

## Planning Policy

Sent by email to: [planning.policy@lewisham.gov.uk](mailto:planning.policy@lewisham.gov.uk)

### Thames Water Property Services

Your ref  
Our ref  
Name Carmelle Bell  
Phone 0118 373 8054  
Fax 0118 373 8009  
E-Mail [carmelle.bell@thameswater.co.uk](mailto:carmelle.bell@thameswater.co.uk)

8 December 2010

Dear Sir/Madam

### **Re: Lewisham Local Development Framework, Core Strategy DPD – Proposed Amendments to Submission Version, October 2010**

Thank you for consulting Thames Water Utilities Ltd (Thames Water) regarding the above.

Thames Water are the statutory water and sewerage undertaker for the Borough and are hence a “**specific consultation body**” in accordance the Town & Country Planning (Local Development) Regulations 2004 (as amended in May 2008). As such we submitted detailed comments to the submission version of the Core Strategy. Our comments on the Core Strategy Proposed Changes are provided below:

#### **Change Nos 123, 124 and 125 – Oppose**

Thames Water support the changes where they make reference to water infrastructure and consultation with Thames Water, but we consider they do not go far enough to ensure that water and sewerage infrastructure is in place to service development.

As previously set out, Thames Water consider that specific Policy reference to water/sewerage infrastructure provision is required. Such policy reference 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 and to accord with the London Plan.

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***

Thames Water Plc  
Clearwater Court, Grnd Floor  
East, Vastern Rd, Reading,  
Berks  
RG1 8DB  
T 0118 – 373 8093  
F 0118 – 373 8009  
I [www.thames-water.com](http://www.thames-water.com)

Registered in England and Wales  
No. 2366623, Registered office  
Clearwater Court, Vastern Road,  
Reading, Berks, RG1 8DB

***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).

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 in the AMP5 period which runs from 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2015 and does not therefore cover the whole LDF period. AMP6 will cover the period from 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2020, but we have not yet submitted our business plan for this 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.

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.”***

**Proposed Changes nos. 118, 119&120: Oppose**

**Site Allocation 1: Plough Way – The proposed additional wording at 2(e) of the proposed policy : “The following urban design principles have been identified as key features of any Masterplan for the site: (e) Takes account of and allows for the continued operation of the Thames Water Earl Pumping Station, in consultation with Thames Water”.**

The proposed change to Site Allocation 1 policy and the proposed additional wording in Paragraph 8.3 of the draft Core Strategy does not provide any clarity on how a comprehensive redevelopment of this area should take account of and allow the continued operation of Earl Pumping Station. It should also be noted that the schedule of proposed further changes refers incorrectly to this being Strategic Site Allocation 5. (proposed change 120) and paragraph 8.33 instead of paragraph 8.4 (proposed changes nos. 118&119)

As previously stated in our representation in March 2010, it is Thames Water’s view that high density mixed use development is not suitable in the defined Plough Lane area due to its proximity to the existing sewage pumping station. Thames Water

stated that odour sensitive development, such as the residential and restaurant uses proposed, which at this density would inevitably be near the sewage pumping station, would require a technical assessment to be undertaken by the developer or by the Council before the principle of development can be approved. Such assessment is necessary 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 for mitigation which would be expected to be considered and implemented by any potential developers. Thames Water are pleased to see that the previous representations on Earl Pumping Station have been considered, however no evidence has been published or provided addressing the very sensitive issues concerning odour raised in the previous representations. In the absence of any such study or evidence this has been appropriately assessed Thames Water therefore remained concerned at the proposed allocation for this area that still includes the operating Earl Pumping Station site.

Following a recent meeting with Lewisham officers (18 November) we have been made aware that planning permission has been granted on two of the larger sites

within the Site Allocation 1 area (Cannon and Marine Wharfs). We have not received any consultation or notice for a masterplan of this area and since these two sites comprise more than half of the proposed Site Allocation 1 site we would question how Thames Water can be considered as having been consulted, in respect of the continued operation of Earl Pumping Station, as proposed in the changes proposed. Whilst we acknowledge that the proposed additional wording (changes 118 and 120) does appear to omit the Earl Pumping Station site as a development site the basis for keeping this site within the Plough Way Site Allocation appears to be that we would be consulted with to ensure its continued operation. This omission gives Thames Water further concerns therefore that sufficient consideration has been given to this essential infrastructure, both existing and proposed.

### **Omission of Thames Tunnel in Site Allocation 1**

Thames Water is disappointed to see that the Core Strategy Further Changes Document still fails to include specific policy support for the Thames Tunnel despite previous representations made by Thames Water in March 2010.

The Council's Consultation Statement dated October 2010 states the following response from the Council on representations made during the pre-submission consultation: "*With respect to the Thames Tunnel in the absence of implementation details the Council has reserved its position until details are published*". This statement is inaccurate and not based on the available evidence. Thames Water have had an ongoing liaison with the London Borough of Lewisham through the Borough's membership of the Thames Tunnel Forum which has provided a continuous stream of information about the proposed tunnel since the group was established in Autumn 2008. We have also had a number of meetings with members and officers from Lewisham. Previous representations made by ourselves as part of previous rounds of consultation have also clearly set out project proposals. Further to this, public consultation on the preferred route of the tunnel and on the need for the project is currently underway. Consultation began on 13 September with a full briefing with Council members held on 9 September 2010 which Councillors and Officers from LB Lewisham attended. Public exhibitions at various venues, including the Surrey Docks Watersports Centre close to Earl Pumping Station, on 4-5 October, were held as part of this consultation. Consultation continues until December 20<sup>th</sup> with a large amount of project information available online (<http://www.thamestunnelconsultation.co.uk>) and at public exhibitions which have been held along the tunnel route. Notwithstanding this consultation, we believe LB Lewisham had sufficient information to enable the borough to support the principle of the development without waiting for further details. This is evident in the Council's own Infrastructure Development Plan (August 2010) which recognises the Thames Tunnel project and provides details of implementation (page 42):

*"Committed Sewage Infrastructure - Thames Tunnel. The planned Thames Tunnel project consists of a scheme to reduce and limit pollution of the Rivers Thames and Lee from the*

*Beckton and Crossness sewerage system. The scheme involves the construction of a storage and transfer wastewater tunnel from West London to Beckton in East London and the interception of a number of combined sewer overflows along the River Thames. Part of the tunnel will lie in North Lewisham (running across Deptford Creek) and will be connected to an existing pumping station in the Borough (Earl Pump Station). The published London Plan (Policy 4A.18 Water and sewerage infrastructure) and draft Replacement London Plan (Policy 5.14 Water quality and sewerage infrastructure) supports this project and urges Boroughs to support the principle of the project in their LDFs.*

*Thames Water currently intends to submit a planning application to the Infrastructure Planning Commission (IPC) in September 2010. Subject to receiving planning permission, the tunnel is expected to be completed by 2020 and upon completion will substantially reduce the level of overflows of untreated sewage from London's sewers into the River Thames (including at Deptford Creek). The estimated financial costs of the full length tunnels and secondary treatment range from £2 billion – £2.2 billion, with costs being met largely from increased utility bills for customers. The completion date for the project is likely to be in 2020.*

*LBL Planning is working with Thames Water in relation to the possible need for above ground infrastructure associated with the Tunnel and ways of minimising disturbance during construction, particularly if either the "Rotherhithe" or "Abbey Mills" routes are chosen."*

Further project information may also be found in the draft Waste Water National Policy Statement (NPS) published on 16<sup>th</sup> November. This document sets out Government policy for the provision of major waste water infrastructure and will be used by the IPC to guide its decision making on development consent applications for waste water developments that fall within the definition of Nationally Significant Infrastructure Project (NSIP) as defined in the Planning Act 2008. As draft national policy the NPS must therefore be part of the evidence base for the proposals in the draft Core Strategy.

The inconsistency between the Infrastructure Delivery Plan and Core Strategy, along with other inconsistencies with national and regional policy, outlined in our representation dated 31<sup>st</sup> March 2010 lead us to believe that the Core Strategy is inconsistent with the Borough's evidence base and therefore considered to be unsound.

### **Earl Pumping Station**

Subsequent to representations made during the Core Strategy Submission Version Consultation, Earl Pumping Station, along with adjacent industrial land has emerged as a preferred site for works required during the construction of the Thames Tunnel, along with all other preferred and shortlisted sites, in the current, ongoing consultation for the Thames Tunnel.

The selection of Earl Pumping Station as a preferred site follows a detailed site selection process to identify necessary sites along the route which are required for the construction and operation of the main tunnel and the connection of the main tunnel with each of the CSOs. The site at Earl Pumping Station is required to intercept the CSO which currently discharges into the Thames off the foreshore adjacent to Helsinki Square.

On its own the Earl Pumping Station is not large enough to contain the proposed operations which is why Thames Water would also look to acquire the adjacent industrial land requiring the re-location of some existing businesses.

### **Proposed change no. 121**

*New paragraph after Plough Way Strategic Site Allocation box :*

#### *“Essential Infrastructure*

- *There are no site-specific ‘essential’ infrastructure projects that must happen if policy objectives (land use priorities and/or urban design principles) set out above are to be met in full. However details of the borough-wide projects that are considered essential for the delivery of the Core Strategy as a whole, including this Strategic Site Allocation, are set out in Appendix 8 and full details can be found in the Infrastructure Delivery Plan.”*

As set out above the Infrastructure Delivery Plan makes specific reference to Thames Tunnel as a committed scheme and highlights the connection to Earl Pumping Station. The proposed statement that there are no site specific ‘essential’ infrastructure projects appears to be contrary to the Infrastructure Delivery Plan therefore and raises further concerns at the evidence base used to support this Site Allocation, in addition to the representations made previously and above.

Similarly this is also incorrectly referenced in the schedule as Strategic Site Allocation 5.

### **Conclusions**

The preferred site for the Thames Tunnel is entirely contained within the Plough Way Strategic Site Allocation and in light of this and in the absence of evidence of addressing the concerns raised above, Thames Water must therefore object to the proposed changes nos: 118,119 and 120.

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

Yours Faithfully

Carmelle Bell  
Planning Administrator **(Thames Water Property Services).**