

Maidstone Borough Local Plan Examination

Matters, Issues and Questions

Statement from Southern Water

Session 5B - South East Maidstone Strategic Development

Qn5.14 Have the Proposed Changes suitably addressed relevant concerns about the matters that they seek to address?

1. Introduction

- 1.1 Southern Water is the statutory sewerage undertaker for the whole borough of Canterbury and in accordance with the **Town & Country Planning (Local Planning) (England) Regulations 2012** is a 'specific consultation body'.
- 1.2 We have assessed the proposed Local Plan housing allocations of more than 20 dwellings, in line with the **National Planning Policy Framework** (NPPF, paragraph 162) and the **National Planning Practice Guidance** (Reference ID: 34-020-20140306). These assessments identify that:
- (i) additional sewerage infrastructure would be required to serve a number of sites and
 - (ii) there are existing pumping stations/wastewater treatment works in close proximity to some of the proposed housing allocations that should be recognised and taken into account to safeguard the amenity of future occupiers.

2. Sewerage infrastructure

- 2.1 The modelling we have undertaken has revealed that new and/or improved local sewerage infrastructure would be required to serve a number of the proposed developments.
- 2.2 This is not a constraint to development providing delivery of the necessary infrastructure is supported by the Local Plan. We have consistently set out our case in representations that we made to the Maidstone Borough Local Plan Regulation 19 Consultation (March 2016) and Regulation 18 Consultations (October 2015 and May 2014). Maidstone Borough Council has sought to address our representations by proposing change (PC/21) that would insert a generic requirement for all the sites in H1 to *'provide a connection to the local sewerage system at the nearest point of adequate capacity'*. However, we maintain that a criterion should be added to each relevant site

allocation policy to ensure that where we have identified a need for additional capacity to serve the proposed development, the additional sewerage infrastructure is provided.

- 2.3 Southern Water has limited powers to prevent connections to the sewerage system, even when capacity is limited. Planning authorities, therefore, have an important role to play through planning policies and planning conditions to support the delivery of the requisite local infrastructure to meet the anticipated new demand in parallel with development. A judgement by the Supreme Court (*Barratt Homes V Dwr Cymru: point of connection to a public sewer, December 2009*) recognised this role establishing that local planning authorities have powers which sewerage undertakers lack. Our proposed site specific policy provision would be in line with our assessments and make the allocations effective by giving early warning to developers and ensure that the identified infrastructure need is taken into account in the determination of any planning application.
- 2.4 This approach is consistent with the following paragraphs of the NPPF and thereby would ensure that the policy is sound:
- paragraph 17 of the Core Planning Principles identify that plans *'should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'* and *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, **infrastructure** and thriving local places that the country needs'* (our emphasis).
 - paragraph 21 which states that planning policies should recognise and seek to address any lack of infrastructure.
 - paragraph 156 requires Local Plans *'should include strategic policies to deliver....the provision of infrastructure for...wastewater'* and
 - paragraph 157 which states *'Crucially, Local Plans should: plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework'*.
- 2.5 Also the NPPF (paragraph 34-001-20140306) specifies that *'Adequate water and wastewater infrastructure is needed to support sustainable development'*.
- 2.6 The principle relating to the recognition of sewerage requirements in site specific planning policies was tested at the examination of Ashford Urban Sites and Infrastructure DPD. The Inspector (Patrick T. Whitehead DipTP(Nott) MRTPI) concluded in his report (paragraph 84): *'The NPPF (para. 157) makes it clear that local plans should plan positively for the infrastructure required in the area. In the context provided by this new guidance I agree with SW that the requirement to*

upgrade the existing sewerage infrastructure where necessary should be included within policy wording’.

- 2.7 The Inspector’s Report can be accessed online at the following link:
<http://www.ashford.gov.uk/urban-sites-dpd>.

3 Proximity to existing wastewater facilities

- 3.1 In addition to the capacity assessments that we carried out, we also considered the proximity of the proposed development sites to our wastewater facilities. H1(10) South of Sutton Road, Langley is in close proximity to a wastewater pumping station and the noise and odour generated by this facility could have an adverse impact on the amenity of future occupiers of the proposed development. Other sites close to wastewater treatment facilities are: H1(33) South of Ashford Road, H1(35) Church Road, Harrietsham, H1(50) Fishers Farm, Staplehurst and H1(66) Brandy’s Bay, South Lane, Sutton Valence (250m of Sutton Valence WTW)
- 3.2 We have consistently set out our case in representations that we made to the Maidstone Borough Local Plan Regulation 19 Consultation (March 2016) and Regulation 18 Consultations (October 2015 and May 2014). We note that Maidstone Borough Council has issued a schedule of proposed changes but this land use planning issue has not been addressed. It is not our intention to repeat our previous representations here but we reiterate that there should be adequate distance between our wastewater facilities and the proposed development to allow for adequate odour dispersal. Accordingly, we consider that criteria are required in each allocation to ensure that the amenity of future residents is safeguarded. This approach is supported by bullet point 4 of paragraph 17 as well as paragraphs 109 and 120 of the NPPF. Annex 2 of the NPPF establishes that pollution, as referred to in the relevant paragraphs, includes odour and noise. Government guidance is clear that odour is a land use consideration (e.g. National Planning Practice Guidance reference ID:34-005-20140306).
- 3.3 The Institute of Air Quality Management (IAQM) issued ‘**Guidance on the assessment of odour for planning**’ in May 2014. The IAQM states that the guidance contains best practice and *‘It is hoped it will assist with and inform current and future planning applications and decisions’*. Section 2.1 on page 5 of the guidance states *‘The relevant Planning Authority must consider whether a proposed development (an odour source itself or nearby new receptors such as residential dwellings) will be a suitable use of land....The planning system has the task of guiding development to the most appropriate locations’*. We would expect an odour assessment to be undertaken to inform the layout of the site and avoid land use conflict. As this assessment is needed early in the planning process, our proposed approach would give early warning to developers and paragraph 17 of the NPPF that

sets out the Core Planning Principles requires development plans 'should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency'.

4 Proposed amendments

4.1 Southern Water respectfully requests that the relevant site allocation policies are amended, so that they are made sound by:

- (i) facilitating the delivery of the necessary wastewater infrastructure that has been identified to serve the proposed development and
- (ii) recognising existing wastewater infrastructure to avoid land use conflict.

4.2 The proposed additional criteria to policies H1(5) to H1(10) would be in line with government planning policy and guidance as outlined above:

A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

4.3 As would the proposed additional criteria under the heading 'Design and Layout' to policy H1(10):

The master planning of the site should take account of nearby wastewater pumping stations to minimise land use conflict.

4.4 We also respectfully respect that site specific criteria are included in other housing allocations as detailed in our previous representations.