Dear Sir/Madam,

Please find below our Hearing Statement in relation to the following Hearing/Issue:

**Hearing Monday 25th June - Matter 7: Infrastructure**

**Issue 7.2 Utilities Infrastructure Delivery (i) Whether the policy is effective enough to meet the concerns of providers such as Thames Water, to require developers to demonstrate that adequate water supply and waste water infrastructure capacity exists both on and off site to serve the proposed development and not adversely affect other users (policy INF43.a)**

As set out in our submitted representations, Thames Water support the policy in principle and in particular the support for growth at Beckton Sewage Treatment Works at 2a)i), but consider improvements are required in relation to its approach to water and wastewater/sewerage infrastructure generally to comply with the National Planning Policy Framework and National Planning Practice Guidance. Since we submitted our representations in January, the water industry infrastructure charging regime has also been changed with new rules from Ofwat which requires further amendments to the suggested text.

A key sustainability objective for the preparation of Local Plans and Neighbourhood Plans 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 web based National Planning Practice Guidance (NPPG) published in March 2014 includes a section on ‘water supply, wastewater and water quality’ 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. The introduction to this section also sets out that “Adequate water and wastewater infrastructure is needed to support sustainable development” (Paragraph: 001, Reference ID: 34-001-20161116).

Policy 5.14 of The London Plan, March 2015 is directly relevant as it relates to Water Quality and Wastewater Infrastructure and Policy 5.15 relates to Water Use and Supplies. Policy SI5 of the new London Plan draft for Public Consultation, December 2017, relates to water infrastructure. The new London Plan was published for consultation in December 2017. Policy SI5 of the new Local Plan relates to water Infrastructure.

We therefore support Policy INF4 in principle and have worked with Newham in relation to the Infrastructure Delivery Plan. However, given the way water companies plan in 5 year periods it is not possible to identify all infrastructure required over the plan period. Hence the need for further policy on water supply, wastewater and sewerage policy in the Local Plan.

It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off site, further down the network. The Local Plan should therefore seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Thames Water will work with developers and local authorities to ensure that any necessary infrastructure reinforcement is delivered ahead of the occupation of development. Where there are infrastructure constraints, it is important not to under estimate the time required to deliver necessary infrastructure. For example: local network upgrades take around 18 months and Sewage Treatment & Water Treatment Works upgrades can take 3-5 years.

The provision of water treatment (both wastewater treatment and water supply) is met by Thames Water’s asset plans and from the 1st April 2018 network improvements will be from infrastructure charges per new dwelling. Our economic regulator Ofwat has published new rules, which say our charges should reflect:

- fairness and affordability
- environmental protection
- stability and predictability
- transparency and customer-focused service

The changes, which came into effect on 1st April 2018, mean that more of our charges are now fixed and published, rather than provided on application, enabling developers to estimate costs without needing to contact us. The services affected include new water connections, lateral drain connections, water mains and sewers (requisitions), traffic management costs, income offsetting and infrastructure charges.

All network reinforcement work required to support development will now be delivered by Thames Water and funded through the Infrastructure Charge applied to each property connected to the
water and wastewater networks. The Infrastructure Charge will also cover all modelling and design work required to deliver any necessary upgrades.

In most circumstances Thames Water will not commit to undertaking detailed modelling and design work until there is certainty of development coming forward including the scale and phasing of development. This is because without certainty of development coming forward the modelling and design work may be abortive which would not provide best value for our customers.

As a result of this change in approach, Thames Water will no longer require developers to fund impact studies or ask them to demonstrate, at the application stage, what infrastructure reinforcement works are required. However, it is still critical that any necessary upgrades are delivered ahead of the occupation. As Thames Water cannot prevent connection of development to their networks, the planning system still plays a key role in ensuring that development does not outpace the delivery of any necessary infrastructure provision. It is therefore important that developers engage with us at an early stage and prior to any planning application being submitted. Failure to do so could result in planning conditions being requested to secure approval of additional information in advance of the occupation of development. We consider that there should be greater emphasis on developers carrying out such pre application consultation with water/wastewater companies.

**Proposed Change**

In light of the above comments and Government guidance we recommend Policy INF4 – Utilities Infrastructure include the following text:

“We recommend Policy INF4 – Utilities Infrastructure include the following text:

“Where appropriate, planning permission for developments which result in the need for off-site water/wastewater infrastructure upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades.”

The following text should also be added to support Policy INF4:

“The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.”

**Odour**

Paragraph 6.235a of the draft Local Plan implies that any upgrades at Beckton Sewage Treatment Works will need to minimise odour so that development can take place nearby. This does not accord with Government policy in the NPPF.
Paragraph 176 of the NPPF refers to mitigation measures necessary to make developments acceptable in planning terms, noting that “Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.”

The NPPF Paragraph 187 relates to the role of applicants and local planning authorities in working together. “Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

We therefore consider that, for developments within proximity to Beckton Sewage Treatment Works, an odour impact study needs to be undertaken by the developer and / or the Council and agreed with Thames Water and the Planning Authority prior to any planning application submission. The odour impact study would establish whether new occupier/residents’ amenity will be adversely affected by the existing Beckton Sewage Treatment Works and it would set the evidence to establish an appropriate amenity buffer or necessary mitigation to be provided by the developer, and how this will be delivered.

Proposed Change

Additional text covering odour issues for any developments within proximity to Beckton Sewage Treatment Works should be added to support Policy INF4:

“When considering sensitive development, such as residential uses, close to Beckton Sewage Treatment Works, a technical assessment should be undertaken by the developer or by the Council. The technical assessment should be undertaken in consultation with Thames Water. The technical assessment should confirm that either: (a) there is no adverse amenity impact on future occupiers of the proposed development or; (b) the development can be conditioned by the Council and mitigated to ensure that any potential for adverse amenity impact is avoided.”

Yours faithfully

on behalf of Head of Thames Water Property