

LDF Core Strategy

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Consultation – LDF Core Strategy Proposed Submission

Dear Sir or Madam:

Introduction

Thank you for consulting Thames Water regarding the above. Thames Water are the statutory sewerage and water undertaker for the whole Borough and are hence a “**specific consultation body**” in accordance with the Town & Country Planning (Local Development) Regulations 2004. Unfortunately it was not possible to complete the representation forms and as such our comments are set out in this letter.

Having reviewed the Core Strategy Proposed Submission Document and the Councils response to the Preferred Options Consultation Thames Water has the following comments to make.

Core Strategy Policy 7 – Object

The Core Strategy makes no reference to water or wastewater infrastructure and simply states in Policy 7 that *“The Council will promote opportunities to coordinate service delivery by utility providers, LSP partners and other stakeholders, having regard to excellent design, sustainable principles of accessibility, environmental performance, social inclusion, and the contribution of infrastructure towards place-making through promoting local identity and distinctiveness.”*

A key sustainability objective for the preparation of the new Local Development Framework should be for new development to be co-ordinated with the infrastructure it demands and to take into account the capacity of existing infrastructure. Paragraph 4.8 of the new PPS12, 2008 states: ***“The core strategy should be supported by evidence of what physical, social and green infrastructure is needed to enable the amount of development proposed for the area, taking account of its type and distribution. This evidence should cover who will provide the infrastructure and when it will***

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be provided. The core strategy should draw on and in parallel influence any strategies and investment plans of the local authority and other organisations.”

Paragraph 4.10 of PPS12 goes on to provide advice on the need for infrastructure to support housing growth and states: **“The outcome of the infrastructure planning process should inform the core strategy and should be part of a robust evidence base. It will greatly assist the overall planning process for all participants if the agencies responsible for infrastructure delivery and the local authority producing the core strategy were to align their planning processes. Local authorities should undertake timely, effective and conclusive discussion with key infrastructure providers when preparing a core strategy.”**

To meet the test of “soundness” as set out in PPS 12 it is essential that the Core Strategy does consider such water and sewerage infrastructure. In July 2008 The Planning Inspectorate published “Examination of Development Plan Documents: Soundness Guidance”. The Guide sets out a series of ‘key questions’ that should be convincingly answered which aim to provide a framework for the assessment of soundness of DPDs.

In relation to whether the Core Strategy is effective and therefore ‘sound’ the most relevant key questions set out in the Inspectorate guide are:

“Key Questions:

- **Does the DPD explain how its key policy objectives will be achieved?**
- **Have the infrastructure implications of the strategy/policies clearly been identified?”**
- **Are the delivery mechanisms and timescales for implementation of the policies clearly identified? and**
- **Is it clear who is going to deliver the required infrastructure and does the timing of the provision complement the timescale of the strategy/policies?”**

Although the Inspectorate guide does not refer to sources of evidence, paragraph 4.49 of PPS12 acknowledges that **“This revised PPS12 presents “tests of soundness” in a different and more simple way based on the fact that the Planning and Compulsory Purchase Act 2004 distinguishes between the legal requirements and the determination of soundness. However the rigour of the examination process remains unchanged and inspectors will be looking for the same quality of evidence and content.”**

Advice on sources of evidence was contained within the 2005 Inspectorate guide to the process of assessing the soundness of Development Plan Documents which preceded the 2008 guide. Key sources of evidence identified within the 2005 guide included:

“ Evidence - Of particular significance, will be representations from bodies that consider that the DPD either does or does not have sufficient regard to other relevant strategies for which they are responsible”.

and

“If the DPD is a Core Strategy, the following documents, amongst other evidence, may be relevant:infrastructure providers’ investment programmes and strategies; environmental programmes etc.”

The water companies’ investment programmes are based on a 5 year cycle known as the Asset Management Plan (AMP) process. We are currently in the AMP4 period which runs from 1st April 2005 to 31st March 2010. AMP5 will cover the period from 1st April 2010 to 31st March 2015 and we have submitted our business plan to OFWAT for approval by the end of 2009. AMP4 & 5 will not therefore cover the whole LDF period.

Thames Water’s five year business plan ‘Our Plans for Water’ incorporates plans for water and wastewater infrastructure to support growth. We base our investment programmes on development plan allocations which form the clearest picture of the future shape of the community. In addition the business plan also includes proposals to provide infrastructure in order to comply with new consents and obligations such as environmental quality improvements; enhancing service through the reduction in the number of properties at risk of sewer flooding; and enhancing service through the reduction of odour at sewage treatment works. Some infrastructure improvements can be undertaken under permitted development rights while other improvements require the submission of formal planning applications.

The time required to provide such water and wastewater infrastructure should not be underestimated. Where the infrastructure is not available we may require an 18-month to three-year lead in time for provision of extra water/sewerage capacity. If any large engineering works are needed to upgrade infrastructure the lead in time could be up to five years. Implementing new technologies and the construction of new treatment works could take up to ten years. New development may therefore need to be phased to allow the prior completion of the necessary infrastructure.

In order for the Core Strategy to be ‘sound’ it needs to take into account infrastructure requirements and delivery. Our funding and infrastructure delivery processes are summarised above and need to be reflected in the Core Strategy to enable the satisfactory delivery of water and sewerage infrastructure.

It is acknowledged in paragraph 4.59 that the Core Strategy is a key instrument for programming and coordinating infrastructure delivery through the Council’s Local Strategic Partnership and the utility providers.

With respect to the funding of water and sewerage infrastructure, it is our understanding that Section 106 Agreements can not be used to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place ahead of the occupation of development to avoid unacceptable impacts on the environment such as sewer flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems.

Water and sewerage undertakers also have limited powers under the water industry act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing or the use of Grampian style conditions.

It is essential that developers demonstrate that adequate capacity exists both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing water & sewerage infrastructure. Where there is a capacity problem and no improvements are programmed by the water company, then the developer needs to contact the water authority to agree what improvements are required and how they will be funded prior to any occupation of the development.

It will be essential that the Core Strategy makes reference to the provision of adequate water and sewerage infrastructure to service development to avoid unacceptable impacts on the environment. Therefore, if the Core Strategy is to meet the "soundness" test, then it should include the following policies and sub-text:

"PROPOSED POLICY - WATER AND SEWERAGE INFRASTRUCTURE CAPACITY:

Planning permission will only be granted for developments which increase the demand for off-site service infrastructure where:

- 1. sufficient capacity already exists or**
- 2. extra capacity can be provided in time to serve the development which will ensure that the environment and the amenities of local residents are not adversely affected.**

When there is a capacity problem and improvements in off-site infrastructure are not programmed, planning permission will only be granted where the developer funds appropriate improvements which will be completed prior to occupation of the development."

Text along the following lines should be added to the Core Strategy to support the above proposed Policy :

"PROPOSED SUPPORTING TEXT - The Council will seek to ensure that there is adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve all new developments. Developers will be

required to demonstrate that there is adequate capacity both on and off the site to serve the development and that it would not lead to problems for existing users. In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where there is a capacity problem and no improvements are programmed by Thames Water, the Council will require the developer to fund appropriate improvements which must be completed prior to occupation of the development.”

PPS12 requires that in preparing Local Development Documents, authorities should consider both the requirements of the utilities for land to enable them to meet the demands that will be placed upon them and the environmental effects of such additional uses. Hence, a policy should be included in the LDF Core Strategy as follows:

“PROPOSED POLICY – WATER AND SEWERAGE INFRASTRUCTURE DEVELOPMENT:

The development or expansion of water supply or waste water facilities will normally be permitted, either where needed to serve existing or proposed development in accordance with the provisions of the Development Plan, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impact that any such adverse impact is minimised.”

The above policies will ensure that the Core Strategy complies with the advice contained within PPS12 in relation to the provision of infrastructure as well as ensuring that the document conforms with Policy 4A.18 of the London Plan which states that: *“The Mayor expects developers and local planning authorities to work together with water supply and sewerage companies to enable the inspection, repair or replacement of water supply and sewerage infrastructure. Water and wastewater infrastructure requirements should be put in place in tandem with planned growth to avoid adverse environmental impacts.”*

Core Strategy Policy 28 – Support

Thames Water support the objectives of Policy 28. However, it is considered that the inclusion of policies supporting the provision of water and sewerage infrastructure would assist with protecting and enhancing the waterways by helping to prevent pollution of watercourses.

Core Policy 29 – Comment

Thames Water support the objectives of Policy 29 which will help to ensure that new development is water efficient. However, within paragraph 9.15 it is stated that:

“Using less water could potentially aid flood mitigation as consuming less water reduces the quantity of wastewater that is discharged, easing the pressure on the sewer systems as well as saving the energy used in cleaning and pumping water for consumption.”

Thames Water welcome the promotion of reduced water consumption within new development. However, unless the developments replace existing dwellings with a higher net water consumption, the provision of new dwellings will still put additional pressure on the existing water and wastewater infrastructure by increasing the total amount of water consumed and wastewater produced. This will potentially lead to requirements for upgrades to the existing network as set out above. Developers will need to demonstrate that adequate capacity exists and where there is a capacity problem and no improvements are programmed by the water company, then the developer needs to contact the water authority to agree what improvements are required and how they will be funded prior to any occupation of the development.

Core Strategy Policy 31 (Flood Risk) – Object

Thames Water object to the omission of any reference to sewer flooding within the Policy 31 and the supporting text. Water and sewerage undertakers have limited powers under the Water Industry Act to prevent connection ahead of infrastructure upgrades and sewer flooding can be caused when developers make connections to the existing sewerage network without proper consultation and authorisation from the relevant water company. It is acknowledged within the North London Strategic Flood Risk Assessment at section 5.5.1 that *“It is essential that any new development takes account of known sewer flooding problems to ensure that the development is not put at risk and that the development does not worsen an existing problem.”*

PPS25 states in paragraph 25 that *“Their (LPAs) sustainability appraisals, land allocations and development control policies should all be informed by a SFRA carried out in liaison with the Environment Agency.”* In order to be sound the Core Strategy needs to be consistent with national policy and should therefore be amended to make reference to sewer flooding as set out in the SFRA.

Yours sincerely,

Carmelle Bell
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