



Walberton Parish Council

Your Ref:

**By email only**

Our Ref:

Date:

21st September 2015

Contact:

Tel: 01273 663602

Dear Sir/Madam,

### **Walberton Neighbourhood Plan**

Thank you for consulting us on the Pre-Submission version of the Walberton Neighbourhood Plan. Please send any future Neighbourhood Plan correspondence to [planning.policy@southernwater.co.uk](mailto:planning.policy@southernwater.co.uk).

Southern Water is the statutory sewerage undertaker for the area covered by Walberton Parish Council. Southern Water has a statutory duty to serve new development, and is committed to providing the right water and wastewater infrastructure in the right place at the right time. The adopted Walberton Neighbourhood Plan and Arun District Council's adopted Local Plan, will inform Southern Water's investment planning. Adoption provides the planning certainty required to support investment proposals to Ofwat, the water industry's economic regulator. Investment proposals are prepared every five years through price review process. The last price review was in 2014 and funds the investment programme in the period to 2020. There will be another price review in 2019, covering the investment period 2020 to 2025.

Strategic infrastructure such as extensions to wastewater treatment works can be planned and funded through the price review process, and co-ordinated with new development. However, Ofwat takes the view that local infrastructure, such as local sewers, should be funded by the development if this is specifically required to service individual development sites. To this end, the principle is that new development needs to connect to the sewerage systems at the nearest points of adequate

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capacity. This may require off-site infrastructure if the nearest point is not located within the immediate vicinity of the site.

We look to Walberton Parish Council and Arun District Council to ensure through planning policies and planning conditions development is co-ordinated with the provision of infrastructure and not permitted to proceed unless it connects to the sewerage system at the nearest points of adequate capacity, as advised by the service provider. This will ensure that levels of service are maintained to both new and existing customers, and that the risk of flooding is not increased to unacceptable levels, or water pressure adversely affected.

Please find following our response in respect of your specific policies. We hope that you find our response useful and that it will be taken into account when drafting the next version of the Neighbourhood Plan.

Yours faithfully,

Kirsten Williamson  
Planning Analyst

### 3.4.5 Drainage and Flooding Page 16

The functioning of the sewerage system is comprised as it is not designed to accept surface water, which should be dealt with by appropriate land drainage. This issue has been recognised and the published Lidsey Surface Water Management Plan (SWMP) identifies solutions. West Sussex Council is the lead organisation for the SWMP. Southern Water works closely with the County Council, as well as other organisations with surface water management responsibilities, including Arun District Council and the Environment Agency.

#### Proposed amendment

Accordingly, we propose the following amendments:

*~~...There are springs which flow continually down West Wallberton Lane. In very wet weather there is risk of mild flooding from drains bubbling up in The Street and raw sewage is discharged into Barnham Lane south of Choller Farm and in Eastergate Lane between Fiarfield and Winter Egg Farm. as water inundates the sewerage system and compromises its functioning, as the system is not designed to take water that should be dealt with by appropriate land drainage.~~*

*~~...Houses on the west side of West Walberton Lane, about halfway down, experience sewage emerging into their gardens after rain. This has been occurring intermittently since 2004. flooding when ground water and surface water inundates the sewerage system and compromises its functioning, as it is not designed to take water that should be dealt with by appropriate land drainage.~~*

## 7. Community, Leisure and Wellbeing

### 3.7.1 Utilities Page 22

The functioning of the sewerage system is comprised as it is not designed to accept surface water, which should be dealt with by appropriate land drainage. This issue has been recognised and the Lidsey Surface Water Management Plan (SWMP) identifies solutions.

#### Proposed amendment

Accordingly, we propose the following amendments:

*~~Waste water is mainly handled by Southern Water. The functioning of the sewerage system is compromised as it is not designed to accept surface water, which should be dealt with by appropriate land drainage. which has serious capacity issues as described in t This issue has been recognised and the Lidsey Surface Water Management Plan published in October 2014 identifies possible solutions.. Some of the infrastructure is now old, and local ground conditions make Southern Water's task challenging.~~*

## **Policy VE 1: Designation of Local Green Spaces** **Page 30**

Southern Water understands the desire to protect local green/open spaces. However, we can not support the current wording of this policy as it could create a barrier to statutory utility providers, such as Southern Water, from delivering its essential infrastructure required to serve existing and planned development.

Paragraph 76 of the **National Planning Policy Framework (NPPF)** sets out that neighbourhood plans can identify green areas of particular importance with the intention of ruling out *'new development other than in very special circumstances'*. Paragraph 88 of the NPPF explains that special circumstances exist if the potential harm of a development proposal is clearly outweighed by other considerations.

Southern Water considers that should the need arise, the provision of essential wastewater or sewerage infrastructure (e.g. a new pumping station) required to serve new and existing customers or meet stricter environmental standards, would constitute special circumstances whereby our development should be allowed. This is because there are limited options available with regard to location, as the infrastructure would need to connect into existing networks. The **National Planning Practice Guidance (NPPG)** (Reference ID: 34-005-20140306) recognises this scenario and states that *'it will be important to recognise that water and wastewater infrastructure sometimes has locational needs (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered'*.

We made similar representations in respect of the Arundel Neighbourhood Development Plan and the Examiner agreed that utility infrastructure can represent very special circumstances. A similar policy to our proposal is included in page 13 of Locality's recently issued 'guide to writing planning policies which will address the issues that matter to your neighbourhood plan' by Tony Burton called 'Writing planning policies'.

### **Proposed amendment**

To ensure consistency with the NPPF and the NPPG, we propose the following additional wording to policy VE 1:

*The Parish Council has designated areas shown in Schedule 4 as Local Green Space. Proposals for development of these areas will not be permitted **except in special circumstances, where the benefits of development can be shown to outweigh any harm, such as where the development meets specific necessary infrastructure needs, and there are no reasonable alternative sites available.***

## **Policy VE7 Surface Water Management** **Page 31**

We welcome a policy that seeks to secure surface water management measures. The functioning of the sewerage system is compromised as it is not designed to accept surface water, which should be dealt with by appropriate land drainage. The Lidsey Surface Water Management Plan (SWMP) recognises this issue and identifies possible solutions.

### **Proposed amendment**

Accordingly, we propose the following amendment to the supporting text of the above policy:

*...The existing water and drainage infrastructure is considered to be inadequate although it is fully recognised that the local geology makes the long term safety of the systems particularly difficult to manage at an economic cost...not designed to accommodate surface water/ ground water which compromises its functioning.*

## **Policy HP3 S & G Motors Arundel Road, Fontwell** **Page 37**

Policy HP3 allocates the above site for 28 dwellings. In line with paragraph 162 of the **National Planning Policy Framework (NPPF)** and the **National Planning Practice Guidance**, we have undertaken an assessment of the existing capacity of our infrastructure and its ability to meet the forecast demand for the proposed development. That assessment reveals that the local sewerage system has limited capacity. To address the limited capacity in the local sewerage network, the proposed development would need to make a connection at the nearest point of adequate capacity. This is not a constraint to development providing there is planning policy support for the provision of the necessary local infrastructure.

Sewerage companies have limited powers to prevent connections to the sewerage system, even when capacity is insufficient. It is therefore important that policies which allocate sites for development recognise the need to connect to the local sewerage system at the nearest point of adequate capacity. There is a risk that the necessary local sewerage infrastructure will not be delivered in time to service the proposed development, unless delivery is supported by planning policies and subsequently in planning conditions. This is endorsed by the core planning principles identified in the NPPF, notably to *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'* and ensure that plans *'provide a practical framework within which decision on planning applications can be made with a high degree of predictability and certainty'*.

If the necessary infrastructure is not delivered, the level of service would reduce, potentially leading to poor drainage or foul water flooding. This would be contrary to paragraph 109 of the NPPF, which states *'The planning system should contribute to and enhance the natural and local environment by.....preventing both new and existing development from contributing to ....unacceptable risk from ....pollution'*.

### **Proposed amendment**

We propose the following additional text to **policy HP3 (S&G Motors, Arundel Road, Fontwell)**:

*The Plan allocated land for a mixed residential development of not more than twenty-eight dwellings on this site as shown on the Proposals Plan, provided that the proposals includes... and provides a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider.*

### **New policy on the provision of infrastructure**

We can find no policy to support the delivery of new or improved infrastructure, aside from transport infrastructure. Southern Water is the statutory sewerage undertaker for the area covered by the Neighbourhood Development Plan (NDP). Southern Water has a statutory duty to serve the development, and is committed to ensuring the right wastewater infrastructure in the right place at the right time in collaboration with developers, the

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neighbourhood plan forum and the planning authority. The adopted Walberton NDP and adopted Arun Local Plan will inform Southern Water's investment planning. Adoption provides the planning certainty required to support investment proposals to Ofwat, the water industry's economic regulator. Investment proposals are prepared every five years through the price review process. Last year's price determination will fund the investment programme in the period to 2020. There will be another price review in 2019, covering the investment period 2020 to 2025.

Although there are no current plans, over the life of the NDP it is possible that we will need to provide new or improved infrastructure. Page 8 of the **National Policy Statement for Wastewater** states that '*Waste water treatment is essential for public health and a clean environment. Demand for **new and improved** waste water infrastructure is likely to increase in response to the following main drivers: **More stringent statutory requirements to protect the environment and water quality; Population growth and urbanisation; Replacement or improvement of infrastructure; Adaption to climate change.** The Government is taking measures to reduce the demand for new waste water infrastructure to complement these approaches and ensure that the natural and man-made systems are able to function effectively together to deliver a wide range of ecosystem services and other benefits to society*'.

Accordingly, we seek policy provision to support new or improved utility infrastructure. Such policy provision would also be in line with the main intention of the **National Planning Policy Framework** (NPPF) to achieve sustainable development. For example, one of the core planning principles contained in paragraph 17 of the NPPF is to '*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*'. Also paragraphs 157 and 177 of the NPPF require positive planning for development and infrastructure necessary in an area.

### **Proposed amendment**

To ensure consistency with the NPPF and other government guidance and facilitate sustainable development, we propose the following additional policy:

*New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community, subject to other policies in the development plan.*