



Planning Policy

Sent by email: ldf@merton.gov.uk

Thames Water Property Services

Your ref
Our ref
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19 March 2012

Dear Sir/Madam

Re: London Borough of Merton LDF – Sites and Policies Development Plan Document

Thank you for consulting Thames Water Utilities (Thames Water) regarding the above. Thames Water are the statutory water and sewerage undertaker for the majority of the Borough and are hence a “**specific consultation body**” in accordance with the Town & Country Planning (Local Development) Regulations 2004 (as amended in May 2008). The provision of sewerage/waste water and water infrastructure is essential to any development.

We have the following comments on the consultation document:

PART 1 - Policies

Policy DM F2: Sustainable drainage systems and supporting paragraphs 8.21 to 8.24

Thames Water do not object to the policy in principle and support some of the text relating to sewerage infrastructure in the supporting paragraphs, but consider that it does not adequately cover water and sewerage infrastructure which is essential to all development.

As stated in our previous comments, a key sustainability objective for the preparation of the new Local Development Framework is for new development to be co-ordinated with the infrastructure it demands and to take into account the capacity of existing infrastructure as set out in paragraphs 4.8 and 4.10 of the PPS12, June 2008.

Policy 5.14 of The London Plan, July 2011 is directly relevant as it relates to Water Quality and Wastewater Infrastructure and states:

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“Strategic

A - The Mayor will work in partnership with the boroughs, appropriate agencies within London and adjoining local authorities to:

- a) ensure that London has adequate and appropriate wastewater infrastructure to meet the requirements placed upon it by population growth and climate change*
- b) protect and improve water quality having regard to the Thames River Basin Management Plan*

Planning Decisions

B - Development proposals must ensure that adequate wastewater infrastructure capacity is available in tandem with development. Proposals that would benefit water quality, the delivery of the policies in this Plan and the Thames River Basin Management Plan should be supported while those with adverse impacts should be refused.

C - Development proposals to upgrade London’s sewage (including sludge) treatment capacity should be supported provided they utilize best available techniques and energy capture.

LDF preparation

E - Within LDFs boroughs should identify wastewater infrastructure requirements and relevant boroughs should in principle support the Thames Tunnel.”

Policy 5.15 of the London Plan relates to water use and supplies and states:

“Strategic

A The Mayor will work in partnership with appropriate agencies within London and adjoining regional and local planning authorities to protect and conserve water supplies and resources in order to secure London’s needs in a sustainable manner by:

- a minimising use of mains water*
- b reaching cost-effective minimum leakage levels*
- c in conjunction with demand side measures, promoting the provision of additional sustainable water resources in a timely and efficient manner, reducing the water supply deficit and achieving security of supply in London*
- d minimising the amount of energy consumed in water supply*
- e promoting the use of rainwater harvesting and using dual potable and grey water recycling systems, where they are energy and cost-effective*
- f maintaining and upgrading water supply infrastructure*
- g ensuring the water supplied will not give rise to likely significant adverse effects to the environment, particularly designated sites of European importance for nature conservation.*

Planning decisions

B Development should minimise the use of mains water by:

a incorporating water saving measures and equipment

b designing residential development so that mains water consumption would meet a target of 105 litres or less per head per day.

C New development for sustainable water supply infrastructure, which has been selected within water companies' Water Resource Management Plans, will be supported."

Thames Water consider that the DPD must specifically cover the key issue of the provision of water and sewerage infrastructure to service development in policy to accord with the London Plan. This is essential to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems. It is also important that the satisfactory provision of water and sewerage infrastructure is covered to meet the test of "soundness" as set out in PPS 12.

In August 2009 The Planning Inspectorate published "Examination of Development Plan Documents: Soundness Guidance" (and a minor revision was published in February 2010). 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.

The Inspectorate Guide sets out at section 2.10 that PPS12 states that core strategies should be effective and that this includes 'Sound infrastructure delivery planning'. In relation to whether the Core Strategy is effective and therefore 'sound' in relation to infrastructure delivery planning, the most relevant key questions 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 were 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 AMP5 period which runs from 1st April 2010 to 31st March 2015 and does not therefore cover the whole LDF period. AMP6 will cover the period from 1st April 2015 to 31st March 2020, but we have not yet submitted our business plan for this period. Our draft Business Plan for AMP6 will be submitted to Ofwat in August 2013.

As part of our five year business plan review Thames Water advise OFWAT on the funding required to accommodate growth in our networks and at all our treatment works. As a result we base our investment programmes on development plan allocations which form the clearest picture of the shape of the community (as mentioned in PPS12). We require a **three to five year** lead in time for provision of the extra capacity. Where a complete new water or sewage treatment works is required the lead in time can be between **five to ten years**. New development may therefore need to be phased to allow the prior completion of the necessary infrastructure.

Regarding the funding of water and sewerage infrastructure, it is our understanding that Section 106 Agreements can not be required to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage 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.

To comply with the policies in the London Plan, we consider that either Policy DMF2 needs to be amended to refer to water and sewerage infrastructure or there should be a new Policy dealing with water and sewerage infrastructure along the lines of:

Proposed Addition to Policy DMF2 or Text for new Water/Waste Water Infrastructure Policy

The Council will.....

- ***Take account of the capacity of existing off-site water and sewerage infrastructure and the impact of development proposals on them. Where necessary, the Council will seek improvements to water and/or sewerage infrastructure related and appropriate to the development so that the improvements are completed prior to occupation of the development.
The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, 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.***

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

“PROPOSED NEW POLICY 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 the water company, the Council will require the developer

to fund appropriate improvements which must be completed prior to occupation of the development.”

In relation to flood risk, PPS25: Development and Flood Risk states at paragraph 14 that a sequential approach should be used by local planning authorities in areas to be at risk from forms of flooding other than from river and sea. Annex C lists the forms of flooding and now includes: "*Flooding from Sewers*". The policy should therefore include reference to sewer flooding and an acceptance that flooding could occur away from the flood plain as a result of development where off site infrastructure is not in place ahead of development.

It is vital that sewerage/waste water treatment infrastructure is in place ahead of development if sewer flooding issues are to be avoided. It is also important not to under estimate the time required to deliver necessary infrastructure, for example:

- local network upgrades take around 18 months
- sewage treatment works upgrades can take 3-5 years

Thames Water support the use of sustainable drainage systems in appropriate circumstances. However, it should also stated that sustainable drainage systems are not appropriate for use in all areas, for example areas with high ground water levels or clay soils which do not allow free drainage. A well maintained and managed sustainable drainage system is also required to prevent it becoming ineffective, potentially increasing overland flows, and consequently having an impact on the sewerage network.

Policy DMO1 – Open Space

Thames Water consider that the Thames Water Pumping Station site at Byegrove Road, Colliers Wood (Colliers Wood Site Proposal 38), should be identified as an existing Major Developed Site (MDS) in the MOL in accordance with PPG2. The London Plan confirms that Green Belt policy applies to MOL. Since the principles of control over development in Green Belts, also apply to MOL, the guidance regarding MDS in Annex C to PPG2 also apply to MOL. Paragraph C1 of Annex C to PPG2,1995, clearly refers to water and sewage treatment works as being major developed sites.

The Thames Water Byegrove Road site measures approximately 1.35 hectares and incorporates significant built development including a number of buildings and two sets of large concrete storm tanks.

Paragraph C2 of Annex C to PPG2 states that MDSs remain subject to development control policies for Green Belts, and the Green Belt notation should be carried across them. If, however, a major developed site is specifically identified for the purposes of this Annex in an adopted development plan, infilling or redevelopment which meets the criteria in paragraph C3 or C4 would not constitute inappropriate development.

Proposed Change

Identify the Thames Water Pumping Station site at Byegrove Road, Colliers Wood, as an existing Major Developed Site (MDS) in the MOL in accordance with PPG2.

PART 2

Colliers Wood Site Proposal 38

As previously promoted, Thames Water consider that there is an opportunity to redevelop part of the brownfield site at Byegrove Road for mixed use redevelopment and associated environmental enhancement and would therefore support its allocation.

Thames Water would be willing to meet with the Council to discuss the above.

We trust the above is satisfactory, but please do not hesitate to contact Thames Water if you have any queries.

Yours Faithfully

Mark Mathews
Town Planning Manager
Thames Water Property Services.