West Berkshire Local Plan Review 2023-2041 (adopted June 2025)

Policy DM6

Water Quality

The water quality of West Berkshire District's waterbodies will be protected and enhanced. Any development (including infrastructure) that would have a direct or indirect impact on any water body will take account of the impact of their development on water quality. All development should demonstrate it satisfies the following criteria:

a. That it causes no deterioration in the quality of waterbodies, surface and groundwater, nor that it will prevent future attainment of 'favourable condition' for Sites of Special Scientific Interest (SSSI) rivers, waterbodies or wetlands (as required by Wildlife and Countryside Act 1981 (as amended), or 'good status' for other waterbodies under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and Groundwater (Water Framework Directive) (England) Direction 2016 or subsequent amendment;
b. That it contributes positively to the water environment and its ecology and delivers enhancements where waterbodies are not achieving 'favourable condition' for SSSI's or, good ecological or chemical status for non-SSSI waterbodies;
c. If located within the hydrological catchments of the River Lambourn SSSI/SAC or River Test, development proposals will be required to demonstrate nutrient neutrality;
d. Where proposals are not connecting to the sewer network and are within 500 metres of a SSSI an assessment of the risk to water quality will be required;
e. That it contributes to the protection and enhancement of classified waterbodies identified by the Thames River Basin Management Plan objectives, covering the Thames and Chilterns South Catchment and Kennet Catchment;
f. Proposals for built development will be required to be at least ten metres away from the top of the bank of the nearest watercourse or main river providing or retaining a natural or semi-natural habitat buffer; and
g. How the proposal will support improving the status and overall health of the River Kennet and River Lambourn.

Where development is likely to have an adverse impact on water quality, a detailed water quality assessment will be required. The need for and the type of assessment will depend on the type or location of new development. Appropriate measures may be required to be undertaken by the developer to ensure that a proposed development does not contaminate surface or groundwater resources.

Supporting Text

Water Framework Directive

10.53 The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017(WFD) recognises that development near water bodies can affect their quality for human consumption and health and for their ecological value. It establishes a legal framework along with national implementation for the protection, improvement and sustainable use of the water environment. This includes lakes, streams, rivers, groundwater and dependent ecosystems.

10.54 The primary policy document for the delivering the WFD is the Environment Agency's River Basin Management Plan (RBMP) for the Thames District that includes the Kennet and tributaries catchment and Thames and Chilterns South catchment in West Berkshire. Proposals will be expected to include sufficient information to demonstrate how they have taken into account the Thames River Basin Management Plan. Development can have a major impact on the water environment, and so needs to be controlled accordingly, delivering enhancements wherever possible. Development that would be likely to lead to deterioration in the overall status of a water body, or would prevent future attainment of good status, can only be permitted in exceptional circumstances as set out in regulations. This is a requirement of the WFD to prevent a deterioration in class of individual containments. The 'Weser Ruling' by the European Court of Justice in 2015 specified that individual projects should not be permitted where they may cause a deterioration of the status of a water body. If a water body is already at the lowest status 'bad', any impairment of a quality element was considered to be a deterioration. It is noted in the Water Cycle Study (Phase 2) (2021)[116] that current emerging practice is that a 3% limit of deterioration is applied.

116 Water Cycle Study (Phase 2) (2021): https://westberks.gov.uk/local-plan-evidence#infrastructure

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Protected sites

10.55 Under Regulation 63 of the Conservation of Habitats and Species Regulations, 2017 (as amended) the Council has a legal duty to consider whether plans submitted to it for approval are likely to have significant effects on Habitats Sites. The Council may only agree to a plan or project after having ascertained that it will not adversely affect the integrity of the Habitats Site.

10.56 The River Kennet is one of England's premier chalk streams. Much of its length is a Site of Special Scientific Interest (SSSI) on account of its chalk stream habitats and associated wildlife. One of its main tributaries, the River Lambourn, is also a SSSI and is designated as an internationally important Special Area of Conservation (SAC) under the Conservation of Habitats and Species Regulations, 2017 (as amended).

10.57 Advice from Natural England, in March 2022, identified the River Lambourn SAC as being in unfavourable condition due to unnaturally high levels of phosphorus. Likewise, the Solent Maritime SAC is also in unfavourable condition due to excessive levels of nitrogen. The Solent receives water from the River Test the catchment for which extends into the District of West Berkshire.

10.58 On 24 May 2024, the Secretary of State published a Notice of Designation of Sensitive Catchment Areas. Under this Notice, the River Lambourn SAC has been designated as a phosphorus sensitive catchment area, whilst the catchment of the Solent Maritime SAC as a nitrogen sensitive catchment area under the Water Industry Act 1991.

10.59 For development which may affect the integrity of Habitats Sites, Natural England has advised that certain types of new development should only be approved if it can be demonstrated that they are nutrient neutral[(117)]. The policy therefore makes clear that relevant proposals within the hydrological catchment of the River Lambourn SSSI/SAC and the River Test must demonstrate nutrient neutrality. These catchments are identified as Nutrient Neutrality Zones on the Policies Map. Relevant proposals are those which would:

- Result in a net increase in population served by a wastewater system; or
- Have the potential to release additional nitrogen or phosphorus into the surface or groundwater system.

10.60 A case-by-case approach may need to be taken for some of these proposals and advice should be sought from the Council's ecologists at the earliest opportunity. Further detail will be set out in a forthcoming SPD.

10.61 Where development may affect the integrity of a Habitats Site, a Habitats Regulations Assessment will be required to accompany a planning application. This will be expected to supported by an appropriate Nutrient Neutrality Assessment and Mitigation Assessment. It will be critical that any mitigation required is operational and in place prior to any nutrient pollution being discharged.

10.62 To stop pollution at source, the Levelling-up and Regeneration Act 2023 created a new duty on water companies to upgrade wastewater treatment works by 1 April 2030, in catchments of Habitats Sites identified by the Secretary of State as being in an unfavourable condition due to nutrient pollution.

10.63 Within the Sensitive Catchment Areas designated catchments, water companies must guarantee that waste water treatment works serving a population equivalent to more than 2,000 meet specified nutrient removal standards by 1 April 2030. Local Planning Authorities, when considering applications, will need to consider that the nutrient pollution standard will be met by the upgrade date for the purposes of Habitats Regulations Assessments.

10.64 Most foul water is removed from a development site by a mains sewer. However, where this is not the case, foul water is usually treated on site and then discharged either to ground to filter away from the site, or into a nearby watercourse. If the treated water is discharged to ground, it has the potential to impact on water quality sensitive features, particularly by increasing the already high nitrate concentrations. The Environment Agency's publication 'General binding rules: small sewage discharge to a surface water' (2023) stipulates that the general binding rules can only be met if the discharge is less than 2 cubic metres per day and via a shallow drainage field located, designed and constructed in line with the recommendations in British Standard BS6297:2007. If it is identified that a planning application could affect groundwater, the potential impact on water quality will need to be investigated and include a mitigation strategy which demonstrates how the applicant will reduce the negative effects of their proposal and show how they will implement risk reduction measures.

117 Using site specific nutrient calculators (phosphorus for the River Lambourn and nitrogen for the River Test catchment) to calculate the net nutrient (phosphorus or nitrogen) budget for the proposed development and demonstrating how any net increase will be mitigated to achieve nutrient neutrality.

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10.65 The ecological status of the River Kennet and its tributaries is predominantly classified as moderate. Pollution from waste water and physical modifications to waterbodies are the main issues preventing good status under the Water Framework Directive. Abstraction is also a significant contributory factor. The ecological status of the Thames and Chilterns South is predominantly classified as moderate. Pollution from waste water, physical modifications to waterbodies and pollution from rural areas are the main issues preventing good status under the Water Framework Directive. Proposals which contribute to the protection and enhancement of the River Kennet and River Lambourn's overall health and improved status under the Water Framework Directive will be supported. Well-designed development will assist the conservation and enhancement of the biodiversity, landscape and recreational value of the watercourses whilst building climate resilience. Applicants must also have specific regard to policy SP10 Green Infrastructure.

Preservation of watercourses:

10.66 The Strategic Flood Risk Assessment (2022)[118] has identified that to enable the preservation of a watercourse corridor there should be no built development within 10 metres from the top of a main river and recommends this buffer is applied to all watercourses. The built environment refers to any man made structure and also includes formal landscaping, sports fields, footpaths, lighting and fencing and the buffer should be maintained for native biodiversity. This width of buffer allows for the enhancement of wildlife habitats, flood flow conveyance and future watercourse maintenance and/or improvement. It also ensures that the watercourse is buffered from land-based activities, reducing the levels of diffuse pollution reaching the watercourse.

Protecting and improving the quality of water environments:

10.67 Development should deliver opportunities to protect and improve the quality of the water environment, including such measures as:

- Incorporating into all development proposals, green infrastructure and sustainable drainage systems (SuDS) (having regard to the West Berkshire Sustainable Drainage Systems Supplementary Planning Document 2018[119] in order to manage and treat surface water run off close to source and to minimise the risk from contaminants and sediment. Developments should allow sufficient shallow drainage areas if infiltration is to be used. The use of deep soakaways for infiltration (e.g. boreholes) are not a recognised SuDS solution and may be refused a permit. This is to protect groundwater quality;
- Reducing the risk of discharges of surface waters to the sewerage network and of pollution, including groundwater infiltration, from treatment works, particularly within Drinking Water Safeguard Zones, Groundwater Source Protection Zones and Groundwater Vulnerability Zones and in proximity to, and downstream of, Special Areas of Conservation or Site of Special Scientific Interest;
- Prioritising natural flood management over hard flood defences;
- Protecting watercourses and wetland habitats along river corridors and where appropriate restore 'natural' systems, including de-culverting, restoring or re-profiling rivers and naturalising river banks;
- Adopting water efficiency measures to reduce pressure from low water levels and flows;
- Works to restore contaminated land where applicable;
- Working with and taking opportunities identified by Catchment Partnerships and flood risk management authorities to inform development proposals.

Wastewater

10.68 Increased levels of development during the local plan period is likely to increase the discharge of treated wastewater from wastewater treatment works in West Berkshire. There is a potential for this to cause a deterioration in water quality in the receiving watercourses. Early engagement with Thames Water by developers should ensure that any development is aligned with existing capacity to serve the development or that the required upgrades to the wastewater infrastructure and sewage treatment are constructed prior to occupation of new developments. Land may need to be safeguarded to ensure that land required for water infrastructure in the future is not developed, preventing necessary upgrade.

10.69 This policy will be considered in conjunction with other policies in the LPR to ensure a comprehensive consideration of the water environment.

118 Strategic Flood Risk Assessment (2022): https://westberks.gov.uk/sfra
119 West Berkshire Sustainable Drainage Systems Supplementary Planning Document (2018): https://westberks.gov.uk/sudsspd