



London Borough of Lewisham Local Development Framework

Lewisham Town Centre Area Action Plan Development Plan Document (DPD)

Ref:

For official use only

Proposed Submission Stage Representation Form

**Please return your completed form to the London Borough of Lewisham by 5pm
Monday 23 April 2012**

- By post to
Planning Service
London Borough of Lewisham
5th Floor, Laurence House
1 Catford Road
London SE6 4RU

or

- By e-mail to planning.policy@lewisham.gov.uk

You may also make your representation online without the need to use this form.

- Online at <http://lewisham-consult.objective.co.uk/portal>

For further information, or to request extra representation forms please phone
020 8314 7400 or e-mail planning.policy@lewisham.gov.uk .

This form has two parts
Part A – Personal Details
Part B – Your representation(s).

Please fill in a separate sheet (Part B) for each representation you wish to make.

Part A

1. Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

Title _____

First Name _____

Last Name _____

Job Title
(where relevant) _____

Organisation
(where relevant) _____

Address Line 1 _____

Line 2 _____

Line 3 _____

Line 4 _____

Post Code _____

Telephone
Number _____

E-mail Address
(where relevant) _____

2. Agent's Details (if applicable)

Mr _____

Mark _____

Mathews _____

Town Planning Manager

Thames Water Utilities Ltd

Clearwater Court _____

Vastern Road _____

Reading _____

RG1 8DB _____

0203 577 7799__

townplanningpolicy@thameswater.co.uk _____

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Area Action Plan does this representation relate?

Paragraph _____ Policy **Policy Omission - Water and Sewerage Infrastructure**
Proposals Map _____

4. Do you consider the Area Action Plan is:

4.(1) Legally compliant Yes No

4.(2) Sound* Yes No

**The considerations in relation to the DPD being ‘Sound’ are explained in the notes which accompany this form*

*If you have entered **No** to 4.(2), please continue to Q5.
In all other circumstances, please go to Q6.*

5. Do you consider the Area Action Plan is **unsound** because it is not:

- (1) Justified
(2) Effective
(3) Consistent with national policy

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments. *(Continue on a separate sheet /expand box if necessary)*

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....”

Paragraph 162 of the NPPF relates to infrastructure and states:

“Local planning authorities should works 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.”

The consolidated London Plan, published in February 2008, includes policies directly relevant to the provision of water and sewerage infrastructure. Policy 4A.18 states: ***“The Mayor expects developers and LPAs to work together with water supply and sewerage companies to enable the inspection, repair and 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.....”***

Policy 4A.16 of the London Plan relates to water supplies and states: ***“The Mayor will work in partnership with appropriate agencies within London and adjoining LPAs to protect and conserve water supplies and water resources in order to secure London’s needs in a sustainable manner by supporting the Water Strategy and by.”***

Policy 4A.17 of the London Plan relates to water quality and states: ***“The Mayor will, and boroughs should, protect and improve water quality to ensure the Blue Ribbon Network is healthy, attractive and offers a valuable series of habitats by:***

- ***ensuring adequate sewerage infrastructure capacity is available for developments.....”***

It is unclear at this stage what the net increase in demand on our infrastructure will be as a result of the proposed development. Thames Water is concerned that the network in this area may be unable to support the demand anticipated. The net increase in water and waste water demand to serve the town centre and further afield need to be considered if no/low water pressure and internal/external sewage flooding of property is to be avoided.

Development should only be allowed to proceed where it can be demonstrated by the developer that capacity exists within the water and sewerage networks. Where capacity doesn't exist development should not be allowed to proceed until a strategy has been drawn up and the infrastructure delivered.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at point 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet /expand box if necessary)

To accord with the NPPF and the London Plan text along the lines of the following section should be added to the AAP:

“Water Supply & Sewerage Infrastructure

It is essential that developers demonstrate that adequate water supply and sewerage infrastructure 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.

Further information for Developers on water/sewerage infrastructure can be found on Thames Water’s website at:

<http://www.thameswater.co.uk/cps/rde/xchg/corp/hs.xsl/558.htm>

Or contact can be made with Thames Water Developer Services

By post at: Thames Water Developer Services, Reading Mailroom, Rose Kiln Court, Rose Kiln Lane, Reading RG2 0BY;

By telephone on: 0845 850 2777;

Or by email: developer.services@thameswater.co.uk”

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at this stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination**
- Yes, I wish to participate at the oral examination**

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

N/A

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature: Mark Mathew (sent by email) Date: 19.04.12

Notes to accompany Representation Form for Development Plan Documents

1. Introduction

1.1 The Area Action Plan is being published in order for representations to be made prior to submission. The representations will be considered alongside the published Area Action Plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended)¹ (the 2004 Act) states that the purpose of the examination is to consider whether the Area Action Plan complies with the legal requirements and is 'sound'.

- If you are seeking to make a representation on the way in which Lewisham has prepared the published Area Action Plan, it is likely that your comments or objections will relate to a matter of legal compliance.
- If it is the actual content on which you wish to comment or object it is likely that it will relate to whether the published Area Action Plan is justified, effective, or consistent with national policy.

2. Legal Compliance

2.1 The Inspector will first check that the published Area Action Plan meets the legal requirements under s20(5)(a) of the 2004 Act before moving on to test for soundness. You should consider the following before making a representation on legal compliance:

- The published Area Action Plan should be within Lewisham's current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by Lewisham, setting out the Local Development Documents it proposes to produce over a 3 year period. If the Area Action Plan is not in the current LDS it should not have been published for representations. The LDS is available on the Lewisham website².
- The process of community involvement for the Area Action Plan should be in general accordance with the Lewisham's Statement of Community Involvement³. The Statement of Community Involvement (SCI) is a document which sets out Lewisham's strategy for involving the community in the preparation and revision of Local Development Framework (including the Area Action Plan) and the consideration of planning applications.

¹ View the 2004 Act at:

http://www.opsi.gov.uk/acts/acts2004/ukpga_20040005_en_1

View the amending 2008 Act at: http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080029_en.pdf

² View the Lewisham LDS at:

<http://www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/LocalDevelopmentFramework/LocalDevelopmentScheme.htm>

³ View the Lewisham SCI at:

<http://www.lewisham.gov.uk/Environment/Planning/PlanningPolicy/StatementCommunityInvolvement.htm>

- The published Area Action Plan should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)⁴. When publishing the Area Action Plan Lewisham must also publish the documents prescribed in the regulations, and make them available at their principal offices and their website. Lewisham must also place local advertisements and notify the organisations listed in the regulations, and any persons who have requested to be notified.
- Lewisham is required to provide a Sustainability Appraisal Report when they publish a Area Action Plan⁵. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. The Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The published Area Action Plan should have regard to national policy and conform generally to the London Plan⁶. This sets out the policies for London in relation to the development and use of land and forms part of the development plan for Lewisham.
- The published Area Action Plan must have regard to Lewisham's Sustainable Community Strategy (SCS)⁷. The SCS was prepared by the Local Strategic Partnership which represents a range of interests in the Lewisham Borough. The SCS was subject to consultation but not to an independent examination.

3. Soundness

3.1 Soundness is explained fully in Planning Policy Statement 12: Local Spatial Planning in paragraphs 4.36 – 4.47, 4.51 and 5.52 and the boxed text⁸. The Inspector has to be satisfied that the published Area Action Plan is justified, effective and consistent with national policy. To be sound a published Area Action Plan should be:

- Justified

This means that the published Area Action Plan should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having a stake in the area
 - Research/fact finding: the choices made in the plan are backed up by facts
- The published Area Action Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The published Area

⁴ View the 2004 Regulations at: <http://www.opsi.gov.uk/si/si2004/20042204.htm> View the 2008 amending Regulations at: http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf View the 2009 amended Regulations at: http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090401_en.pdf

⁵ View the Sustainability Appraisal at: <http://lewisham-consult.objective.co.uk/portal>

⁶ View the London Plan at: <http://www.london.gov.uk/priorities/planning/londonplan>

⁷ View the Lewisham SCS at:

<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Pages/default.aspx>

⁸ View at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

Action Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- Effective

This means the published Area Action Plan should be deliverable, embracing:

- Sound infrastructure delivery planning
- Having no regulatory or national planning barriers to delivery
- Delivery partners who are signed up to it
- Coherence with the strategies of neighbouring authorities.

The published Area Action Plan should also be flexible and able to be monitored.

The published Area Action Plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the published Area Action Plan should make clear that major changes may require a formal review including public consultation. Any measures which the Lewisham has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report⁹. This report is produced each year by Lewisham and will show whether the Area Action Plan needs amendment.

- Consistent with national policy

The published Area Action Plan should be consistent with national policy. Where there is a departure, Lewisham must provide clear and convincing reasoning to justify their approach. Conversely, you may feel that Lewisham should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

3.2 If you think the content of the published Area Action Plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the London Plan? If so it does not need to be included.

⁹ View Lewisham's Annual Monitoring Reports at:
<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Pages/Annual-monitoring-report-.aspx>

- Is what you are concerned with covered by any other policies in the published Area Action Plan on which you are seeking to make representations or in any other document in the Lewisham's Local Development Framework (LDF). If so, there is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the published Area Action Plan unsound without the policy?
- If the published Area Action Plan is unsound without the policy, what should the policy say?

4. General advice

- 4.1 If you wish to make a representation seeking a change to the published Area Action Plan you should make clear in what way the published Area Action Plan is not sound having regard to the legal compliance check and three tests set out above. You should try to support your representation by evidence showing why the published Area Action Plan should be changed. It will be helpful if you also say precisely how you think the published Area Action Plan should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
- 4.2 Where there are groups who share a common view on how they wish to see the published Area Action Plan changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.3 Further detailed guidance on the preparation, publication and examination of area Action Plans is provided in *PPS12* and in *The Plan Making Manual*¹⁰.

¹⁰ View at <http://www.pas.gov.uk/pas/core/page.do?pagelId=109798>