



London Borough of Lewisham Local Development Framework

Core Strategy

Development Plan Document (DPD)

Publication Stage Representation Form

Ref:

For official use only

**Please return your completed form to the London Borough of Lewisham by 5pm
Tuesday 6th April 2010**

- By post to
FREEPOST RRZZ TLHU GKZS
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://consult.lewisham.gov.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 for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**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	___ Miss _____	_____
First Name	___ Carmelle _____	_____
Last Name	___ Bell _____	_____
Job Title (where relevant)	___ Planning Administrator _____	_____
Organisation (where relevant)	___ Thames Water Utilities Ltd _____	_____
Address Line 1	___ Clearwater Court (Ground East) _____	_____
Line 2	___ Vastern Road _____	_____
Line 3	___ Reading _____	_____
Line 4	_____	_____
Post Code	___ RG1 8DB _____	_____
Telephone Number	___ 0118 3738054 _____	_____
E-mail Address (where relevant)	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 Core Strategy does this representation relate?

Paragraph _____ Policy: **Policy omission** Proposals Map _____

4. Do you consider the Core Strategy 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 Core Strategy 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)*

Thames Water are surprised that despite previous representations the Core Strategy does not include a policy on infrastructure provision and water and sewerage infrastructure in particular.

Water and sewerage infrastructure is essential to all development.

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

Policy 4A.18 of The Consolidated London Plan, February 2008, relates specifically to water and sewerage infrastructure and 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.....”***

Notwithstanding the preparation of an Infrastructure Delivery Plan, Thames Water consider that the Core Strategy must still include a policy covering the key issue of the provision of water and sewerage infrastructure to service development. This is necessary because it will not be possible to identify all of the water/sewerage infrastructure required over the plan period due to the way we are regulated and plan in 5 year periods (Asset Management Plans or AMPs). Such a policy is required 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 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.

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 coming to the end of AMP4 which runs from 1st April 2005 to 31st March 2010. AMP5 will cover the period from 1st April 2010 to 31st March 2015 OFWAT. AMP4 & 5 will not therefore cover the whole LDF period.

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.

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 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 comply with PPS12 and the London Plan, a new Policy dealing with water and waste water/sewerage infrastructure needs to be included in the Core Strategy along the lines of:

PROPOSED 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.”

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 publication 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:

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: *Carmelle Bell* (Sent by email)

Date: 31.03.10

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy: P21 Proposals Map _____

4. Do you consider the Core Strategy 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 Core Strategy 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)*

Thames Water do not object to the policy in principal, but 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 ensure that developers do give due regard to water and sewerage infrastructure capacity/provision, it is considered essential that a new water/sewerage infrastructure policy is included in the core Strategy as promoted above.

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 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)

The policy should be amended to reflect the above comments and a new Policy should be added to the Core Strategy to cover Water and Sewerage Infrastructure Provision (refer to objection on Omission of water/sewerage infrastructure policy).

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 publication 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.

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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:

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: Carmelle Bell (Sent by email)

Date: 31.03.10

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph - Section 9.3 Policy: Proposals Map_____

4. Do you consider the Core Strategy 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 Core Strategy 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)*

Thames Water support the preparation of Infrastructure Delivery Plans which identify specific infrastructure requirements. However, as set out above, it will not be possible to identify all of the water/sewerage infrastructure required over the plan period due to the way we are regulated and plan in 5 year periods (Asset Management Plans or AMPs).

In light of the above comments, it is important that the Core Strategy includes a policy covering the key issue of the provision of water and sewerage infrastructure to service development. Such a policy is required 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.

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 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)

The section should be amended to reflect the above comments and a new Policy should be added to the Core Strategy to cover Water and Sewerage Infrastructure Provision (refer to objection on Omission of water/sewerage infrastructure policy).

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 publication 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.

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- 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:

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: Carmelle Bell (Sent by email)

Date: 31.03.10

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy: P10 Proposals Map _____

4. Do you consider the Core Strategy 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 Core Strategy 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)*

Thames Water do not object to the policy in principle, but consider that it is confusing to cover both water conservation and flood risk in the same policy.

In relation to flood risk, it is considered the Policy needs to be improved in relation to flooding from sewers in line with section 4 (as pluvial flooding is particularly significant in urban areas).

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". Policy 10 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 underestimate 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

This therefore increases the importance for a policy on water and sewerage infrastructure as promoted above.

In relation to water conservation, Climate Change is a vitally important issue to the water industry. Not only is it expected to have an impact on the availability of raw water for treatment but also the demand from customers for potable (drinking) water. Therefore, Thames Water supports water conservation and the efficient use of water.

All new dwellings should meet the water usage targets set out in code for sustainable homes code 3 rating as a minimum.

Thames Water also 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.

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 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)

The Policy should be amended to reflect the above comments.

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 publication 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:

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: *Carmelle Bell* (Sent by email)

Date: 31.03.10

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy: cs11 Proposals Map _____

4. Do you consider the Core Strategy 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 Core Strategy 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)*

The Plan is unsound as it fails to include specific policy support for the Thames Tunnel. As such it is not in accordance with National Policy and is not properly justified.

No proper consideration has been given to the representations of Thames Water at previous stages in the process. We set out in detail in our previous representations the reasons why a policy was required to support the Thames Tunnel and these representations are reported on pages 129-130 of the Core Strategy Options February 2009 Consultation Report. Despite the officers response to our representations being “noted” it is clear that the representation has not been properly addressed.

The Thames Tunnel is mentioned in your Draft Infrastructure Delivery Plan at page 35. However the reference places the project under a heading “committed infrastructure” and states that the Thames Tunnel is approved which is not correct – this is why a policy is required. It is clear therefore that the Borough have not noted our previous representation as recorded and that both the Consultation Report and the Infrastructure Study are flawed. The evidence base is thus flawed and the text of the proposed plan not justified.

The correct position in respect of the Thames Tunnel was set out in our previous representation. In addition to the policy support indicated previously there are now additional considerations that need to be taken into account – in particular the emerging replacement London Plan, Mayor's Water Strategy, River Basin Management Plan for the Thames and also Ministerial Statements on the Thames Tunnel.

Your evidence base will need to include the recently published draft replacement London Plan and the Mayor of London's draft water strategy. Proposed Policy 5.14 of the draft replacement London Plan relates to Water quality and strategic infrastructure. There is a section headed "LDF Preparation". This states "*Within LDF's boroughs should identify sewerage infrastructure requirements and relevant boroughs should support in principle the Thames Tideway Sewer Tunnels*". This is not however a new policy; rather a clarification of that in the existing London Plan which states "*the mayor will, and the boroughs should, support the implementation of the Thames Tideway Sewer Tunnel project*". The Core Strategy needs to be in general conformity with this approach and hence an expression of support is required. At the moment your Core Strategy is defective as it does not contain this support.

Related to this point is the Mayor's draft Water Strategy which also clearly supports the Thames Tunnel. Proposal 10 indicates that "*The Mayor will work with Thames Water and other partners to support the construction of the Thames and Lee Tunnels, in a cost-effective way and minimising disruption, as a means of greatly reducing storm discharges from the combined sewer system and improving the quality of the water in the River Thames.*"

Furthermore, the Thames River Basin Management Plan has now been published. Regulation 17 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003 states that each public body must have regard to River Basin Management Plans and supplementary plans. This requirement applies to both local authorities and the Planning Inspectorate. The River Basin Management Plan states that "*...the construction of the London Tideway Tunnels are planned to be delivered by Thames Water over the next two river basin cycles. These major projects represent the primary measures to address point source pollution and are fundamental to the achievement of good status in this catchment*". The London Tideway Tunnels comprise two separate projects, namely the Lee Tunnel (which has been granted planning permission and on which a start on site is imminent) and the Thames Tunnel. A failure to expressly support the Thames Tunnel would overlook a key project that is fundamental to necessary improvements to the River Thames which are required to ensure that the UK complies with the EC Urban Waste Water Treatment Directive. We would suggest that reference needs to be added to the Thames River Basin Management Plan throughout the Core Strategy.

Having regard to the above the failure to include a policy on the Thames Tunnel is unjustified.

It is also National Policy to support the Thames Tunnel. It is explained in Future Water, which is the Government's water strategy for England, that the Thames Tunnel will be included in the Waste Water NPS. This was repeated in a Ministerial Statement to Parliament on 1 March 2010. Failure to provide express support to the Thames Tunnel is thus to fail to have regard to National Policy.

It would seem entirely logical to us to include reference to the Thames Tunnel at CS11 as it directly addresses related issues. At present policy CS11 concerns itself with preserving and enhancing the River Thames and other rivers in the Borough including water quality, biodiversity and health benefits. The Thames Tunnel, is obviously the single most significant project that delivers on these objectives and hence it is perverse, given the knowledge that the Borough has from its membership of the Thames Tunnel Forum, the briefings that we have given and our previous representations not to link the project with these objectives.

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 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)

In order to make the strategy sound the following changes are required

- 1) Amend the Infrastructure Delivery Plan to refer to record that Thames Water will be applying to the London Borough of Lewisham for the part of the Thames Tunnel within its area and to state that the Borough supports the project as it delivers on its objectives.
- 2) Revise Policy CS11 to include the following text :“The timely implementation of the Thames Tunnel, including the connection of the Earl Pumping Station with the Tunnel is supported. The Borough will work with Thames Water to resolve local impacts and identify work sites needed in the Borough”. This is best placed at 2) and the other points moved down.

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 publication 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:

We would like to participate at the examination as, given the national significance of the project, this is a main issue affecting the area.

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: Carmelle Bell (Sent by email)___

Date: 31.03.10_____

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy: P21 Proposals Map__ Site Allocation 1

4. Do you consider the Core Strategy is:

4.(1) Legally compliant Yes No

4.(2) Sound* Yes No

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*If you have entered **No** to 4.(2), please continue to Q5.
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(1) Justified

(2) Effective

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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)*

Due to the complexities of water and sewerage networks it is difficult for us to say what the impact will be without detailed information of location scale and phasing of development. We would welcome the opportunity to work closer with the Council once they have a clearer view of what development will be located where and the densities. We will then be able to get a better understanding of the impact on the water supply and sewerage networks.

In very general terms it is quicker to deliver infrastructure on a small number of clearly defined large sites than it is in a large number of small sites, which may not be clearly defined.

Thames Water would welcome opportunity to work closer with local authority to understand the impact of strategic allocations on our assets.

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 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.
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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:

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: Carmelle Bell (Sent by email)

Date: 31.03.10

Part B – Please use a separate sheet for each representation

Name or Organisation : Thames Water Utilities Ltd

3. To which part of the Core Strategy does this representation relate?

Paragraph _____ Policy: P21 Proposals Map Strategic Site Allocation 5

4. Do you consider the Core Strategy 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 Core Strategy 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)*

This strategic allocation proposes an area referred to as “Plough Way” to be allocated for a mixed use development. The Policy requires a comprehensive phased approach. This is very different to the existing employment designation.

Chapter 9 of the Core Strategy deals with delivery. Paragraph 9.4 recognises that in order to secure delivery it will be necessary to work with landowners to bring forward land for redevelopment. Paragraph 9.9 states that “the Council is holding, and will continue to hold, ongoing discussions with land owners and their agents to ensure development can be delivered”. Paragraph 9.20 indicates that the Core Strategy is intended to encourage third party landowners and developers to bring forward their land and buildings for development and that the Council has been working with landowners and their agents to assist the process. The paragraph goes on to state that in cases where landowners are reluctant or unwilling to bring forward their land for development the Council may choose to use its compulsory purchase powers.

The Plough Way strategic site contains within it Thames Water’s Earl (Chiltern Grove) Pumping Station. As far as we are aware we have not been approached to ascertain if we wish to bring our pumping station forward for development and hence would suggest that the statements that the Council are working with the landowners within the strategic sites are not accurate.

The Earl Pumping station is an important element of London's sewage network and is not redundant nor is it likely to become so. The cost of removing the pumping station and replacing it elsewhere is likely to be very high. In order to demonstrate the deliverability of this strategic area we would have expected to see studies to examine the cost of relocating the pumping station. We suspect that this cost is such to threaten the viability of this comprehensive redevelopment. We would also expect to have been consulted on the new location of the pumping station. In our view any attempt by the London Borough of Lewisham to compulsorily purchase our pumping station is unlikely to be successful.

We note that the Sustainability Appraisal concludes that the redevelopment of the site for "a mix of uses is likely to result in the re-provision of the business centre in more suitable premises and to create a greater mix of businesses capable of using the site, thereby encouraging growth". It would appear from this that some kind of viability analysis has been done. If it is not then the sustainability appraisal is of limited value.

We are also surprised to see that the issue of moving our pumping station is not picked up in the text of the policy, as a milestone or in the risk assessment.

Having regard to the above, the Core Strategy is in our view not properly justified as it is not based on a robust and credible evidence base. It in order to address this weaknesses it would not simply be enough to redraw the boundary of the Plough Lane area to delete the pumping station. The 8.22 hectare site is identified as having a capacity for up to 1500 dwellings, even though it is a mixed use site and includes strategic open space as well as retail and restaurant uses. This seems to be a high density. When considering odour sensitive development, such as the residential and restaurant uses proposed, which at this density would inevitably be near the sewage pumping station a technical assessment should be undertaken by the developer, or by the Council before approving the principle of the development, to confirm that either: (a) there is no adverse amenity impact on any proposed occupied use anticipated to take place therein or; (b) development can be configured to ensure that any potential for adverse amenity impact on any proposed occupied use anticipated to take place therein can be avoided. Where impacts are identified these should be outlined along with potential approaches to mitigate such impacts that will be expected to be considered and implemented by developers of the development site. As no such study has been undertaken and presented to Thames Water then a proposal reducing the site area by removing the pumping station cannot be taken forward.

It is also noted with concern that the milestones section of the Core Strategy indicates that development of the Plough Lane strategic site will be underway between 2011-2016. Given the need to relocate the pumping station this seems optimistic. It appears to us that the Council are relying on this site, together with Oxestalls Road, to address a strategic shortfall in housing supply. As we believe that the Plough Lane site is not deliverable it follows that we also fear that the Core Strategy will not deliver a 5 year supply of housing land.

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 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)

We would therefore suggest that in order to address our representations and make the document sound strategic site allocation 5 (Plough Way) be deleted from the Plan and that alternative sites for housing be identified.

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 publication 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:

We would like to participate at the examination as, given the national significance of the project, this is a main issue affecting the area.

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: Carmelle Bell (Sent by email)

Date: 31.03.10



London Borough of Lewisham Local Development Framework

Core Strategy

Development Plan Document (DPD)

Publication Stage Representation Form

Ref:

For official use only

**Please return your completed form to the London Borough of Lewisham by 5pm
Tuesday 6th April 2010**

- By post to
FREEPOST RRZZ TLHU GKZS
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://consult.lewisham.gov.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 for each representation you wish to make.

Part A

1. Personal Details*

2. Agent's Details (if applicable)

**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	___ Miss _____	_____
First Name	___ Carmelle _____	_____
Last Name	___ Bell _____	_____
Job Title (where relevant)	___ Planning Administrator _____	_____
Organisation (where relevant)	___ Thames Water Utilities Ltd _____	_____
Address Line 1	___ Clearwater Court (Ground East) _____	_____
Line 2	___ Vastern Road _____	_____
Line 3	___ Reading _____	_____
Line 4	_____	_____
Post Code	___ RG1 8DB _____	_____
Telephone Number	___ 0118 3738054 _____	_____
E-mail Address (where relevant)	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 Core Strategy does this representation relate?

Paragraph _____ Policy: P21 Proposals Map 2.4

4. Do you consider the Core Strategy 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.*

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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)*

The change to the proposals map includes designating Thames Water’s operational Earl (Chiltern Grove) Sewage Pumping Station as part of "Plough Way Strategic site Allocation and Mixed Use Employment location".

The associated Policy requires a comprehensive phased approach. This is very different to the existing employment designation.

Chapter 9 of the Core Strategy deals with delivery. Paragraph 9.4 recognises that in order to secure delivery it will be necessary to work with landowners to bring forward land for redevelopment. Paragraph 9.9 states that “the Council is holding, and will continue to hold, ongoing discussions with land owners and their agents to ensure development can be delivered”. Paragraph 9.20 indicates that the Core Strategy is intended to encourage third party landowners and developers to bring forward their land and buildings for development and that the Council has been working with landowners and their agents to assist the process. The paragraph goes on to state that in cases where landowners are reluctant or unwilling to bring forward their land for development the Council may choose to use its compulsory purchase powers.

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

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Signature: Carmelle Bell (Sent by email)

Date: 31.03.10

