

19 February 2013
LDF Responses



Head of Planning Policy

Sent by email to LDF@merton.gov.uk

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Dear Sir / Madam

MERTON'S SITES AND POLICIES DEVELOPMENT PLAN FINAL CONSULTATION ENGAGEMENT STAGE

Thames Water Utilities Ltd (Thames Water) Property Services function is now being delivered by Savills (UK) Limited as Thames Water's appointed supplier. Savills are therefore pleased to respond to the above consultation on behalf of Thames Water.

As you will be aware, Thames Water Utilities Ltd (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 Planning) Regulations 2012. 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 – Draft Detailed Policies

DM F2: Sustainable drainage systems (SuDS) and; Wastewater and Water Infrastructure

Thames Water support the policy in principle and that it has been amended to specifically relates to waste water and water infrastructure, but consider that it requires clarification in this respect.

A key sustainability objective for the preparation of the Local Development Framework/Local Plan 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 156 of the new National Planning Policy Framework (NPPF), March 2012, states:

"Local planning authorities should set out strategic policies for the area in the Local Plan. This should include strategic policies to deliver:.....the provision of infrastructure for water supply and wastewater...."

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Paragraph 162 of the NPPF relates to infrastructure and states:

“Local planning authorities should work with other authorities to: assess the quality and capacity of infrastructure for water supply and wastewater and its treatment.....take account of the need for strategic infrastructure including nationally significant infrastructure within their areas.”

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

“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.”

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Policy DMF2 of the Merton document has been amended by the inclusion of the following:

e) when discharging water including wastewater into the public sewer, development proposals are required to demonstrate that the local public sewerage network has adequate capacity to serve the development and existing developments. If the public sewer does not have adequate capacity, the developer should demonstrate alternative sustainable approaches to the management of water.

Whilst this is an improvement, it does not cover water supply and does not sufficiently waste water/sewerage infrastructure issues in accordance with the London Plan.

It is considered that DMF2 e) should be amended along the lines of the following text:

- ***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.***

The water companies' investment programmes are based on a 5 year cycle known as the Asset Management Plan (AMP) process. Thames Water are currently in the AMP5 period which runs from 1st April 2010 to 31st March 2015 and does not therefore cover the whole Local Plan period. AMP6 will cover the period from 1st April 2015 to 31st March 2020, but Thames Water have not yet submitted their business plan for this period. Thames Water's draft Business Plan for AMP6 will be submitted to Ofwat in August 2013.

As part of Thames Water's five year business plan review they advise Ofwat on the funding required to accommodate growth in the networks and at all the treatment works. As a result Thames Water base their investment programmes on development plan allocations which form the clearest picture of the shape of the community. Thames Water 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 Thames Water's 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.

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Paragraphs 8.26 and 8.27 which support Policy DM F2 are also supported in principle, but require clarification as indicated via the tracked changes below:

8.26. All developments (including residential, residential care homes, hospitals and restaurants) that ~~connect to the public water supply and discharge waste water into the public sewer~~ will be required to provide confirmation from the local water and/or sewerage company that local ~~water supply/sewerage infrastructure~~ has adequate capacity to serve the new development and existing surrounding developments. It is advised that this is carried out early in the design process and confirmation submitted as part of the SAB application.

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8.27. The council will require new developments and re-developments to minimise water consumption ~~ensure sufficient sewerage capacity is available~~. Development proposals should incorporate water saving measures and equipment to reduce water consumption. Where a development has capacity problems and improvements in offsite infrastructure are not programmed ~~by the water company~~, planning permission will only be granted where the developer funds appropriate improvements which will be completed prior to occupation of the development.

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Policy DMO1 – Open Space

Thames Water consider that the Thames Water Sewage Pumping Station site at Byegrove Road, Colliers Wood should be identified as an existing Major Developed Site (MDS) in the MOL in accordance with paragraph 89 of the NPPF. The London Plan confirms that Green Belt policy applies to MOL. Paragraph C1 of Annex C to PPG2 Green Belts, 1995, clearly identified 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.

DM F1: Support for flood risk management

Thames Water support Policy DMF1 where it ensures that developments consider all sources of flooding, including from sewers as pluvial flooding is particularly significant in urban areas.

The technical Guidance to the National Planning Policy Framework which retains key elements of PPS25: Development and Flood Risk states 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 which includes "Flooding from Sewers".

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
- sewerage treatment works upgrades can take 3-5 years

This therefore increases the importance for the proposed text above in relation to Policy DMF2 water/sewerage infrastructure, to be taken into account.

PART 2

B - 6. Colliers Wood – Wandle Valley Regional Park (WVRP) Boundary – Area 6

Thames Water object to the inclusion of the Sewage Pumping Station site at Byegrove Road, Colliers Wood (listed as the Wandle Valley Sewage Works – Area 6) within the WVRP boundary.

There is currently no public access to the Thames Water operational Sewage Pumping Station site for health and safety and security reasons. The site incorporates significant built development including a

number of sewage pumping station buildings and two sets of large concrete storm tanks and is not deemed appropriate for Regional Park designation or public access.

The reasons stated for including the site are that it would aid with "Managing Flood Risk and Urban Heat Island". This is incorrect as the site is an operational sewage pumping station site and not functional flood plain. Also, it is not explained how the site meets the Urban Heat island criteria.

Yours sincerely

David Wilson

David Wilson BA (Hons), BTP, MRTPI
Senior Town Planner

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28 February 2013

Head of Planning Policy

Sent by email to LDF@merton.gov.uk

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Sir / Madam,

MERTON'S SITES AND POLICIES DEVELOPMENT PLAN FINAL CONSULTATION ENGAGEMENT STAGE

Further to the representations made by my colleague – David Wilson – I am writing to add further comments on behalf Thames Water Utilities Limited in response to the consultation on Merton's Potential Sites and Draft Policies Maps Document. These comments relate solely to policy B – 4 Colliers Wood – Open Spaces and Thames Water's land holding at Fortescue Road.

Thames Water currently have an operational site and depot on Fortescue Road (please see attached site plan A). Currently the entire site is operational. However, Thames Water believe that part of the site could be released from operational use, were it considered suitable for residential development (see enclosed site plan B). If this was not the case Thames Water would continue to use the entirety of the site for operational purposes together with the benefits of permitted development rights of a statutory undertaker for the supply of water as outlined in schedule 2 Part 17 Class E of The Town and Country Planning (General Permitted Development) Order 1995.

Map B3 of Merton Potential Sites and Draft Policies Maps

Thames Water objects to the open space designation MO15 as designated in Map B3. This designation currently incorporates much of Thames Water's operational site and appears to have no relationship to land ownership or site characteristics and is therefore unsound. Thames Water considers that designation MO15 should exclude the entirety of its site for the following reasons.

The designation currently cuts across Thames Water's site in that it excludes the three main buildings to the east, but it includes the area of vegetation to the southern boundary as well as significant areas of hard standing. As outlined above, the entire site is within the ownership of Thames Water as a depot and for the supply of water and cannot be arbitrarily disaggregated in this fashion. Indeed, to take such a position is contrary to the method used on other sites as detailed under policy B4. For instance, on page 275 it is explicitly stated that the hard standing and ancillary buildings surrounding main school buildings are excluded from the definition of open space. It would therefore be consistent to exclude the hard standing area and ancillary structures associated with the buildings at Thames Water's site at Fortescue Road.

Another explicit exclusion from open space is land along operational rail reserves (with restricted public access or limited visual amenity value). The reason stated for this exclusion is that such areas are "predominantly developed with narrow strips of vegetation on either side and would not conform to the

London Plan definition. Although they might provide some visual amenity, due to the restricted access they would not offer important opportunities for sport and recreation” (page 276). Such a definition is identical to the situation of the Thames Water site at Fortescue Road. It is an operational site that is predominantly developed with buildings or hard standing and has a thin strip of vegetation, but there is no public access permitted to the site.

It is also worth noting that private residential gardens are also explicitly excluded from the definition of open space due to the extensive amount of development that is allowed on residential gardens without the requirement of planning permission and consequently would not be deliverable. As outlined above, Thames Water, as a statutory undertaker, has significant rights under permitted development to ensure the secure supply of water.

It is also observed that in some of the potential site allocations the approach of dissecting a site along the same arbitrary lines as the Thames Water site has not been followed. For instance site proposal 08 is a previously developed site with extensive hardstanding and vegetation surrounding it. To the north is the All Saints Recreation Ground and to the west and south are terraced housing. However, in this instance the Council has, correctly, excluded the entire site from the definition of open space and allocated the entire site for potential community and residential uses. However, were the same criteria applied to this site as the Thames Water site, it would appear that the entire eastern part of the site should be allocated as open space rather than development. Applying different methodologies to site allocations and designations is unsound.

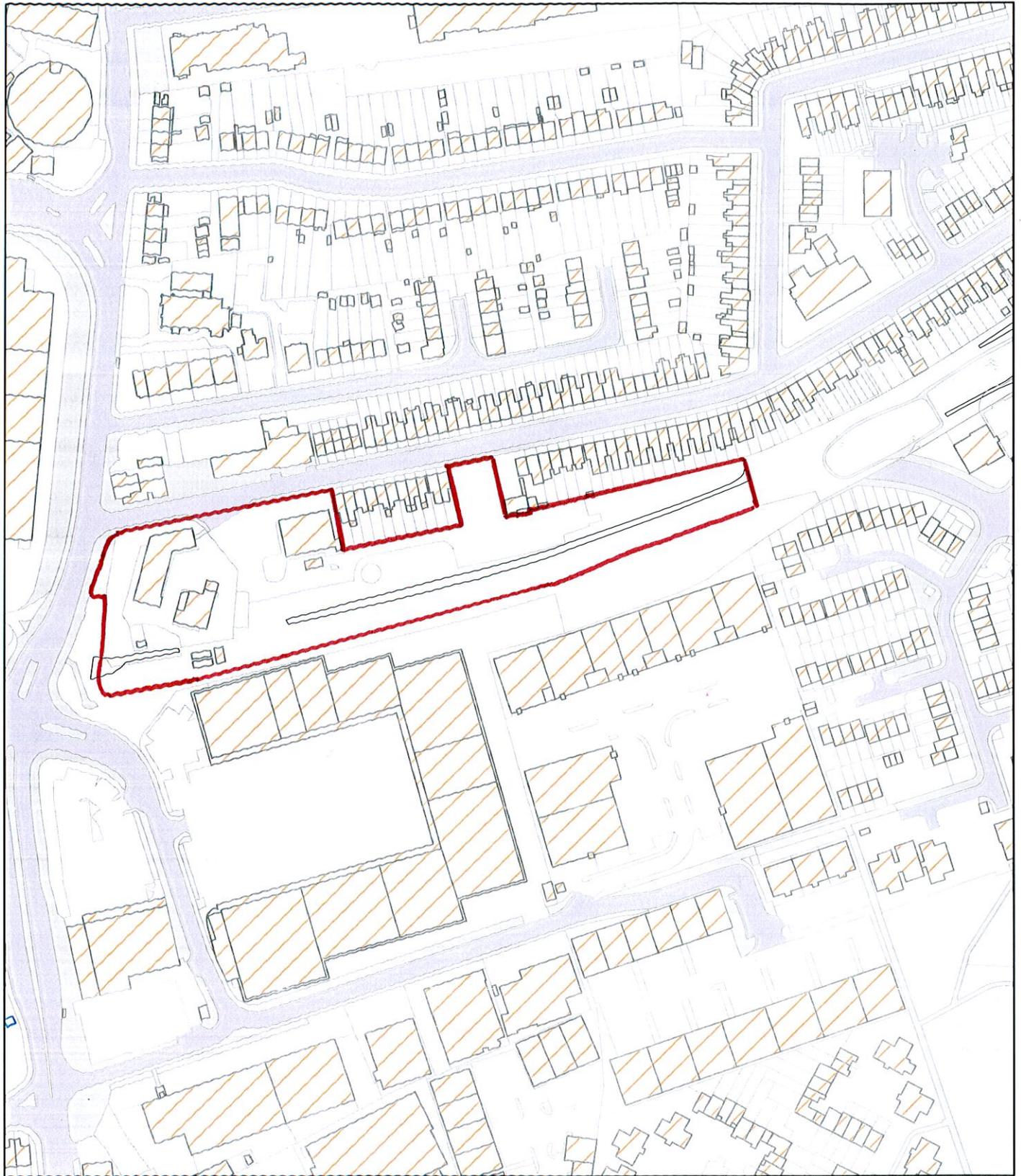
As indicated, Thames Water believe that the eastern part of the site (as outlined in site plan B), could be brought forward for residential development. Indeed, in bringing forward part of this site for residential development it may be possible to open up some land for public or recreational use. However, were the site not considered to be suitable for development then Thames Water would continue to use the site for operational purposes which would exclude such potential.

Yours sincerely,

Alec Arrol

Alec Arrol BSc(hons), MSc (Distinction), MRTPI
Development Planning Manager

Fortescue Road, Merton



Thames Water
Map



Printed By : AARROL
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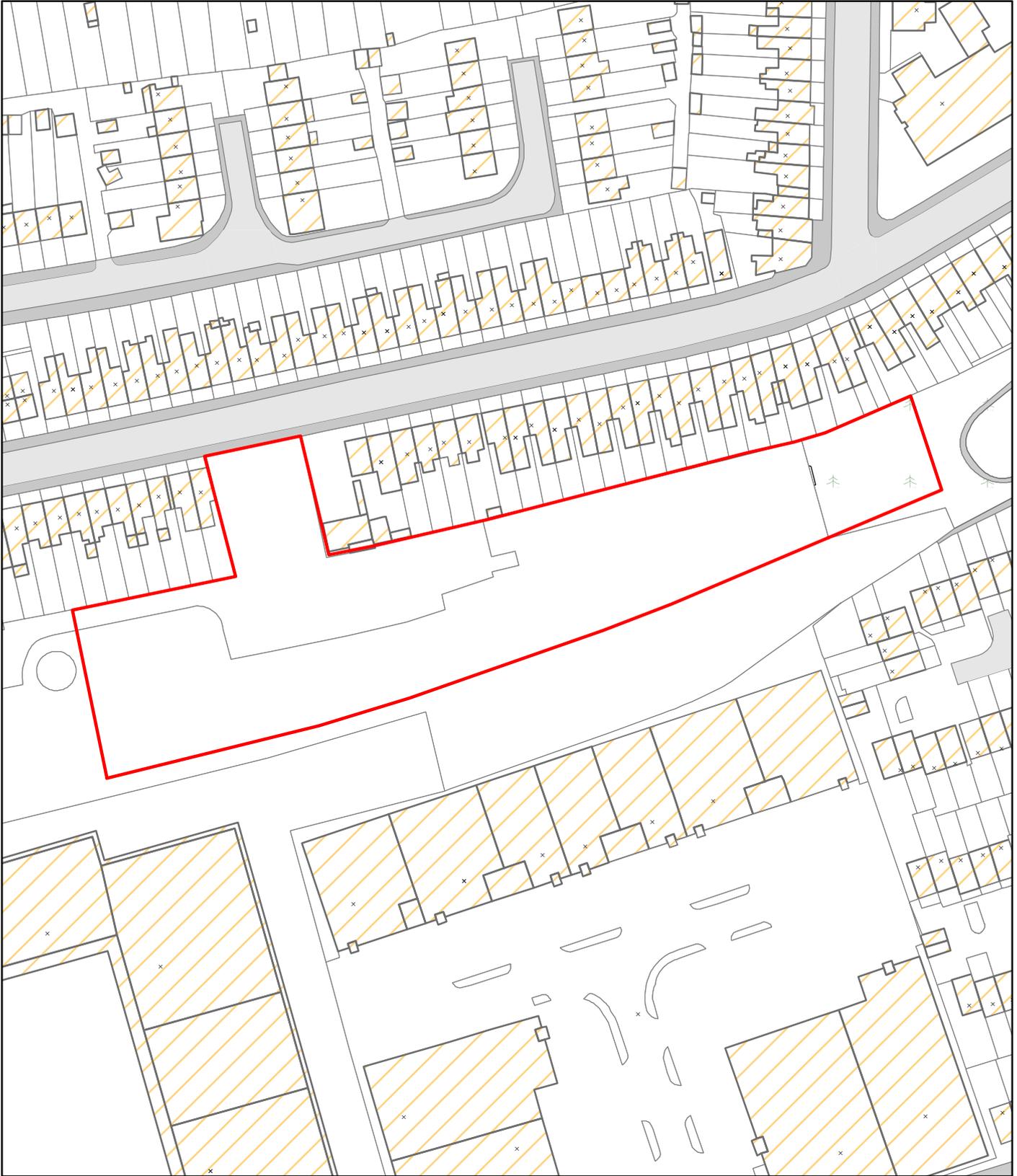
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FORTESCUE ROAD



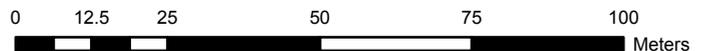
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Comments:

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