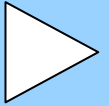


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Land Use Planning Guide



www.yorkshirewater.com





This guide has been produced to assist Local Planning Authorities and those involved in the development of residential, industrial or other business proposals that require the provision or enhancement of a water supply and/or the removal of waste water, including trade effluent.

Whilst aimed primarily at Local Planning Authorities, the document will be of use to developers, consultants and landowners who have sites within the Yorkshire Region. The guide provides information on the role and interests of Yorkshire Water Services Limited (YWS) within the context of the planning and development process. Useful references from the Water Industry Act 1991 and YWS's Policy on sustainable urban drainage systems are attached at the back of the guide.

YWS is part of the Kelda Group, one of the 10 largest companies in the region and a FTSE 100 company from March 2003. YWS serves around 4.4 million residential customers and 140 000 industrial and commercial customers, and has a capital investment programme in excess of £1.5 billion over the next 5 years. The Company has substantial assets, including over 100 impounding reservoirs, 10 major abstracting sources, 142 boreholes, 130 water treatment works and 624 waste water treatment works as well as thousands of kilometres of water mains and sewers.

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The Land, Property and Planning Team will ensure that the services we provide to Local Planning Authorities and Developers meet customer requirements and that dealing with us proves to be a positive, enjoyable experience.

Our purpose is to protect the viability of the company's operational assets and ensure that infrastructure capacity is available by influencing decisions taken by Local Planning Authorities (LPAs) and Developers.

Early consultation i.e. pre-application, by developers will minimise the chances of a planning application being held up by issues relating to water/waste water infrastructure capacity.

This early contact will allow us to tell you whether capacity is available or how and when capacity may be provided to allow development to proceed.

If after consulting YW, you find that there is insufficient infrastructure serving a potential development site, we will work with you to present recommendations and/or solutions to providing the necessary infrastructure.



The Land, Property and Planning Team in Yorkshire Water

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Yorkshire Water Services has a Land Property and Planning Team whose role is to interface with the planning and development process and to respond to cross business development enquiries on behalf of the Company. This approach ensures that:

- Enquiries are logged and dealt with in a consistent manner
- Responses are provided quickly, efficiently and comprehensively
- The enquirer, as appropriate, is provided with the various options available from YWS via the Water and Environmental Business Units.

The role of The Planning Team is to:

- i) Understand and liaise with local planning authorities (LPAs), together with providing developers and businesses with a point of contact. Understand their different needs in relation to development proposals requiring water and sewerage services;
- ii) To provide LPAs with specific responses to planning applications and to land use planning documents such as those contained within Local Development Frameworks;
- iii) To support regional organisations in achieving their strategic site development targets and inward investment projects;
- iv) Liaise with colleagues from YWS' Waste and Clean Water Business Units in order to improve their understanding of planning issues within the Company and ensure the provision of a full response to the enquirer that meets their requirements;

The Land, Property and Planning Team in Yorkshire Water

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YWS welcomes consultations about the implications and availability of water and sewerage services at all stages of the plan making process. By working with you we will ensure development proposals are adequately serviced and do not have a detrimental impact on resources and the environment.

Developers are urged to make early enquiries, as it is their responsibility to ensure that:

- i) Water supply and public sewerage infrastructures are available to meet the requirements of the proposed developments;
- ii) The proposed development will not interfere with the Company's rights of access to its water mains, public sewer networks, sewage treatment plants etc.
- iii) YWS has launched a Developers Charter that details how to contact YWS water and waste Water teams directly and outlines the commercial services available to developers and businesses. A copy of the charter is available on request.



Why Consult Yorkshire Water

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The provision of water and waste services is a vital requirement for business and development in the region. The team can answer general enquiries from LPA's, businesses and organisations considering investment in the area. For detailed or site specific information, you may be put in contact directly with the appropriate water and/or waste water teams.

YWS is committed to supporting inward investment and economic regeneration in the region by providing technical advice on water supply and waste water disposal to businesses, developers, land owners and their agents. We can work in partnership at all stages; providing professional and technical advice including consideration of Environmental Impact Assessments and outline proposals, through to commencement of development on site.





This is to ensure

- i) Sources of water and water treatment works have sufficient capacity to meet the demands of new development
- ii) An adequate supply of potable mains water can be provided to meet domestic and trade requirements or that alternative arrangements have been made.
- iii) That development which could pose a pollution risk to sources of water for public use is prevented or modified.
- iv) Public sewers with adequate capacity for both foul and surface water are available or can be provided to serve development, or that an alternative arrangement has been made.
- v) Waste Water Treatment Works (WWTW) serving developments draining to the public sewerage system have adequate capacity to treat flows and to meet legal discharge consent standards.
- vi) That inappropriate development is avoided close to WWTW where amenity problems from odour and/or flies are likely to arise.

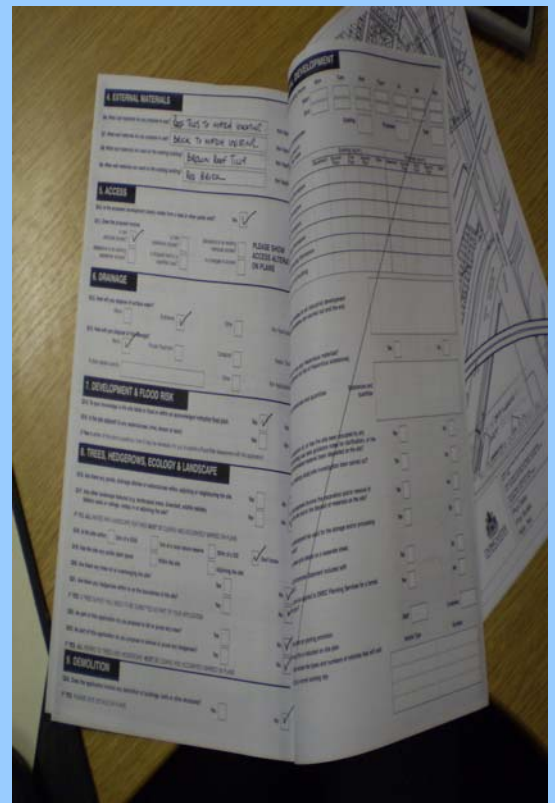


Development Control

Whilst there is no statutory requirement to consult Water Companies, the availability of water and sewerage services is a material consideration in the determination of planning applications.

In the Water Act 1989, the Government advised LPAs that planning decisions should no longer turn on the willingness of developers to enter into agreements to ensure the servicing of development (Circular 20/89). YWS will not object to development proposals on the grounds of lack of infrastructure capacity unless there is no reasonable prospect of it being provided within the lifetime of the planning permission

Any comments made by YWS should be taken into account by the LPA in their decision on whether to grant planning permission or not. Approvals should be subject to conditions, (which YWS will recommend) where infrastructure resource is inadequate or requires protection.





Development Plans

Under the Planning and Compulsory Purchase Act 2004 LPAs should consult Yorkshire Water on their Local Development Frameworks. As such, consultations and discussions about the implications and availability of water and sewerage services are welcomed at all stages of the plan making process.

YWS recognises the importance of giving due consideration to Development Frameworks where policies and proposals affect requirements for services and infrastructure. As such, YWS will always seek to ensure that allocations within development plans can be adequately serviced and will not have a detrimental impact on the environment or other interests. YWS will also use the development framework process to ensure that a clear and realistic basis exists on which to assess future demands for infrastructure provision.



When should Yorkshire Water be consulted

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In accordance with Circular 20/89 YWS has identified categories of development we would wish to be consulted on. Both pre-application and post-application enquiries related to water services interests should also be the subject of consultation.

YWS may request consultation on a proposal that would not normally be considered 'significant' where, for example, a local network or treatment plant is operating at or near to capacity.

A LPA or developer may consult YWS on any type or scale of development where it is envisaged it will lead to change on the loading of YWS infrastructure. YWS will act as a consultee throughout the development process, taking a proactive role to highlight potential problems and issues before they arise. LPA's conducting pre-application discussions are advised to encourage developers to consult with YWS as early as possible.



When should Yorkshire Water be consulted

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Key interests for YWS include;

- i) Development which is significant in relation to the size of the existing settlement, or the availability of water services. There is no specific threshold that constitutes a 'significant' development. It may be a large office block in an urban area or merely a single dwelling in a hamlet. Where there is any doubt, the enquiry should be referred to YWS for comment.
- ii) Development which constitutes a significant departure from the Development Plan for the area.
- iii) Development close to existing WWTW (YWS may object to inappropriate development within 400 metres of certain works)
- iv) Development on or adjacent to water catchments for impounding reservoirs, upstream of river abstractions, aquifer protection areas, boreholes or spring sources for public supplies.

(continued on next page)

When should Yorkshire Water be consulted

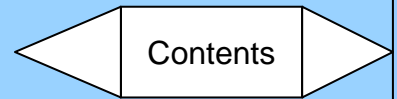
Contents



Key interests for YWS include;

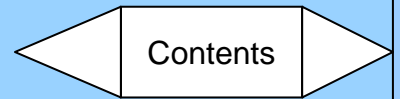
- v) Development resulting in trade effluent or other non-domestic discharge to public sewer (e.g agricultural run-off, contaminated surface water, caravan park discharge and swimming pool water)
- vi) Development with potentially large surface water discharge to public sewer.
- vii) Development involving the storage, use or manufacture of noxious or hazardous substances
- viii) Proposals for the extraction of minerals or disposal of wastes
- ix) Any Scoping Reports or Environmental Impact Assessments submitted in respect of any proposal, thereby giving us the earliest opportunity to comment on any potential impacts to YWS infrastructure.
- x) Any drainage details submitted at any time through the planning process as there may be historical problems or technicalities that may not necessarily be obvious

What Information Does Yorkshire Water Want to see?



What information YW requires from ...	Planning Applications from LPA's	Development Plans from LPA's	Developer and Business Enquiries
Copy of Planning Application Form	✓		
Ordnance Survey Grid Reference	✓	✓	✓
Location Plan (clearly marked to indicate area of proposed development in relation to neighbouring property, highways and other features)	✓	✓	✓
Site/Layout Plan (with intended sewer/drainage layouts, floorspace, phasing of development)	✓		✓
Additional Information (nature of use/environmental assessments etc)	✓	✓	✓
Contact Details	✓	✓	✓

What Information Does Yorkshire Water Want to see?



What information YW requires from ...	Planning Applications from LPA's	Development Plans from LPA's	Developer and Business Enquiries
Timescale (YW aim to reply to consultations within 15 working days from receipt. Where a quicker reply is required this should be indicated. If this is insufficient YW will contact you to agree a compromise)	✓	✓	✓
Copy of decision notices (for applications where YW has recommended planning conditions, progress reports and feedback)	✓	✓	✓
Company Details (nature of proposed business, number of employees, operational hours, shift patterns, if a canteen is proposed etc)			✓
Operational Details (daily/peak water demand, daily/peak trade effluent demand, trade effluent strength)			✓



Under Section 37 of the Water Industry Act 1991, YWS has a duty to develop and maintain an efficient and economical system of water supply within its area, and under Section 94 to provide, extend and improve the public sewerage system inside its area.

These duties do not require YWS to lay mains or sewers in anticipation of new developments, nor to extend the system to serve existing properties.

Developers (or owner/ occupiers of premises) often wish to ensure that the needs of their sites or premises can be met by linking them to the sewerage system or water mains network in reasonable time. Such developers or owner/occupiers are entitled to requisition mains or sewers for **domestic purposes**, to meet their needs.

“**Domestic purposes**” in relation to a water supply is defined in the WIA (Section 218) as ‘drinking, washing, cooking, central heating and sanitary purposes for which water is supplied to those premises’.

“Domestic purposes” in relation to sewers is defined in the WIA (Section 117) as the removal of ‘the contents of lavatories, water that has been used for cooking and washing (unless it has been used by a laundry or for the preparation of food and drink for consumption off the premises) and surface water from any buildings or land appurtenant to them’.



- i) A developer or owner/occupier of premises also has rights under Section 106 of the WIA to have their drains connected to a public sewer for domestic purposes. YWS can require the connection to be made at a particular place and can refuse to allow the connection if it considers the way the connection is to be made, or the condition of the owner's sewer or drain, is such it would be prejudicial to the sewerage system. In addition YWS can require that the drain or sewer be opened up to see if it is suitable to be connected.
- ii) In the case of non-requisitionable works, such as waste water treatment improvements, where developments are deferred pending provision of infrastructure capacity YWS will discuss with the developer how this may be provided and the timing of improvements to meet the demands of the proposed development.
- iii) When YWS proposals for the provision of infrastructure capacity are incompatible with the developer's programme. The Land Property and Planning Team will advise whether earlier implementation is possible and whether alternative arrangements (including financing) will secure speedier completion of the capacity provision.
- iv) In many locations YWS has the benefits of easements for water mains through private land and in other cases water mains have been laid through private land by the serving of notice on the landowner.



v) Under the provisions of Section 158 and Section 159 of the WIA, YWS has the statutory power to lay, inspect, maintain, repair and alter water mains laid in streets and private land.

vi) Under Section 185 of the WIA a landowner may serve notice requiring that mains are diverted, which must be complied with, providing it is not unreasonable to do so and the landowner meets the cost.

In general terms, the costs payable by developers or land owners take into account both the cost of providing the sewer or water main, and as a credit, the water or sewerage charges which YWS would expect to receive from the properties which the main or sewer is to serve.





The services provided by YWS to its customers are managed from the water supply source to the discharge from a WWTW or outfall back to the natural water environment. The Water and Environmental Business Units within YWS administer all this.

Water Business Unit - Issues relate to the procurement, impounding, abstraction and treatment of water to drinking water standard. Concerns around development centre on:

Water resource issues. Except on very large developments this is unlikely to be material to the determination of individual planning applications, (although there are exceptions in a few small areas remote from main distribution networks). Where deficiencies are identified, YWS would discuss requirements and servicing arrangements with the developer.

Water distribution. In considering new development proposals some sites may require work to be carried out on the distribution system to provide an appropriate standard of supply whilst maintaining the service to existing customers. Such works can include:

- Extensions to water mains networks
- Reinforcements to the water distribution system
- Diversion of water mains on or adjacent to proposed development
- On site bulk storage of water
- Provision of new service reservoir capacity
- Provision of additional pumping facilities



Environmental Business Unit

Issues relate to the treatment and disposal of domestic sewage and trade effluent discharged to public sewers. Concerns about developments centre on:

Foul and surface water flows from new developments. Within sewered areas, several options may be available for the disposal of surface water. These options include discharge to soakaway (or infiltration system), watercourse and /or public sewer network. Requirement H3 of the Building Regulations 2003 plays an important part in this. Your attention is also directed towards Sustainable Urban Drainage Systems (SUDS) a copy of which is can be found in Appendix B and Planning Policy Statement (PPS) 25.

Keeping surface water discharges separate from foul flows. To protect the sewerage system, pumping stations and treatment works from hydraulic overloading, YWS would normally recommend planning conditions to secure a suitable outfall where separate surface water systems are not available or where it is considered that disposal of surface water is likely to present a problem. This is consistent with requirement H5 of the Building Regulations 2000.

Insufficient capacity within an existing sewerage system. To accept the additional foul and/or surface water discharges arising from new development, YWS recommend planning conditions to delay occupation/discharge from developments until any reinforcements are completed. Deferral conditions may also be recommended pending completion of a scheme within the company's capital programme for improvements to trunk sewers.



Development adjacent/over sewers. As appropriate, development proposals will have to protect sewers, either by using a “stand-off zone”, obtaining agreement on method of building, or by diverting the sewer.

Development Permitted over sewers. Requirement H4 of the Building Regulations 2000 deals with building over existing sewers. This applies to the construction, extension or underpinning of a building on top of or within 3 metres of the centreline of an existing sewer. YWS has an information leaflet available on request. For multiple unit developments, there is often scope to avoid building over a sewer by revising the proposed layout and/or diverting the sewer. For such developments YWS would seek, where practicable, to control the matter through the planning process.

Consent standards at WWTW. Discharges from WWTW have environmental implications for the quality of the receiving water. The Environment Agency issues discharge consents and failure to meet a consent will result in prosecution of the statutory undertaker. It is important that flows from developments are not permitted. Where deterioration in the standard of treatment provided by a WWTW would occur, until adequate capacity has been provided. The only method by which control can be achieved is through the imposition of planning conditions.

Impact of commercial and industrial development on the operation of WWTW. Specific consent from YWS is required for the discharge of any trade effluent to public sewer. It is YWS policy to seek a contribution for the provision or utilisation of WWTWW capacity for trade effluent discharges.



Chemically treated effluent discharge. Such flows are often associated with caravan parks with touring pitches where there is not a requirement for a trade effluent consent to discharge to the public sewer. Planning conditions may be requested to secure separate disposal or monitoring arrangements and to mitigate the effects of chemicals on waste water treatment processes.

Development close to WWTWs. The nature of the task performed by WWTWs means that odours are produced. Additionally, if biological filters are present, seasonal emergence of flies may be experienced. At some new WWTW, these problems have been reduced at considerable expense. There is a need to prevent inappropriate development being affected by odour and flies that would become unacceptable to occupiers. We would ask that the Environmental Health Authority also be consulted as the body with statutory responsibility for such matters. In most cases, the distance of 400 metres from the WWTW is used as a guide, but this can differ due to local topography, climatic conditions, size of treatment works, and the nature of the development in question.

Prohibited Discharges. Under Section 111 of the WIA, it is illegal to discharge any material to public sewer which may injure the sewer, interfere with free flow or prejudicially affect treatment and disposal of its contents. Substances which may be dangerous or cause a nuisance, including petroleum spirit and liquids above 110 degrees Fahrenheit, are specifically prohibited from discharge to sewer.



Other Controls. Contamination of surface water run-off should also be prevented and in certain cases, provision should be made for the containment of spillage or contaminated fire fighting water. Planning conditions may also be recommended to secure the bunding of bulk storage tanks, installation of grease traps at food premises and the provision of petrol/oil/grit interceptors for car parks and hard standings etc. YWS supports the use of SUDs where possible, as correct implementation can reduce the volume of surface water draining into the public sewer network.

Who to Contact

Contents



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E-mail matthew.naylor@yorkshirewater.co.uk

For technical sewerage enquiries please contact Peter Golightly

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E-mail peter.golightly@yorkshirewater.co.uk

Team Fax: 01274 692643

WATER SUPPLY

s.37 General duty to maintain water supply system

Major Supplies

s.41 Duty to comply with water main requisition

s.42 Financial conditions of compliance

Domestic Supplies

s.45 Duty to make connections with main

s.46 Duty to carry out ancillary works for the purpose of making domestic connection

Other Supplies

s.55 Supplies for non-domestic supplies

s.56 Determinations on requests for non-domestic supplies

QUALITY & SUFFICIENCY OF SUPPLIES

s.67 Standards of wholesomeness

Waste, contamination, misuse etc

s.71 Waste from water sources

s.72 Contamination of water sources

s.73. Offences of contamination, waste and misuse of water

SEWERAGE SERVICES

s.94 General duty to provide sewerage systems

Requisition of Public Sewer

s.98 Duty to comply with sewer requisition

s.99 Financial conditions of compliance

s.100 Calculation of 'relevant deficit' for the purposes of section 99

s.101 Determination of completion date and route for requisitioned sewer

Adoption of Sewers and Disposal Works

s.102 Adoption of sewers and disposal works

s.103 Adoption of cross-border sewers etc

s.104 Agreements to adopt sewer, drain or sewage disposal works, at a future date

s.105 Appeals with respect to adoption

Communication of Drains and Private Sewers with Public Sewers

s.106 Right to communicate with public sewers

s.109 Unlawful communications

Provisions Protecting Sewerage Systems

- s.111 Restrictions on use of public sewers
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- s.117 Interpretation of Chapter II (provision of sewerage services for domestic purposes)

TRADE EFFLUENT

- s.118 Consent required for discharge of trade effluent into public sewer

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- s.119 Applications for consent
- s.120 Applications for the discharge of special category effluent
- s.121 Conditions of consent
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- s.145 Charging by reference to rateable value
- s.146 Connection charges

Metering

- s.148 Restrictions on charging for metering works
- s.149 Further provision relating to charging by volume

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- s.156 Restriction on disposals of land
- s.157 Bylaws with respect to undertaker's waterways and land
- s.158 Powers to lay pipes in streets
- s.159 Power to lay pipes in other land

PROTECTION OF UNDERTAKERS WORKS, APPARATUS ETC

- s.174 Offences of interference with works etc
- s.178 Obstruction of sewerage works

SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS POWERS

- s.185 Duty to move pipes etc in certain cases

MISCELLANEOUS AND SUPPLEMENTAL

- s.218 Meaning of 'domestic purposes' in relation to water supply
- s.219 General Interpretation

Sustainable Drainage Systems (SuDS)

The use of SuDS is encouraged by Yorkshire Water Services (YWS) whenever practicable. Correct implementation will reduce the rate and volume of surface water draining into the public sewer network by allowing the water to drain naturally into the ground or slowing discharge into the public sewer. This in turn protects the public sewer from overload and the environment from pollution. Where surface water would have traditionally drained into a combined foul and surface water sewer, the use of SuDS prevents relatively clean surface water from passing through the waste water treatment process. The use of certain types of SuDS for highway drainage has the advantage of 'inbuilt' pollution control, for example the vegetation in grass swales can be effective at filtering oil and grit out of the surface water run off from highway.

From a YWS viewpoint, there are however a number of constraints which impact on the implementation of SuDS for inclusion as part of the public sewer network. These are set out below. A clear explanation of these may assist with successful implementation of SuDS in the future.

Adoption of SuDS by YWS

YWS, as the statutory sewerage undertaker for the region, is responsible for the public sewer network. Our role in the disposal of surface water is as defined by the Water Industry Act 1991. YWS also work to the Interim Code of Practice for SuDS (ICoP) published in July 2004. A sewer is a conduit that is provided for domestic sewerage purposes, serving more than one curtilage and has a 'proper outfall' (e.g. a watercourse is a proper outfall but a standard soakaway is not). A public sewer is a sewer that is the responsibility of the sewerage undertaker. Legislation defines what can form part of the public sewer network. Subject to the above constraints and as detailed on table 5.3 of the ICoP for SuDS, swales, soakaways, infiltration trenches, filter drains and pipes will be considered for adoption by YWS. With the exception of pipes, all the above require a high level of consultation with YWS prior to consideration for adoption as there are a number of requirements to be met prior to acceptance for adoption.

Maintenance and Access

SuDS will require maintenance to ensure that risk of failure is minimised. For example, if a SuDS were to fail, a sewer could be subjected to a level of discharge which it has not been designed to accommodate. This could lead to flooding and/or pollution of ground water. Consequently, the organisation responsible for owning and maintaining the SuDS should be clearly identified. Access would be required to adoptable SuDS on a 24 hour basis to ensure entry for routine maintenance and in the event of emergencies. Acceptable locations are public open space, public highway or common shared areas held for general communal purposes.

Responsible Bodies

In particular circumstances, YWS may not be the appropriate body to take responsibility for SuDS. As the sewerage undertaker, YWS does not have responsibility for private drains, private sewers, highway drainage, land drainage or watercourses. Where development raises the issues of land and highway drainage, it may be more appropriate for the developer to discuss the implementation of SuDS with the responsible bodies, namely the Environment Agency, local Land Drainage Authority, any Drainage Board and/or the Highway Authority. YWS will not adopt SuDS which have highway drainage, land drainage or groundwater inflow.

Landscaping and Biodiversity

Detention basins are an example of a SuDS facility which YWS currently own and maintain. These are dry ponds, which only have standing water during periods of rainfall. The basins may have some element of infiltration depending on ground conditions. Detention basins reduce the level of on-site health and safety risks in addition to reducing the level of maintenance required. The requirement and type of fencing required by YWS for basins will be dependant upon the type of development, location and proximity to residential properties. Basins are considered to be an effective means of reducing the speed and volume of surface water run off but are low in biodiversity and have less aesthetic value than a retention pond. With the implementation of an appropriate planting scheme to screen or replace any security fencing, such basins could, however, make a valuable contribution to the management of surface water run off.

Comprehensive Ground Investigation

Comprehensive ground investigation is essential for SuDS to be implemented successfully. The water table often varies with the seasons, therefore SuDs should be designed to take account of such variations. Consequently, investigations should be carried out over all four seasons which unfortunately means that a long lead in time of up to 12 months is likely before an appropriate SuDs can be agreed for adoption by YWS. This may deter the developer from exploring the use of such systems. Strong policy wording is therefore needed in the development plan to ensure that the developer is required to investigate the feasibility of SuDS in any development.

Scale of Development

SuDS can be effective when implemented on all sizes of development. Given the focus on optimising the use of brownfield sites, particularly in existing urban areas, the implementation of SuDS on small scale developments should be encouraged as this could have a large scale cumulative impact on the level of surface water draining naturally.

Land Requirements

SuDs can be 'land hungry'. This should be recognised when setting out density requirements for sites. For example, soakaways for individual houses will need to be 5m away from the house (to comply with building regulations). Often an area of public open space within the development is required to accommodate the SuDS and provide 24 hour access to the facility.

Conclusions

YWS would support the inclusion of policy which:

- i) requires all developers to demonstrate that the feasibility of using SuDS has been explored in the design of their development.**
- ii) requires developers to incorporate SuDS into the design of their development where a feasibility study indicates that it would be appropriate.**
- iii) requires the developer to ensure that there is a maintenance plan in place for SuDS where such a scheme is to be implemented as part of a planning permission.**