



24 September 2013  
LDF Responses

Head of Planning Policy  
Sent by email to: [Planning.policy@lewisham.gov.uk](mailto:Planning.policy@lewisham.gov.uk)

David Wilson

[savills.com](http://savills.com)

Dear Sir / Madam

**LONDON BOROUGH OF LEWISHAM - DEVELOPMENT MANAGEMENT LOCAL PLAN  
PROPOSED SUBMISSION PLAN – COMMENTS ON BEHALF OF THAMES WATER**

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 are the statutory water supply and sewerage undertaker for the London Borough of Lewisham and are hence a "**specific consultation body**" in accordance with the Town & Country Planning (Local Planning) Regulations 2012. We have provided our comments on the enclosed forms.

I trust the above is satisfactory, but please do not hesitate to contact me if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to be "David Wilson", written over a light grey rectangular background.

**David Wilson** BA (Hons), BTP, MRTPI  
Associate Director Planning

# Development Management Local Plan Proposed Submission Consultation Form

## Introduction

Your representation should attempt to cover briefly all the evidence and supporting information to justify the representation and any suggested changes.

Following this stage of consultation it should be noted that new submissions will only be at the request of the Inspector based on the matters and issues he/she identifies for examination.

### **Policy Omission - Water and Wastewater Infrastructure**

Explanatory notes on legal compliance and soundness are in the list of supporting document attached to this consultation event.

#### **1. Legal Compliance**

Do you consider the Development Management Local Plan Proposed Submission Document is legally compliant?

(please indicate one answer)

**Yes**                      **No**

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#### **2. Soundness**

Do you consider the Development Management Local Plan Proposed Submission Document is sound? (please indicate one answer)

**Yes**                      **No**

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#### **3. Reasons for Unsoundness**

**If you answered No to Q. 2 please also answer this question. Otherwise proceed straight to Q.4. Please indicate below the reasons(s) why you consider the Catford Town Centre Local Plan Proposed Submission document is unsound**

(please indicate all that apply)

The document is not properly prepared

The document is not justified

**The document is not effective**

**The document is not consistent with national policy**

#### **4. Details of legal non-compliance or unsoundness**

Please give details below as to why you consider the document is not legally compliant or is unsound. If you wish to support the document please give reasons.

The coverage given to infrastructure issues in the adopted Lewisham Core strategy is supported and in particular the recognition (9.8) that the Council will work with key partners including Thames Water to ensure the delivery of the Core Strategy. However, given the importance of water and sewerage/wastewater infrastructure issues, Thames Water are concerned that there is not a specific policy in respect of such 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 key issue of the provision of water and sewerage infrastructure to service development.

A key sustainability objective for the preparation of the 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 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 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.”*

The new web based National Planning Guidance published in August 2013 includes a section on water and wastewater infrastructure and sets out that Local Plans should be the focus for ensuring that investment plans of water and sewerage/wastewater companies align with development needs.

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."*

Notwithstanding the preparation of Infrastructure Delivery Plans, Thames Water consider that the Development Management Local Plan should include a specific policy covering the key issue of the provision of water and sewerage/wastewater 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 water companies are regulated and plan in 5 year periods (Asset Management Plans or AMPs). Hence water/wastewater infrastructure requirements are identified.

Such a policy is required to ensure the infrastructure is provided in time to service development 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" for Local Plans.

Local Authorities should also consider both the requirements of the utilities for land to enable them to meet the demands that will be placed upon them. This is necessary because it will not be possible to identify all the water and sewerage infrastructure required over the plan period due to the way water companies are regulated and plan in 5 year periods (AMPs).

In February 2010 The Planning Inspectorate published "Examination of Development Plan Documents: Soundness Guidance" ( available at:

[http://www.planningportal.gov.uk/uploads/pins/ldf\\_dpd\\_soundness\\_guide.pdf](http://www.planningportal.gov.uk/uploads/pins/ldf_dpd_soundness_guide.pdf) ). 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.

The Inspectorate Guide sets out at section 2.10 that plans should be effective and that this includes 'Sound infrastructure delivery planning'. In relation to whether the Local Plan 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, such advice was contained within the 2005 Inspectorate Guide to the process of assessing the soundness of Development Plan Documents, which preceded the 2010 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."*

As mentioned above, the water and sewerage undertakers investment programmes are based on a 5 year cycle known as the Asset Management Plan (AMP) process and are currently in AMP5 which runs from 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2015 and does not therefore cover the whole Local Plan period. AMP6 will cover the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2020 and Thames Water are due to submit their draft business plan to Ofwat in December 2013.

The timescales for works to be carried out by water and sewerage companies do not always fit with development needs in some areas. 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. Where upgrade work is required on the existing wastewater network, and funding has not been approved by our regulator Ofwat then the developer has the option to requisition the infrastructure.

In some circumstances a local planning authority could consider using planning obligations or the Community Infrastructure Levy to fund wastewater infrastructure. The draft National Planning Practice

Guidance published in August 2013 states that: “A local planning authority could consider using planning obligations or the Community Infrastructure Levy to fund wastewater infrastructure if after liaison with the water and sewerage companies and regulators this would be an appropriate option to support development”.

We therefore would welcome a discussion with the Council to determine whether the Community Infrastructure Levy could be an appropriate tool to secure wastewater infrastructure funding which hasn't been secured through our Business Plan

## **5. Changes required to achieve legal compliance/soundness**

Please set out the changes you consider necessary to achieve legal compliance or soundness and give your reasons and any suggested re-wording.

In order that the Development Management Policies Local Plan is effective and compliant with national and London Plan planning policy, we recommend that there should be an additional Policy dealing with water and sewerage infrastructure along the lines of the following:

### **Proposed Water/Wastewater Infrastructure Policy:**

**Planning permission will only be granted for developments which increase the demand for off-site service infrastructure where:**

1. **sufficient capacity already exists or**
2. **extra capacity can be provided in time to serve the development which will ensure that the environment and the amenities of local residents are not adversely affected.**

**When there is a capacity problem and improvements in off-site infrastructure are not programmed, planning permission will only be granted where the developer funds appropriate improvements which will be completed prior to occupation of the development.**

**The development or expansion of water supply or waste water facilities will normally be permitted, either where needed to serve existing or proposed development in accordance with the provisions of the Development Plan, 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 Development Management Policies Local Plan to support the above proposed Policy :

**“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.**

**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.”**

Such a policy/supporting text is important as sewerage and water undertakers 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.

## **6. Participation in the Oral Examination**

If you are seeking a change to the plan do you think it is necessary to take part in the Examination in Public (please indicate one answer)

**Yes**

**No**

## **7. Reasons for taking part in the Examination in Public (EIP)**

Please give your reasons below for wishing to take part in the EIP

**8. Further comments**

Please give any further comments below.

**9. Please give your contact details below**

Philip Jameson

Associate Planner

[thameswaterplanningpolicy@savills.com](mailto:thameswaterplanningpolicy@savills.com)

01189520500

**Please return form to Planning Policy Group**

**3<sup>rd</sup> Floor Laurence House, 1 Catford Road London SE6 4RU or by email to [planning.policy@lewisham.gov.uk](mailto:planning.policy@lewisham.gov.uk) by 5pm 4<sup>th</sup> October 2013.**

# Development Management Local Plan Proposed Submission Consultation Form

## Introduction

Your representation should attempt to cover briefly all the evidence and supporting information to justify the representation and any suggested changes.

Following this stage of consultation it should be noted that new submissions will only be at the request of the Inspector based on the matters and issues he/she identifies for examination.

### **DM Policy 22 - Sustainable design and construction**

Explanatory notes on legal compliance and soundness are in the list of supporting document attached to this consultation event.

#### **10. Legal Compliance**

Do you consider the Development Management Local Plan Proposed Submission Document is legally compliant?

(please indicate one answer)

**Yes**                      **No**

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#### **11. Soundness**

Do you consider the Development Management Local Plan Proposed Submission Document is sound? (please indicate one answer)

**Yes**                      **No**

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#### **12. Reasons for Unsoundness**

**If you answered No to Q. 2 please also answer this question. Otherwise proceed straight to Q.4. Please indicate below the reasons(s) why you consider the Catford Town Centre Local Plan Proposed Submission document is unsound**

(please indicate all that apply)

The document is not properly prepared

The document is not justified

**The document is not effective**

**The document is not consistent with national policy**

#### **13. Details of legal non-compliance or unsoundness**

Please give details below as to why you consider the document is not legally compliant or is unsound. If you wish to support the document please give reasons.

Thames Water do not object to the Policy in principle, but consider that it should also refer to water conservation.

Water conservation and 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 and this issue should be specifically covered in the sustainable design and construction/climate change Policy.

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

Thames Water have a water efficiency website:

[www.thameswater.co.uk/waterwisely](http://www.thameswater.co.uk/waterwisely)



By exploring the interactive town, Waterwisely, you can discover how you can start saving water, help protect the environment, reduce your energy bill and even cut your water bill if you have a meter. You can calculate your water use, see how you compare against other Thames Water customers and the Government's target, and get lots of hints and tips on how to save water. Thames Water customers, can also order a range of **free devices** to help save water. The Policy/supporting text could make reference to this guidance.

However, managing demand alone will not be sufficient meet increasing demand and Thames Water adopt the Government's twin-track approach of managing demand for water and, where necessary, developing new sources, as reflected in their latest draft Water Resource Management Plan. Therefore, it is important that the Development Management Local Plan facilitates any necessary new water supply infrastructure (refer to comments on omission of water supply and sewerage infrastructure policy).

#### **14. Changes required to achieve legal compliance/soundness**

Please set out the changes you consider necessary to achieve legal compliance or soundness and give your reasons and any suggested re-wording.

Thames Water supports water conservation and the efficient use of water and this issue should be specifically covered in the sustainable design and construction/climate change Policy.

#### **15. Participation in the Oral Examination**

If you are seeking a change to the plan do you think it is necessary to take part in the Examination in Public (please indicate one answer)

Yes

**No**

#### **16. Reasons for taking part in the Examination in Public (EIP)**

Please give your reasons below for wishing to take part in the EIP

#### **17. Further comments**

Please give any further comments below.

#### **18. Please give your contact details below**

Philip Jameson

Associate Planner

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# Development Management Local Plan Proposed Submission Consultation Form

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### **Paragraph 1.7: Flood risk reduction and water management**

Explanatory notes on legal compliance and soundness are in the list of supporting document attached to this consultation event.

#### **19. Legal Compliance**

Do you consider the Development Management Local Plan Proposed Submission Document is legally compliant?

(please indicate one answer)

**Yes**                      **No**

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#### **20. Soundness**

Do you consider the Development Management Local Plan Proposed Submission Document is sound? (please indicate one answer)

**Yes**                      **No**

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#### **21. Reasons for Unsoundness**

**If you answered No to Q. 2 please also answer this question. Otherwise proceed straight to Q.4. Please indicate below the reasons(s) why you consider the Catford Town Centre Local Plan Proposed Submission document is unsound**

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#### **22. Details of legal non-compliance or unsoundness**

Please give details below as to why you consider the document is not legally compliant or is unsound. If you wish to support the document please give reasons.

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*".

Any flood risk policy should therefore include reference to sewer flooding and an acceptance that flooding could occur away from the flood plain as a result of development where off site infrastructure is not in place ahead of development.

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

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



*This therefore increases the importance of Thames Water's representations on the omission of water supply and sewerage infrastructure policy.*

**23. Changes required to achieve legal compliance/soundness**

Please set out the changes you consider necessary to achieve legal compliance or soundness and give your reasons and any suggested re-wording.

Any flood risk policy should 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.

**24. Participation in the Oral Examination**

If you are seeking a change to the plan do you think it is necessary to take part in the Examination in Public (please indicate one answer)

Yes

No

**25. Reasons for taking part in the Examination in Public (EIP)**

Please give your reasons below for wishing to take part in the EIP

**26. Further comments**

Please give any further comments below.

**27. Please give your contact details below**

Philip Jameson

Associate Planner

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