised that land-use plans are already seeking to address an 'ever expanding' range of issues and workshop participants were concerned to stress that the inclusion of WFD-relevant policy needs to be seen as high priority.

Participants agreed that the best way to encourage WFD specific policy within the RSS and LDF documents would be via the production of a targeted practice guide. They felt that this could be designed so as to enable planners to understand the importance of producing WFD-relevant policy whilst also improving their general understanding of water management issues. It was further suggested that such a practice guide should both:

- specify the actions likely to be required once RBMPs have been published (ie. from end 2009); and

- describe the efforts that can be made in the interim period to help planners embody WFD principles into LDFs (via the preparation of supplementary planning documents if appropriate).

Participants identified that the preparation of a new practice guide could offer an opportunity to provide clarification on a number of key issues, including:

- the relationship between RBMPs and LDF/RSSs (e.g. which plan has primacy?);
- how, where and when policy 'hooks' can be provided (e.g. in RSSs);
- the importance of developing local policies based on an understanding of water management issues in the plan area;
- whether opportunities for developing 'model' or other common policies might exist;
- the role of sustainability appraisal in the above;
- how planners will be expected to 'work across boundaries' including alignment of policies between the RBMP and the LDF/RSS and between LDFs/RSSs which cross RBMP boundaries;
- how changes introduced by one plan (whether in data/ knowledge or policy change) can be accommodated in the interim period (ie. before 'the other' plan is reviewed)?
- How/can planners (legally) make decisions which reflect WFD objectives if these are not (yet) included in the development/spatial plan?
- The respective responsibilities of LPAs and the EA, including enforcement responsibilities; and
- mechanisms for dispute resolution (eg. how will conflicts between planning and WFD policies be dealt with?).

4.4 POLICY GUIDANCE (WALES)

4.4.1 Deficiencies in existing policy guidance

Some relevant planning policy guidance on water management is already nested in various policy sources and Planning Policy Wales (PPW) makes specific reference to the WFD insofar as it demonstrates (paragraphs 13.10.3-5) a clear intent for the planning system to respond to the WFD. As in England, however, workshop participants identified that these references neither provide a commentary on what is required nor indicate how to achieve it (e.g. Technical Advice Note (TAN) 15 offers detailed advice on development and flood risk, but not specifically in the context of the WFD).

Overall, the existing suite of planning and minerals planning policy guidance makes numerous references to 'water' and as such provides some generic advice on good water management practice. Existing guidance documents which are relevant in this respect include:

Planning Policy Wales

Minerals Planning Policy Wales

TAN 5 Nature Conservation (new TAN due imminently)

TAN 7 Agricultural and Rural Development

TAN 8 Renewable Energy

TAN 13 Tourism

TAN 14 Coastal Planning

TAN 15 Development and Flood Risk

TAN 16 Sport and Recreation

MTAN 1 Aggregates

MTAN 2 (draft) Coal

In addition to the above, the WAG guidance document 'Sustainability Appraisal of Unitary Development Plans' (2002) makes specific reference to water issues in discussing considerations in constructing the sustainability framework to appraise policy. As is the case in England, WFD-type objectives should therefore already be a focus of LDP production, but the document does not point planners towards the Directive

4.4.2 New policy guidance requirements

The need for a high level policy to inform plan-level decision making was stressed, possibly via a clear headline statement in the WSP. Most participants also felt that a new TAN is required covering, inter alia, impacts on the water environment, generic policies and also guidance on the implications of the WFD depending on the scale of the development, etc. Participants agreed that the publication of a TAN would send a clear message that the WFD is important, as well as helping planners to deal with it.

Other issues raised by participants were the possible benefit of a Ministerial Interim Planning Policy Statement (MIPPS) in conjunction with a TAN; whether suggested WFD-specific policy wording or criteria would be of value, and whether the preparation of guideline spatial strategies at WSP regional level might be useful in facilitating effective delivery of WFD objectives

4.4.3 Plan timetables (Wales)

In considering how the land-use planning system can have regard to the WFD, participants identified that the respective timings for preparation and revision of land-use/spatial plans and RBMPs would be important. LDPs will need to be prepared as soon as possible (although under the transitional arrangements, some LPAs are still completing UDPs). Even so, in most cases, plan preparation seems likely to precede RBMP preparation. The generic issues relating to timing will thus be much the same as those identified in England. Prior to the production of RBMPs, many planners are likely to have only a limited understanding of the requirements of the WFD; those attending the workshop, however, were keen to know what they could do in the short term to influence RBMP preparation and to start to build WFD considerations into LDPs. Generic guidance on WFD requirements was therefore highlighted as an urgent short term need.

Once RBMPs are finalised in 2009, participants assumed that relevant measures from these documents will need to be incorporated into subsequent LDP reviews.

With regard to the possible timing and content of any new guidance, the points raised by participants at the Wales workshop were broadly similar to those discussed for England (see Chapter 4.3.4 above).

4.5 PRACTICAL ISSUES IN WFD IMPLEMENTATION

In addition to policy guidance, workshop participants also identified a number of practical aspects on which 'how to' guidance is likely to be required. Some of these follow on from the issues discussed in Chapters 4.2/4.3 above.

4.5.1 Consistent cross-boundary policy provision

As discussed in Chapter 3.3.3, participants appreciated that land-use/spatial plans will need to address cross (administrative) boundary WFD issues. They also recognised that delivering consistent WFD-related policy across these boundaries will likely represent a significant challenge.

This need for coordination within each river basin district was seen by workshop participants as potentially offering an opportunity for LDFs and/or LDPs in a single RBD to take a collective, strategic approach to meeting WFD objectives. Such integration potentially provides a means of addressing the issues of upstream effects and downstream impacts in a coordinated manner. However, it was the RSS in England that was regarded as being most likely to provide the critical catalyst (i.e. in ensuring consistency of policy). The RSS could be used to focus policy and would also assist in providing sustainable patterns of land and resource use within the region. Where RBDs cross regional boundaries, there will similarly be a need for consistency between the relevant RSS documents.

In Wales, participants were less clear about how such cross-boundary coordination could work in practice because of the absence of a RSS equivalent. Whereas any future amendments to the WSP could potentially provide an opportunity to work towards such consistency, the effectiveness of cross-boundary cooperation was seen as being largely dependent on the provision of new guidance setting out the type and range of policies that might be adopted by LPAs.

One approach to improving consistency which might be useful in both England and Wales (and, indeed, in RBDs such as the Severn, which includes both English and Welsh LPAs) might be the setting up of regional groups (or the evolution of existing regional collaboration in Wales). In addition to EA and LPA representatives, group membership might include other (local) government organisations as well as other relevant planning stakeholders. The remit of any such group of this type would likely extend across a range of WFD interests, including the exchange of technical good practice as well as policy experience, but the delivery of consistent cross-boundary water policy could be a priority activity.

Finally, whilst some participants in both England and Wales suggested that the identification of measures within the published RBMPs in 2009 might provide a clearer focus for policy review post-2009, others felt that further guidance would probably be required at that point (eg. on how to accommodate RBMP measures within LDPs and RSS/LDFs).

4.5.2 The role of Supplementary Planning Guidance/Documents

The planning system in both England and Wales enables local authorities to produce Supplementary Planning Guidance or Documents on a range of issues pertinent to the local area. Workshop participants recognised that the production of such documents might not be necessary in all LPAs. However, it was suggested that they could be particularly valuable tool in helping to deliver WFD-compliant policy in areas with significant water management issues (e.g. in areas with water resource issues and/or extensive floodplain areas).

By way of an example, Birmingham City Council is in the process of producing such a document (currently in draft form). This document, "Sustainable Management of Urban Rivers and Floodplains" (Birmingham City Council 2006), provides a specific account of water management issues within the city and sets out a policy suite, based on the identification of key features and water bodies, and on good practice water management and development. This document also has specific regard to the WFD, recognising the Directive as a central consideration in its scope.

However, whilst acknowledging that the mechanisms for the production of supplementary 'water management' guidance/documents already exist, workshop participants also pointed out that their production will be limited by the resources available to local authorities, given their current workload in providing their LDF and addressing other key local issues. Consideration should therefore be given to identifying LPAs with significant water management issues in order that supplementary guidance can be properly targeted. The EAs forthcoming 'significant water management issues' reports may prove to be of value in this respect.

4.5.3 Consideration of water impacts in determining site specific allocations

Workshop participants identified a specific potential opportunity to reconcile land-use and WFD requirements in determining the location of site specific allocations. In particular, it was felt that possible direct or indirect impacts on (ground or surface) water bodies could be considered in the initial stages of selecting a site or range of sites for allocation within an LDF or LDP. Housing allocations, for example, could consider whether sites are in existing or former floodplain areas, whether sites have the potential for the use of water friendly design (such as SUDS), and whether sites in non-designated natural areas could nonetheless have a critical ecological or hydrological function. At the regional level, RSS housing targets could be derived taking account of water resource issues within the region.

Effective consideration of WFD issues at this stage would however depend on clear guidance. As indicated above, such guidance would be important in reassuring planners that they can have regard to WFD in a correct and consistent manner, whilst also minimising the risk of legal challenge or appeal, particularly prior to the publication of RBMPs in 2009.

4.5.4 Role of Sustainability Appraisal

The possibility of using Sustainability Appraisal (SA) to provide a 'WFD focus' to policy evaluation and production was a theme repeated at all the workshops. As noted earlier, development plans already have a key role in protecting sites of conservation importance and in coordinating development with related water management infrastructure. The creation of a sustainability framework thus has the potential to include criteria which have been drafted specifically to incorporate the objectives of the WFD. Indeed, as indicated above, current DCLG guidance on the use of sustainability appraisal in RSS and LDF production, makes explicit reference to the WFD as an active consideration in constructing the sustainability framework.

The development of WFD criteria in the context of a SA would enable policy to be evaluated to assess its contribution to (or impacts on) the objectives of the Directive within the plan area. Given that the broad objectives of the WFD are already clear (see Chapter 3.2), it would be feasible for such criteria to be developed and an evaluation carried out at any time from the present. The development and application of WFD sustainability criteria need not therefore depend on the confirmation of programmes of measures or the publication of RBMPs in 2009.

Sustainability criteria are typically derived from an evaluation of the sustainability issues in the plan area. WFD criteria would thus need to be formulated taking into account not only the Directive itself but also the particular water management issues relevant to the regional or local area to which the plan applies. The criteria for a local authority in the relatively drier parts of rural Eastern England characterised by agricultural land use would thus be different from those for urban areas in the north-west of England or the industrial areas of South Wales. Plan-specific criteria would need to be informed by the range of regional strategies which are typically referred to anyway in drafting the sustainability framework. In this regard, Annex 2 provides some illustrative examples of objectives and generic indicators which might be used as a starting point for discussions on the possible role of sustainability appraisal in developing WFD-compliant policies in advance of the production of RBMPs in 2008/9.

Finally, whilst SA thus appears to have a key role in ensuring the soundness of local development frameworks and plans, this will only be achieved where all stakeholders in the water environment input scoping, information and analysis into the plan appraisal process.

4.5.5 Monitoring of water related indicators

Under the new planning system, local authorities are required to produce Annual Monitoring Reports (AMRs) which, inter alia, review the effectiveness of policy. A part of that monitoring could potentially be based on the core WFD objectives in the immediate term and could also be linked to RBMP measures and targets in due course. As with any WFD sustainability criteria, the actual indicators required would vary from plan to plan, depending on the particular water management issues of relevance: Table B in Annex 2 provides some initial suggestions from which appropriate indicators might be developed. The inclusion of such indicators in LDFs/LDPs in the period leading up to the preparation of RBMPs should enable policy to be implemented in a manner which will not threaten the status of either ground or surface water bodies.

Workshop participants were supportive of the use of specific WFD based target indicators, but considered that guidance was needed regarding both the content of generic indicators and the scope for devising additional indicators specific to local issues.

4.6 DEVELOPMENT CONTROL MECHANISMS

In addition to the various solutions which would require guidance on policy and/or plan-making, participants also highlighted the need for mechanisms to facilitate effective, WFD-compliant development control.

4.6.1 Promotion of WFD friendly development

The development control system provides the opportunity for local authorities to encourage development which demonstrates good water management practice or which is specifically 'WFD friendly'. Planners could, for example, use the system to encourage developers to provide SUDS and/or to require that a development layout takes account of local hydrology and/or ecology. However, transparency of decision making is vital. As already indicated, such decisions must be underpinned by an appropriate policy base and there also has to be scope for effective negotiation at the pre-application and application phase. At present, officers are only able to operate and request such provisions on the basis of their individual knowledge or expertise.

In order for the development control process to be utilised as an effective tool in (initially) encouraging and (subsequently) ensuring WFD-compliant development, a sound policy base must first exist. Whereas policies relating to water management issues may already exist (to a greater or lesser extent) in some LPAs, it seems likely that others will need to introduce such policies (via plan review or the preparation of supplementary planning documents) prior to being able to make effective use of WFD development control provisions.

Finally, workshop participants also highlighted the importance of improving planners' skills base in water management, including good practice design as applied to actual development schemes. This could potentially be addressed through a combination of guidance and/or training opportunities (see Chapter 4.2.1).

4.6.2 WFD risk assessment

As described in Chapter 3.4.7, several workshop participants highlighted the possible benefits of requiring developers to prepare and submit a 'WFD risk assessment' and/or a joint WFD and flood risk assessment. It was felt that such a requirement would have a number of benefits, not least enabling development control officers (working with EA representatives in situations where the proposals could affect water status) to make an informed decision.

Participants recognised that imposing a requirement for a new risk assessment would have implications in terms of both time and cost – not only for the developer but also for LPAs themselves. Nonetheless, it was felt that such a measure would potentially offer an important way forward by helping to resolve problems that might otherwise be anticipated due to the lack of relevant technical skills amongst development control officers, and due to the timescales within which most development control decisions must be made.

It was further recognised that clear guidance on the risk assessment requirements would be crucial – both for developers and for development control officers – and that the additional burden imposed on both parties as a result of imposing such a new requirement must be minimised.

4.6.3 Guidance on WFD Article 4(7)

As outlined in Chapter 1.1, Article 4(7) of the WFD sets out criteria which any development or modification which affects water status must meet before it can be consented. The exact interpretation of this provision is, at the time of writing (June 2006), subject to discussion at EU level. Notwithstanding this, workshop participants suggested felt that one possible mechanism for dealing with the requirements of Article 4(7) might be through the Environmental Impact Assessment process; another possibility would be to deal with its requirements as part of a WFD risk assessment (see above). In either case, participants were keen to ensure that proper attention be paid to the constraints imposed by the statutory determination periods.

Participants further indicated that clear guidance will be required to help both planners and developers understand the requirements of Article 4(7), including the circumstances in which the provision applies and the nature of the investigations which will be necessary to demonstrate compliance.

4.6.4 Use of conditions and Section 106 agreements

In addition to using the development control process to encourage 'WFD friendly' development via pre-application and application negotiations, there is also the potential for planning conditions and agreements (e.g. to be used to require mitigation of any adverse impacts on water bodies or to deliver greater efficiency in water use). Local authorities already have the ability to apply reasonable conditions in order to ensure that development is implemented with regard to specified measures or parameters. Such conditions can be used, for example, to determine the location and extent of buffer zones, the phasing of construction operations, design layouts, and any other measures that are considered reasonable to apply to a planning permission.

Workshop participants further identified the possible use of Section 106 agreements to secure the provision of SUDS schemes etc., thus ensuring that developers are legally bound to provide specific measures. However, any use of conditions and agreements needs to be supported by an appropriate policy base (to demonstrate the reasoning behind such conditions). Workshop participants considered that existing environmental policy provision may support this to some degree, but that any further development control mechanisms focussed specifically on meeting WFD objectives need to follow on from a review of policy (ie. because development control decisions must be in line with relevant policy). The policy base therefore needs to be established before development control powers can be used to help meet WFD objectives. As supplementary planning documents/guidance are prepared and as RBMPs emerge, and as the local policy background is therefore strengthened to have specific regard to the WFD, participants felt that it will be possible – indeed necessary – to use conditions and agreements to ensure that development is WFD-compliant.

Specifically with regard to SUDS, workshop participants highlighted that whilst SUDS are undoubtedly a valuable tool in water management and development issues, a limiting factor in their use is the matter of ownership. It was frequently stated that developers are often amenable to the use of SUDS but they are reluctant to take over the management of the schemes once construction is finalised. The issue of ownership and management responsibility for SUDS was therefore seen as a critical issue for resolution if such schemes are to be advocated on a frequent basis.

4.6.5 Role of Building Regulations

Workshop participants indicated that consideration should be given to introducing requirements to ensure water-efficient development. Specifically, they suggested that such a requirement might be included in the Building Regulations in much the same way as the provision is already made for energy efficiency (i.e. 'WFD standards for homes').

4.6.6 Refusal of applications with adverse effects on water bodies

Local authorities have the power to refuse applications for any development which is considered to be contrary to the policy framework of the local area. It, therefore, follows that applications could be refused for any development which, by nature of its design, location or associated activity, would have an adverse impact on the status of a water body. Such a decision would typically be made following consultations with Natural England and/or the EA and on the findings of any accompanying Environmental Impact Assessment (EIA).

Once ecological status and targets have been fully defined, and once the RBMP measures are in place, such decisions will be able to be made with a greater degree of confidence. At the current time however, workshop participants stressed the importance of decisions being made in accordance with existing policy. As has been stated above, until such time as WFD-specific policy is in place (possibly through the preparation of supplementary planning documents), there will be a limit on the extent to which development control measures can be applied to ensure compliance with WFD objectives. In the meantime, maximum use should be made of existing policy provisions: any current policy which supports good practice water management should be used to refuse or amend developments which are contrary to existing policy.

4.6.7 Technical guidance

In addition to the above, workshop participants identified a number of areas in which they felt that technical guidance would be important. Such guidance would need to be written and presented so as to be comprehensible to planners with little or no practical water management experience. It should be designed so as to assist both planners and developers deliver cost-effective, good practice water management solutions – for example with respect to the use of SUDS, to floodplain protection, to water efficient development, etc. Some relevant publications already exist (for example the Construction Industry Research and Information Association (CIRIA) has published guidance (see box) documents on sustainable water management, and the Scottish Environment Protection Agency (SEPA) has prepared relevant guidance such as the 'watercourses in the community' handbook as part of its habitat enhancement initiative). However, as the requirements of the WFD become clearer, it is likely that further guidance will be required, including models that can be used to relate urban development to ecosystem impacts.

CIRIA sustainable water management publications:

Sustainable water management in land use planning (report C630)

Designing for exceedance in urban drainage (report C635)

Water key performance indicators and benchmarks for offices and hotels (C657)

Drainage of development sites: a guide (X108)

Sustainable drainage systems: hydraulic, structural and water quality advice (C609)

Participants similarly identified that guidance will be required to facilitate proper consideration of complex issues such as cumulative or in-combination effects and to enable planners to accommodate uncertainties such as those due to climate change.

4.7 RESOURCING ISSUES

Finally, workshop participants were keen to stress the potentially crucial issue of the cost of resourcing effective WFD implementation. The WFD is a substantial piece of legislation with potentially significant implications inter alia for LPAs and planners. Whereas it was recognised that some of the costs associated with WFD implementation might be met through 'streamlining' initiatives (similar to those being undertaken by the EA), there was widespread concern that the resources necessary to support effective engagement in the WFD implementation process, and delivery of WFD objectives, would simply not be available. Participants thus stressed the important role government can play in both acknowledging the difficulties, and in promoting appropriate solutions.

CHAPTER 5
Conclusions and Recommendations

5.1 CONCLUSIONS

5.1.1 WFD objectives

Discussions at the workshops identified four key WFD objectives of particular relevance to planners, plan-making and development control:

- the requirement to prevent deterioration in water status;
- the need to aim to improve water status;
- contributing to mitigating the effects of floods and droughts; and
- the overarching objective of ensuring sustainable water use, including both surface and ground water resources.

5.1.2 Interaction between the WFD and planning activities

Workshop participants identified the following areas of potential direct or indirect interaction between the WFD and the activities of planners (and, in some cases, their local authority colleagues):

- water resource issues associated with population growth and housing demand, including ground and surface waters; supply, demand, abstraction and treatment;
- flood risk management including floodplain function; reference to 'Making Space for Water';
- drainage issues, SUDS;
- urban diffuse pollution, accidents, groundwater pollution, also littering;
- minerals and waste planning, including contamination issues, also restoration;
- legacy issues: contamination; mine waters; abstraction and other 'rights';
- regeneration;
- tourism and recreation; and
- highways run-off.

5.1.3 Key issues and challenges for planners

Against this background, a number of potential issues and likely challenges for planning professionals resulting from WFD implementation were identified. Most such issues relate to:

- existing levels of awareness of the WFD and priority given to water management issues; need to communicate WFD benefits; to recognise and deal with the 'water management' skills gap;
- implications of the WFD for development control; securing appropriate technical solutions;
- understanding the relationship between WFD RBMPs and other plans;
- the practicalities of working across boundaries; dealing with differing timescales;
- incorporating WFD objectives into land-use and spatial plans and, thus, into development control decision making;
- ensuring transparency and accountability; dealing with enforcement and dispute resolution;
- improving representation of the planning profession on WFD implementation fora; and
- resource implications.

On the basis of the finalised workshop reports, the issues and potential solutions identified by workshop participants, and additional follow up discussions with DCLG, WAG, EA, RTPI and others, a number of recommendations can be made. These are presented depending on whether action needs to be undertaken by those in the planning profession, or whether planners will need support – from the EA, DCLG/Defra, WAG or other parties.

5.2 RECOMMENDATIONS: WHAT CAN PLANNERS DO?

5.2.1 A proactive approach

Although it is acknowledged that it may be months (or even years) before detailed information about precise WFD targets become available, the broad principles behind the key WFD objectives set out in Chapter 5.1.1 need little further explanation. Those working with, and within, LPAs should, therefore, be encouraged to take a proactive approach to build these core principles into both plan-making and, where possible, development control decisions as early as possible. In some cases this may mean placing current water related planning activities more firmly in the WFD strategic context, but in others it means incorporating water issues that have had little attention from LPAs to date.

5.2.2 Influence evolving RBMPs

A key advantage to LPAs of taking a proactive approach will be the ability to influence the evolving RBMPs and to ensure the alignment of key objectives. Such an approach is in line with the EAs proposed 'partnership' approach to river basin planning. Where such alignment does not take place prior to 2008/9, it seems likely that the revision of LDFs/LDPs (and RSSs in England) will be necessary to ensure that these plans reflect the policy implications of the RBMP. This may also be relevant for the WSP. This is discussed further in the recent publication on the WFD and planning produced by EA/LGA/WLGA/RTPI (see Chapter 5.4.1 below).

5.2.3 Review existing policy provision; prepare supplementary guidance/documents

Workshop participants indicated that some LPAs already have potentially relevant existing policy provisions (ie. relating to water management) and that maximum use should be made thereof. It is therefore recommended that LPAs review their existing plans or the scope/content of plans in preparation, to begin the process of aligning WFD and planning objectives. In parallel, a review will also need to be undertaken of RSSs in England to begin providing WFD-relevant policy 'hooks'; a similar initiative will be relevant for the WSP. This process will, in turn, enable planners to start building new WFD objectives and priorities into local level plans/frameworks. In this regard, it is recommended that local authorities consider the potential benefits of preparing supplementary 'WFD' planning documents (England) or supplementary planning guidance (Wales).

In addition to helping to identify 'gaps' (i.e. aspects of the WFD for which new policies may be required), this process will also facilitate the identification of areas in which new guidance may be needed, from either the EA or DCLG/WAG. Examples here might comprise the inclusion of policies within RSSs or the WSP and relevant local development frameworks/local development plans; measures to be taken in development control; and the selection of specific allocations.

5.2.4 Awareness raising and training

Planning professionals can make a further positive contribution to the process of WFD implementation by assisting with raising awareness within the planning community of both general water management issues and specific WFD requirements. Workshop participants identified a clear need for different forms of training – covering general water management as well as in WFD-specific policy and technical issues. Such training might be co-ordinated and/or provided by professional bodies such as the RTPI, LGA or WLGA, TCPA, Planning Officers Society or by private sector training providers. Consideration should be given to aligning such training with CPD requirements.

5.2.5 Ensure adequate representation on relevant WFD fora

A slightly different but equally important recommendation relates to the representation of the planning community on various WFD stakeholder groups. In particular, it was felt that greater representation of the profession was required at the Defra national stakeholder group meetings. Attention also needs to be paid to the wider dissemination of the presentations and discussions from this meeting, whether through a feedback mechanism or the setting up of a 'planning sector group'.

It is similarly recommended that DCLG and possibly other statutory planning stakeholders attend the meetings of any future competent authorities group or so-called 'national liaison panel', and that planning professionals ensure a coordinated approach to representation on the RBDLPs.

5.2.6 Development control guidance; WFD risk assessment

LPAs will need to work with the EA to prepare development control guidance for use by developers. One suggestion in this respect, which it is recommended be explored further, is the development of a WFD equivalent to the 'flood risk assessment' (i.e. a 'WFD risk assessment') which developers would need to prepare and submit with their application). It is similarly recommended that consideration be given to introducing a requirement for water-efficient development into the Building Regulations.

Another recommendation is to undertake an assessment of the extent to which conditions might be placed on consents and/or Section 106 agreements might be used to deliver WFD-compliant sustainable development. However, in seeking to take forward these ideas, it should be recognised that there is currently (June 2006) uncertainty over the implications for new development of Article 4(7) of the WFD. These uncertainties include, for example, exactly when the provision will be in force, and how it will be applied. Significant progress on this issue may not, therefore, be possible in the short-term.

5.3 RECOMMENDATIONS: WHAT SUPPORT DO PLANNERS NEED FROM OTHERS?

The WFD implementing regulations in England and Wales require statutory bodies to have regard to the RBMP and any supplementary WFD plans. As such, planners will need an adequate understanding of the WFD and its objectives. Workshop participants indicated that policy 'hooks' will need to be provided (in RSSs and in the WSP) so that WFD objectives and priorities can be reflected in the planning policies in development plan documents (local development plans in Wales) which will, in turn, inform development control decisions. Planners will, therefore, need guidance from both the EA and from DCLG/WAG. In this regard, it is worth stressing that any form of support to LPAs will be most effective if it is carefully targeted to reduce strategy overload/consultation fatigue.

5.4 WHAT SUPPORT DO PLANNERS NEED FROM THE EA?

It is recommended that urgent consideration be given by the EA to two key requirements of planning professionals:

- raising general awareness of the Directive (what it is and why is it relevant); and
- helping planning professionals better understand water management and how to deal with specific WFD implications.

5.4.1 Early and effective communication; awareness raising

Of paramount importance in achieving both of the above, workshop participants stressed the importance of early and effective communication between the EA and LPAs. It is therefore recommended that EA give consideration to:

- ensuring that each LPA has a single, direct and dedicated, named 'planning and WFD' point of contact in the EA; and

- facilitating cross-secondment of planning personnel between the LPA and the EA (this may be particularly relevant in local authorities where there are significant WFD issues to be dealt with).

The recently published document entitled '*The WFD and Planning: Initial Advice to Planning Authorities in England and Wales*', which was prepared jointly by the EA, LGA/Welsh Local Government Association (WLGA) and RTPI, provides a useful introductory reference on the WFD. However, in order to maximise its effectiveness, there needs to be an associated, active, awareness-raising campaign.

5.4.2 Technical publications

The preferred approach in terms of publications to help planners deal with the requirements of the WFD would be to prepare a suite of advice which is relevant, concise and user-friendly. It is recommended that such advice be prepared as a joint exercise by the EA and representatives of the planning profession in order to ensure that it deals explicitly with the questions to which planners need answers. Discussions at the workshops suggested that advice should cover topics such including plan making and sustainability appraisal (separate advice relating to RSSs, LDFs, and Welsh LDPs) and development control decision making. Whereas due attention should be paid to potentially useful existing publications (e.g. from CIRIA), it seems likely that additional guidance could be needed on technical issues such as:

- floodplain protection and reinstatement;

- water resources;

- minerals and waste planning;

- SUDS;

- use of buffer zones;

- urban/highways drainage; and

- regeneration.

The focus of this brief, targeted advice would need to be 'how to' achieve relevant WFD objectives.

It is also worth noting that, if this or other guidance is to be posted on the EA website, clear links directly to the relevant briefing note(s) would need to be provided from the Planning Portal, Planning Advisory Service, RTPI and other planning-related websites.

5.4.3 Assistance with supplementary planning documents/guidance

It is recommended that the forthcoming 'significant water management issues' reports (which are to be prepared by the EA) be used to identify those LPAs facing significant water management challenges, and that consideration be given to assisting those LPAs in preparing WFD-specific supplementary planning guidance/documents for these areas.

5.5 WHAT SUPPORT DO PLANNERS IN ENGLAND NEED FROM DCLG AND/OR DEFRA?

5.5.1 Concise, comprehensive planning policy guidance document

Several workshop participants highlighted the possible need for a new PPS on water (or even specifically on the WFD) and it is recommended that this option be given further consideration. However, it was also recognised that many sustainable water management issues are already covered to a greater or lesser extent by existing planning policy guidance (see Annex 1).

It is, therefore, recommended that consideration be given to preparing a concise, but comprehensive, practice guide which addresses the main interrelationships between the WFD and planning. Such a 'roadmap' document should specifically identify and provide 'sign posts' to existing WFD-relevant policy which is already covered in PPSs or other sources (citing relevant passages if appropriate). With regard to the latter, the document should stress the importance of providing policy 'hooks' in the RSS in order to help LPAs develop local WFD policy which will, in turn, provide the policy base needed to support development control decisions.

This guidance should include clear advice on what can be achieved with respect to WFD objectives prior to RBMP publication, as well as what will be expected of LPAs once RBMPs have been published at the end of 2009. The potential scope and contents of such a document are discussed further in Chapters 4.3.4, 4.4 and 4.5 of this scoping study report.

Consideration should also be given to issuing a Ministerial Statement (if this is deemed appropriate to support the above) or to other mechanisms which would serve to clarify expectations (ie. both prior to and post-RBMP publication).

5.5.2 Role of sustainability appraisal

It is recommended that guidance be prepared on the role and application of sustainability appraisal in ensuring the delivery of WFD objectives. Planners will require assistance with the development of criteria against which to evaluate policies, with indicators and monitoring provisions to help measure the effectiveness of policies, and with identifying and using relevant data sources.

5.5.3 Guidance on WFD Article 4(7)

In addition to the above, it is likely that any practice guide will need to cover the implications/application of the provisions of Article 4(7) of the Directive. However, as noted above, Article 4(7) is currently the subject of discussion at both EC and UK level.

5.5.4 Use of SUDS

It is recommended that consideration be given to resolving the issue of long term responsibility for the maintenance and management of SUDS (and similar) schemes. Such initiatives could potentially make an important contribution to achieving WFD objectives in some urban areas, but without attention to this issue workshop participants were concerned that they may fail to do so. As with Article 4(7), any guidance on this issue could potentially be prepared jointly by DCLG and WAG.

5.6 WHAT SUPPORT DO PLANNERS IN WALES NEED FROM WAG?

5.6.1 Policy guidance; a new TAN

Workshop participants stressed the need for a clear headline statement of overall policy in the WSP, thus, providing the high level policy necessary to inform plan level decision making. There was also substantial agreement that a new 'WFD' TAN is required, covering inter alia impacts on the water environment, pointers towards generic policies and guidance on assessing the implications of the WFD according to the size/scale of a development, etc. The publication of a TAN would send a clear message that the WFD is important and must be addressed as well as helping planners to deal with it. It is recommended that early consideration be given to the preparation of such a document.

In addition, it is recommended that consideration be given by WAG to:

- whether a MIPPS is required (i.e. in conjunction with a TAN);
- whether suggested WFD-specific policy wording or criteria would be of value; and
- whether the preparation of guideline spatial strategies at WSP regional level might be useful in facilitating effective delivery of WFD objectives.

5.6.2 Other guidance

The provision of specific guidance on the implementation of Article 4(7) of the Directive via a joint DCLG-WAG publication should also be promoted once the exact requirements of this provision are clearer (see Chapter 5.5.3). A joint initiative on promoting the effective use of SUDS should similarly be considered (see Chapter 5.5.4).

5.7 WHAT ROLE CAN OTHERS PLAY?

In addition to the above, two further recommendations potentially involve a wider range of players. Consideration needs to be given to which organisation(s) is/are best placed to lead these initiatives.

5.7.1 Regional groups

WFD implementation will necessarily mean working across boundaries – whether in trying to ensure common policies in adjacent LPAs within the same river basin district, dealing with specific upstream/downstream issues, or in situations where a single LPA is involved in more than one RBMP.

In order to deal with such scenarios, it is recommended that the setting up of regional groups be considered. In England, such groups could be co-ordinated by the RPB, the EA or one of the bodies mentioned above. In Wales, there is already a precedent for regional collaboration in that WAG brings local authorities together to address common issues (for example on waste planning and in relation to the WSP). There is also a precedent for LPAs to collaborate voluntarily on sub-regional guidance and with regard to the WAG 'Making the Connections' agenda. In both England and Wales (or cross-border as necessary), it would be intended that such groups provide a discussion forum, facilitate the collation and exchange of information/good practice including on sustainability appraisal, and – where appropriate – develop common policies.

Collaboration through regional groups could also be valuable in providing support to the planning authority representative(s) on the RBDLPs currently (June 2006) being convened by the EA. Specifically, as the planning profession will have only limited representation on these Liaison Panels relative to the number of local authorities in the RBD, a wider voluntary Group could have an important role not only in the provision of information but also as a forum for reaching agreement on a common position on certain issues and in providing a rapid dissemination network following panel meetings.

5.7.2 Centres of WFD excellence

Consideration should be given to the setting up of a national (or local?) centre(s) of excellence, which would not only act as a repository for good practice but could also act as an advisory body.

5.8 OTHER RELEVANT 'WFD AND PLANNING' PROJECTS

During the course of the scoping study, attention was drawn to a number of recent and/or ongoing regional projects dealing with various aspects of the relationship between the WFD and planning. In taking forward the recommendations of this scoping report, due reference should therefore be made to the outputs from, and lessons learned by, these potentially relevant initiatives: indeed, these lessons and messages should be an important element of effective communication on WFD and planning. Of particular note in this respect are the following projects.

5.8.1 ENMaR

ENMaR, which stands for European Network of Municipalities and Rivers, is an INTERREG IIIC project looking at the impact of the WFD on spatial planning in the Mersey Basin, the UK and Europe. An international project running from February 2005 until the end of 2007, it is made up of seven organisations in five European countries – England, Germany, Sweden, Latvia and Spain. It also covers five rivers: the Mersey (England), the Emån (Sweden), the Gauja (Latvia), the Miño (Spain) and the Weser (Germany). The partner organisations are based close to these rivers.

In England's Northwest, ENMaR is helping people in local authorities, especially planners, understand the impact of the WFD on their work. It aims to explain the Directive, show how it can be useful in driving regional development and highlight the new opportunities it raises.

ENMaR is creating an international network of around 100 municipalities and local authorities in the five partner countries. The network aims to share ideas and best practice on issues raised by the WFD in relationship to the project's core themes: spatial planning, water services, tourism and agriculture and forestry. Throughout the project's 3 years, ENMaR is organising a series of regular workshops in each country to discuss all the core themes and develop objectives and strategies for the implementation of the WFD. Further details can be found on www.enmar.org.

5.8.2 PURE

The Planning for Urban-Rural River Environments (PURE) project is an EC INTERREG project led by the EA addressing water management and spatial planning issues. Planning officers from six planning authorities have worked with the EA, Northumbrian Water Ltd and other partners to produce four catchment based plans for rivers which are classified as "waterbodies" within the Northumbria River Basin District.

The experiences gained in developing these plans (which between them attempt to reference a wide range of planning procedures including WFD, SEA, AMP, CFMP, LDFs, RSS) is invaluable in providing an understanding of the issues that these partners will face when implementing the WFD. The project website, run by the project's Dutch lead partners the province of Groningen is www.purenorthsea.com. The 'message' section (links on left hand side) has downloads of the current drafts of documents.

5.8.3 Cycleau

Cycleau is a European funded project involving partners in Cornwall, Devon, Brittany and Ireland. The WFD is the driving force behind the project, which has been set up to promote a holistic approach to catchment management in rural economies, and to review the way the environment is managed to ensure that water systems are of the best possible quality in terms of natural purity, ecology and biodiversity. More details can be found at: www.cycleau.com. The link to the Cycleau Cornwall website is www.cycleaucornwall.org.uk

5.8.4 ESPACE

ESPACE is a four year Interreg project that aims to promote awareness of the importance of adapting to climate change and to recommend that climate change is incorporated within spatial planning mechanisms at local, regional, national and European levels. Focussing on North West Europe, ESPACE considers how planners can help adapt to the impacts of climate change in relation water issues such as water resources, water quality and flood risk management. More info can be found on www.espace-project.org/index.htm

The South East Regional Assembly's contribution to ESPACE is to develop and implement a RSS that takes into account the impact of climate change in relation to water management. One of their actions as part ESPACE is reviewing the implications of the WFD for spatial planning. They are therefore discussing with their ESPACE partners in Netherlands, Germany and Belgium to find out what stage they are at in the development of RBMPs and whether they know of any guidance on taking account of the WFD and RBMP in spatial planning? Key questions being addressed relate to how the WFD is referred to in spatial plans, whether the RBMP has guided spatial planning and how, and whether/how the impact of climate change is being taken in to account during the implementation of the WFD?

5.8.5 SMURF

Birmingham City Council is in the process of producing such a document (currently in draft form). This document, 'Sustainable Management of Urban Rivers and Floodplains' (SMURF) (Birmingham City Council 2006), provides a specific account of water management issues within the city and sets out a policy suite based on the identification of key features and water bodies, and on good practice water management and development. The document has specific regard to the WFD, recognising the Directive as a central consideration in its scope. Further details are available at www.smurf-project.info.

5.8.6 Making Space for Water

One of the projects being undertaken as part of Defra's 'Making Space for Water' initiative is focussing on urban flood risk and integrated drainage. Making space for water has identified both a strong need for a holistic, joined-up approach to deal with flooding problems in urban areas where there is currently a complex interaction of drainage systems, and a widespread difficulty in identifying ownership of the problem. This project therefore aims to use pilot studies to identify workable options to enable partnerships to deliver integrated drainage proposals, particularly in high risk urban areas. Further details about this project can be found at www.defra.gov.uk/environ/fcd/policy/strategy/ha2.htm or by contacting the project manager at iud-pilots@defra.gsi.gov.uk.

ANNEX 1
References to the WFD in Planning Policy Statements

Planning Policy Statements & WFD References		
PPS 11 – Regional Spatial Strategies	Annex A Policy and guidance on topics to be covered in a RSS	The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 … Defra requires all inland and coastal waters to reach "good status" by 2015. It will do this by establishing a river basin district structure within which demanding environmental objectives will be set, including ecological targets for surface waters. See in particular 'Duty to have regard to river basin management plans and supplementary plans' (Regulation 17).
PPS 23 – Planning and Pollution Control	National and International Obligations	… the EC Water Framework Directive (2000/60/EC) – which establishes a framework for protecting the water environment, with the aim of achieving demanding chemical and ecological water quality targets by 2015
	Appendix A: Matters for Consideration in Preparing Local Development Documents and Taking Decisions on Individual Planning Applications	… existing action and management plans with a bearing on environmental quality including… River Basin Management Plans (Water Framework Directive 2000/60/EC)…
Planning Policy Guidance & WFD References		
PPG 25 – Development and Flood Risk	Purpose And Scope Of The Guidance	7. Local planning authorities should use their existing powers to guide, regulate and control development in accordance with the guidance set out below and, in particular, the sequential test in paragraph 30. They should consider the issues raised by flooding on the wider scale (of the river catchment and the coastal cell) and the need to work with natural processes in planning future development. This is consistent with the requirements of the EC Water Framework Directive in respect of river basin management plans.
	Integration of plans	39. …It is important, therefore, that local planning authorities should be aware of, contribute to and take due account of these plans in so far as they affect land use. This should help to ensure consistency between planning decisions and relevant non-statutory plans… It will also be important to contribute to and take account of the river basin management plans that will be required to be published by 2009 under the EC Water Framework Directive.

Continued

	Regional Planning And Development Plans River catchment planning	**43. The extent of both river and coastal flood plains in England is such that flood-risk issues are often of regional significance, particularly since what happens in one part of a river catchment will often have effects on other parts some distance away. Although administrative and geographical boundaries rarely coincide, the regional scale is the major opportunity to consider flooding issues at a level approaching that of the whole catchment or coastal cell. It is appropriate, therefore, to take flood risk and how it might alter as a result of climate change into account in the preparation of regional planning guidance (RPG) and development plans, including as an element in the appraisal of both RPG and development plans. While this may more naturally be accommodated within the collective approach to the preparation of RPG, the Government considers that it is also necessary for individual authorities to consider catchment-wide issues in preparing development plans and in determining applications. Actions by one authority can have significant implications for flood risk in the area of another. The need for planning on the wider river catchment or coastal cell basis will be emphasised with the implementation of the EC Water Framework Directive with its requirements for the identification of river basin districts and the preparation of river basin management plans.**
	Appendix A – Causes Of Flooding And The Impacts Of Climate Change Causes of flooding	
	River basin management plans	**C13. Article 13 of the EC Water Framework Directive (2000/60/EC) places a duty on member states to ensure that a comprehensive river basin management plan is produced and updated every 6 years for each river basin district. The first set of plans must be published by December 2009, having consulted on a draft plan at least one year beforehand. The purpose of the plan is to set out the objectives for the water bodies within the river basin district and to explain in broad terms how they are to be achieved. The plans can include a register of any more detailed programmes and management strategies that have been prepared for each river basin district. The requirement to produce river basin district management plans will need to be introduced and the First consultation paper on the implementation of the EC Water Framework Directive was issued in March 2001. The non-statutory plans already referred to will provide a solid foundation for delivering some of the action required by the Directive.**

ANNEX 2
Role of Sustainability Appraisal in developing WFD compliant policies

Table A suggests a series of potential generic WFD-based criteria. Its purpose is to provide an indication of the degree to which WFD criteria could be derived based on our current understanding of the requirements of the Directive. In most cases, the indicative criteria would need to be amended and/or supported by locally or regionally specific criteria and these may, in turn, need to be further refined once RBMPs are published. Nonetheless this type of approach could enable LPAs to make a significant contribution to achieving WFD objectives in the interim period, and workshop participants therefore identified the need for guidance to facilitate this process.

Table A: **Indicative Sustainability Framework**

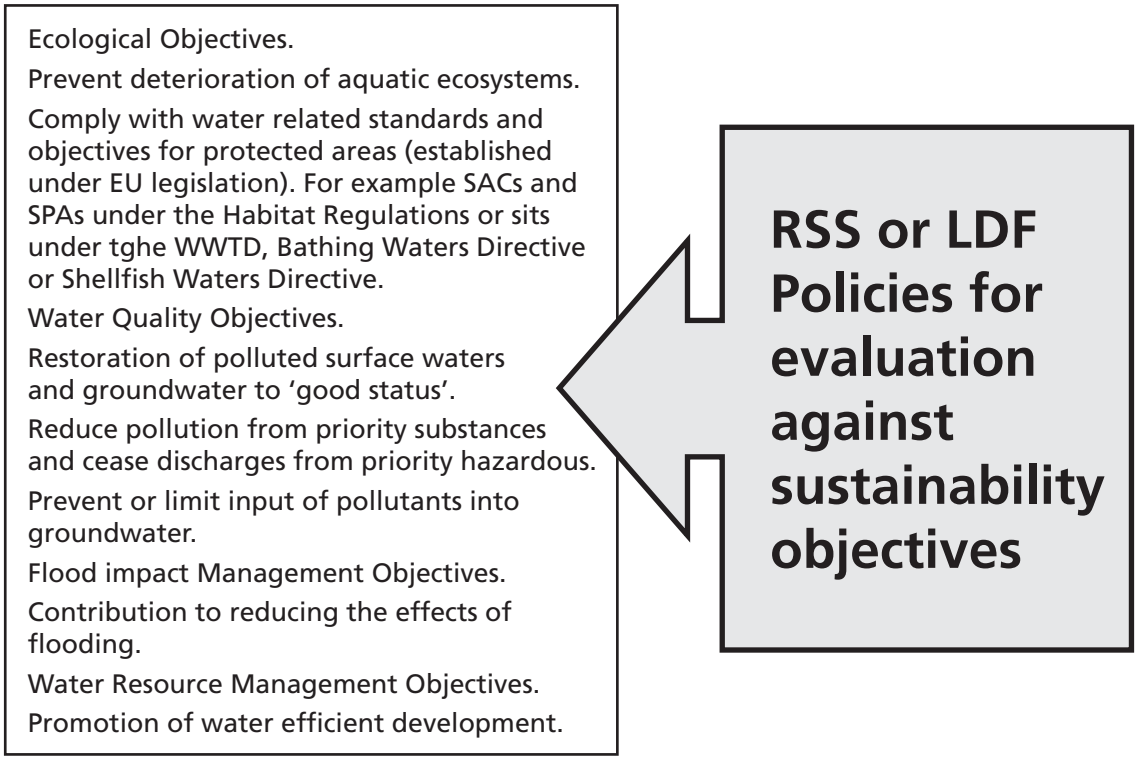

Table B below provides some illustrative (generic) indicators derived from the key objectives of the WFD. The further development and inclusion of such indicators in LDFs/LDPs prepared prior to 2008/9 would enable policy to be implemented in a manner which will not threaten the status of either ground or surface water bodies.

Table B: **Draft Generic Indicators**	
Objectives	**Indicators**
Ecological Objectives	
Prevent deterioration of aquatic ecosystems.	Degree of physical modification (in length or area) to water bodies.
	Levels of abstraction.
	Number of development schemes conditioned to require surface water management plans during and post construction.
Comply with relevant standards for protected areas established under EU legislation: for example SACs and SPAs under the Habitat Regulations or sites designated under the Bathing Waters Directive or Shellfish Waters Directive.	Annual number of defined surface waters in plan area reaching 'good' status' or complying with source legislation/standards.
Chemical Objectives	
Restoration of polluted surface waters and groundwater to 'good status'.	Annual number of defined surface waters in plan area reaching 'good' status'.
	Number of SUDS schemes within plan area.
	Number of development schemes conditioned to require surface water management plans during and post construction.
	Number of schemes using grey water recycling.
Reduce pollution from priority substances and cease discharges from priority hazardous substances.	Annual amount of defined substances discharged under licence.
	Number of consents for development likely to require discharges of prescribed substances to any RBMP water body.
Prevent or limit input of pollutants into groundwater.	Number of development schemes conditioned to require surface water management plans during and post construction.
Flood Impact Management	
Contribution to reducing the effects of flooding and drought.	Area of floodplain restored to natural habitat.
	Area of floodplain developed for housing.
Water Resource Management	
Promotion of water efficient development.	Abstraction levels for new development.
	Number of development schemes conditioned to require operational water efficiency plans.