

Public Examination of Development Management Local Plan

London Borough of Lewisham response on the Inspector's Omission Question: Water

“Are changes along the lines suggested by the Council (SM34) and/or Thames Water necessary to make the plan sound? To what extent are such matters either

- (a) already adequately dealt with in the Development Plan, including the London Plan and the Core Strategy, and/or*
- (b) outside the scope of the planning system and covered by other regulatory regimes or the statutory responsibilities of Thames Water?”.*

(Note a complete list of all the Inspector's initial questions are on the Examination website and can be accessed via the following link:

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/development-policies/Documents/DMLPInitialQueries.pdf>)

Planning Policy – 13 January 2014

Council Response

1. Background information

- 1.1 The Inspector's question relates to DMREP 18, from Thames Water.
- 1.2 DMREP 18 covers the following issues:
 - DMREP 18.1: water supply and sewerage infrastructure capacity,
 - DMREP 18.2: water conservation, specifically relating to new residential developments,
 - DMREP 18.3: sewer flooding in instances where development is delivered ahead of upgrades to off site infrastructure.

2. Water supply and sewerage infrastructure capacity (DMREP 18.1 and SM34)

- 2.1 Thames Water are concerned that there is not a specific policy in respect of water and sewerage/wastewater infrastructure issues or the provision of utilities infrastructure in general within the Development Management Local Plan. Thames Water consider that the Development Management Local Plan should cover the issue of the provision of water and sewerage infrastructure to service development.
- 2.2 In response to Thames Water's concern, the Council previously suggested adding the following text (SM34) to the Environmental Management section of the submitted plan:

“Water supply and sewerage infrastructure:

Applicants will be required to demonstrate that there is adequate water supply, waste water capacity and surface water drainage both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for applicants to fund studies to ascertain whether the proposed development will lead to overloading of existing water and/or waste water infrastructure. Drainage on the site should maintain the separation of foul water and surface flows. Applicants are advised to contact Thames Water to discuss the infrastructure necessary to serve the development on 0845 850277, as part of the pre-application process.”

- 2.3 The above text was suggested in order to helpfully inform applicants of the need to discuss development with Thames Water outside of the planning process. This text was not considered to be required in order to make the plan sound. It is accepted that the wording of the text reads similar to a policy, and does not sit well within a non-policy descriptive paragraph.
- 2.4 In response to the Inspector’s questions, the Council consider that the suggested modification SM34 is not required in order to make the plan sound for the reasons below, therefore SM34 should be deleted.
- 2.5 SM34 addressed two issues raised by Thames Water in DMREP 18.1:
- a. water supply,
 - b. waste water capacity,
- and one issue not raised by DMREP 18.1:
- c. surface water drainage.
- 2.6 The starting point for issues (a) and (b) is that water supply and waste water capacity are the responsibility of Thames Water under the Water Infrastructure Act 1991. Developers have a right to connect developments to the water supply and waste water system, and Thames Water has the right to charge developers a levy for this. This system is entirely outside of the planning system.
- 2.7 In spite of this separate regulatory regime, water and supply and waste water capacity can still be material considerations for the planning system in circumstances where proposed development would overload the current infrastructure, and where the water company could not upgrade the local infrastructure within the proposed development timescales.
- 2.8 Thames Water have previously been consulted on the growth proposed by the Core Strategy and the London Plan. Both of these plans have been found sound at examination. Therefore it is considered that the issue of strategic water supply and waste water capacity has been considered through the strategic plan making process, and does not need to be re-considered by the submitted plan. The Core Strategy and London Plan contain policies relating to the Earl Pumping Station and the proposed Thames Tideway Tunnel in order to secure the provision of strategic water infrastructure within the plan periods.

- 2.9 In exceptional circumstances where Thames Water may raise local water infrastructure objections to a planning application, and where Thames Water cannot provide required local infrastructure improvements in line with development timescales, applicants can be required by Core Strategy Spatial Policy 1: Lewisham Spatial Strategy, part 6, to implement appropriate mitigation measures. However, any measures proposed should not relieve Thames Water of their responsibilities under the Water Industry Act 1991.
- 2.10 Additionally, waste water capacity is further addressed by London Plan Policy 5.14 Water Quality and Waste Water Infrastructure, part B (Planning Decisions), which states that “Development proposals must ensure that adequate wastewater infrastructure capacity is available in tandem with development.”. This policy does not need to be duplicated by the submitted plan.
- 2.11 Therefore it is considered that strategic water infrastructure issues have been addressed through the Core Strategy and London Plan, and do not need to be reconsidered by the submitted plan. Furthermore Core Strategy and London Plan policies allow the Local Planning Authority to require infrastructure mitigation works to be carried out in order to make the development acceptable in exceptional circumstances where it is not possible for Thames Water to carry out upgrade works as required by the Water Industry Act within the required timescales. Therefore a further policy on these issues is not considered necessary.
- 2.12 In regard to issue (c), surface water drainage, this is already covered by the London Plan policies 5.11 Green roofs and development site environs and 5.13 Sustainable Drainage; Core Strategy policies 8 Sustainable design and construction and energy efficiency and 10 Managing and reducing flood risk; and Development Management Local Plan policies 22 Sustainable design and construction and 24 Biodiversity, living roofs and artificial playing pitches. Therefore modifications to the submitted plan are not considered necessary in this regard.

3. Water conservation (DMREP 18.2)

- 3.1 Thames Water requests that policies are amended in the submitted plan in order to include a requirement that new development conserves water.
- 3.2 Water conservation issues are rigorously dealt with in existing policies. London Plan Policy 5.15 and Core Strategy Policy 8 already both require new residential developments to meet the 105 litre/day water consumption target suggested by Thames Water. Furthermore London Plan Policy 5.15 requires water saving measures for all development types, as does Core Strategy Policy 10.
- 3.3 Therefore no amendment is considered necessary to the submitted plan.

4. Sewer flooding (DMREP 18.3)

- 4.1 Thames Water raises the issue of flooding from sewers resulting from inadequate waste water infrastructure being delivered in tandem with development.
- 4.2 It is considered that these points have already been covered by the response to DMREP 18.1 above. The issue is primarily dealt with through the responsibilities found in the Water Industry Act 1991. In situations where waste water infrastructure is a material planning consideration, London Plan Policy 5.14 will be used.

4.3 Therefore no amendment is considered necessary to the submitted plan.

5. Conclusion

- 5.1 In regards to water infrastructure issues (SM34, DMREP 18.1 and DMREP 18.3), the provision of adequate water supply and waste water capacity is the responsibility of Thames Water. Developers have a right to connect to the water infrastructure, and Thames Water have the right to charge them for this connection to cover the cost of infrastructure improvements. The strategic growth proposed by the Core Strategy and London Plan was discussed with Thames Water during the preparation of these two plans, and policies were subsequently included in these plans relating to the Earl Pumping Station and the proposed Thames Tideway Tunnel. Strategic infrastructure requirements relating to future growth have already been considered within the adopted plans.
- 5.2 In exceptional circumstances where water infrastructure is a material planning consideration, where the existing infrastructure cannot cope with a proposed new development, and where Thames Water are unable to upgrade the infrastructure in the required timescale, the Council consider that Core Strategy Spatial Policy 1 provides an adequate policy position to require the developer to carry out mitigation measures.
- 5.3 Additionally, London Plan Policy 5.14 stipulates that developments must ensure that adequate wastewater capacity is available in tandem with the development timescales.
- 5.4 Finally, in regards to surface water, the development plan policies fully cover this issue.
- 5.5 Therefore it is considered that no further modifications are required to the submitted plan, and modification SM34 is not required to make the plan sound.
- 5.6 In regards to water conservation issues (DMREP 18.2), these issues are fully covered by existing London Plan Policy 5.15 and Core Strategy Policies 8 and 10.